



**COUNCIL ASSEMBLY
(ORDINARY MEETING)**

MINUTES of the Open section of the meeting of the Council Assembly meeting held on WEDNESDAY 26TH NOVEMBER 2003 at 7.00 p.m. at the Town Hall, Peckham Road, London SE5 8UB

PRESENT:

The Worshipful the Mayor Councillor Columba Blango

Councillor Alfred Banya	Councillor Abdul Mohamed
Councillor Michael Barnard	Councillor Kenny Mizzi
Councillor Beverley Bassom	Councillor Alison Moise
Councillor Paul Bates	Councillor Catriona Moore
Councillor Catherine Bowman	Councillor Vicky Naish
Councillor David Bradbury	Councillor Graham Neale
Councillor Denise Capstick	Councillor Gavin O'Brien
Councillor Fiona Colley	Councillor Dr. Abdur-Rahman Olayiwola
Councillor Dora Dixon-Fyle	Councillor Michelle Pearce
Councillor Toby Eckersley	Councillor Caroline Pidgeon
Councillor John Friary	Councillor Richard Porter
Councillor Norma Gibbes	Councillor Mark Pursey
Councillor Mark Glover	Councillor Lisa Rajan
Councillor Aubyn Graham	Councillor Lewis Robinson
Councillor James Gurling	Councillor William Rowe
Councillor Barrie Hargrove	Councillor Andrew Simmons
Councillor Jeffrey Hook	Councillor Bob Skelly
Councillor David Hubber	Councillor Robert Smeath
Councillor Kim Humphreys	Councillor Charlie Smith
Councillor Jonathan Hunt	Councillor Nick Stanton
Councillor Peter John	Councillor Richard Thomas
Councillor Billy Kayada	Councillor Dominic Thorncroft
Councillor Paul Kyriacou	Councillor Veronica Ward
Councillor Jelil Lapido	Councillor Neil Watson
Councillor Lorraine Lauder	Councillor Ian Wingfield
Councillor Danny McCarthy	Councillor Sarah Welfare
Councillor Dermot McInerney	Councillor Lorraine Zuleta
Councillor Linda Manchester	Councillor Anne Yates
Councillor Eliza Mann	

1. PRELIMINARY BUSINESS

1.1 ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE EXECUTIVE OR CHIEF EXECUTIVE

The Mayor welcomed Mrs. Nancy Nicholas, the Mayor of Bo from his native land of Sierra Leone, who then made a short address to the Council Assembly. Thereafter the Mayor congratulated Councillor Nick Stanton and his wife Anne on the birth of their daughter Juliet and he wished Councillor Beverley Bassom a happy birthday. He thanked all those who attended the Mayor's Charity Dinner in aid of Youth and Sports in Southwark, on 14th November 2003, and concluded by wishing everyone a happy Christmas and a prosperous New Year.

1.2 NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

The Mayor agreed to accept the following items as late and urgent:-

- Item 5.1 – Feasibility Study New Boys School on Waverley Lower Site
- Item 6.1 – Co-opted Members Allowances
- Item 6.2 – Appointment to Casual Vacancy of Trustee to the Borough Market, Southwark.

At this juncture the Mayor announced that Councillor David Bradbury wished to move a procedure motion. Councillor David Bradbury, seconded by Kenny Mizzi, requested that Council Assembly Procedure Rule 3.9 (5) (Prioritisation and rotation by the political groups / independent members) be suspended in order to allow motions 7.2 and 7.5 to be prioritised.

The motion was put to the vote and declared to be carried.

1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Caroline Pidgeon declared a personal and non-prejudicial interest in Item 7.1 : National Health Service as she works part time for the St. Thomas' Trust.

Councillor Andy Simmons declared a personal but non prejudicial interest in Item 7.1 : National Health Service as he has an honorary contract with Kings College Hospital.

Councillor Richard Thomas declared a personal and prejudicial interest in Item 7.5 : Herne Hill Velodrome as a Friend of Herne Hill Velodrome.

Councillor Mark Glover declared a personal but non-prejudicial interest in Motion 7.8 : Communication Strategy as his employer used to be retained by Southwark.

1.4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Margaret Ambrose, Stephen Flannery, Alun Hayes, Tony Ritchie and Tayo Situ. Apologies for lateness were received on behalf of Councillors Paul Kyriacou, Caroline Pidgeon, Lewis Robinson, Andy Simmons and William Rowe.

2. MINUTES

RESOLVED: That the Open Minutes of the Ordinary Council Assembly meetings held on Wednesday 29th October 2003 be agreed and signed as a correct record of the meeting.

3. DEPUTATION REQUESTS

3.1 DEPUTATION REQUEST : PRIMARY PROVISION IN DULWICH AND HERNE HILL (see pages 1 – 3)

The deputation request was withdrawn.

3.2 DEPUTATION REQUEST : PARKING ISSUES AND ANTI-SOCIAL BEHAVIOUR, MUSCATEL PLACE, SE5. (see pages 4 – 6)

Council Assembly agreed to accept the deputation. Members were addressed by the deputation's spokesperson, Mr. Stephen Joyce, following which Councillors Vicky Naish, Richard Thomas and Alison Moise asked questions.

In accordance with Council Assembly Procedure Rule 1.14 (u) (Motions and Amendments without Notice), Councillor Ian Wingfield, seconded by Councillor Alison Moise, moved a motion.

Councillor Richard Thomas, seconded by Councillor Danny McCarthy, moved an amendment in accordance with Council Assembly Procedure Rule 1.14 (u) (Motions and Amendments without Notice).

At 7.55 p.m. it was moved seconded and

RESOLVED: That the meeting adjourn for five minutes in order to copy the motion without notice and the amendment.

At 8.05 p.m. the meeting reconvened.

Following debate on the amendment (Councillors Michelle Pearce, John Friary, Alison Moise, Barrie Hargrove, Danny McCarthy and Kim Humphreys) and Councillor Ian Wingfield's right of reply, the amendment was put to the vote and declared to be lost.

The substantive motion was put to the vote and declared to be carried.

RESOLVED: That this Council Assembly requests that the Executive agrees to the introduction of double yellow lines in Muscatel Place forthwith and that the Council bear the full cost.

Note: The above resolution stands referred to the Executive for consideration.

4. QUESTIONS FROM MEMBERS SUBMITTED IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 3.11 and 3.8 (see pages 7 - 13, and blue and yellow papers circulated at the meeting)

A question was submitted by Councillor Ian Wingfield to the Leader of the Council. A copy of the question and answer is attached as Appendix 1 to these minutes.

Forty questions were submitted and answers were circulated around the chamber on yellow paper. Within the time available supplementary questions were asked on questions 1 to 12, 15 to 18, 20 to 22 and 24 to 28. A copy of the questions and answers are attached as Appendix 2 to these minutes.

5. REPORTS FROM THE EXECUTIVE FOR RECOMMENDATION

5.1 FEASIBILITY STUDY – NEW BOYS SCHOOL ON WAVERLEY LOWER SITE (see Supplemental Agenda No.1, pages 36 – 65)

In accordance with Council Assembly Procedure Rule 3. 10 (1), Councillor Bob Skelly, Executive member for Education and Culture, presented the report.

Following debate (Councillors Kim Humphreys, Dominic Thorncroft, Andy Simmons, Michelle Pearce and Nick Stanton) and Councillor Bob Skelly's right of reply, the substantive motion was put to the vote and declared to be carried.

RESOLVED: That the report be received.

REPORTS FOR INFORMATION (see pages 82 to 109)

5.2 REPORT BACK ON CONSIDERATION OF MOTIONS REFERRED FROM COUNCIL ASSEMBLY IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.6 AND 3.9 (see pages 14 – 20)

Questions and supplemental questions to the Leader of the Council were asked by Councillors Andy Simmons and Barrie Hargrove. These are attached as Appendix 3.

RESOLVED: That the report be received.

6. OTHER REPORTS

6.1 CO-OPTED MEMBERS ALLOWANCES (see Supplemental Agenda No.2, pages 73 – 98)

The Mayor formally moved the recommendations contained within the report.

Councillor Mark Pursey, seconded by Councillor Nick Stanton, moved Amendment A.

With the consent of the meeting the Mayor advised that a separate vote would be taken on part 4 and 6 of Amendment A.

Following debate (Councillor Toby Eckersley), New 4 of Amendment A was put to the vote and declared to be lost. Thereafter, New 6 of Amendment A was put to the vote and declared to be carried.

Councillor William Rowe, seconded by Councillor Toby Eckersley, moved Amendment B.

Following debate (Councillors David Hubber, Peter John and Kim Humphreys), Amendment B was put to the vote and declared to be carried.

The substantive motion was put to the vote and declared to be carried.

RESOLVED: That Council Assembly

1. **Co-optees Allowances:** Agrees the scheme of allowances to apply for Co-opted Member for 2003/2004, and in subsequent years.
 - i) Allowances should be paid to statutory co-optees only
 - ii) The Chair of Standards Committee should receive a band 1 allowance but no allowance under part (iii) below
 - iii) All other statutory co-optees should receive an annual allowance of £1,000
 - iv) No statutory co-optees may receive more than one allowance under (ii) or (iii) above
 - v) That statutory co-optees should be subject to the same travel and subsistence claim regime as Councillors
 - vi) Non-Statutory co-optees should be able to claim reimbursement of traveling and subsistence expenses.
2. **Electing to receive allowances:** Notes that co-optees would be in the same position as Members and may in writing elect not to receive allowances.
3. **Backdating of allowances:** Agrees to pay Standards Committee co-optees allowances from the date that they determine complaints of breaches of the Members' Code of Conduct and agrees to pay Education Co-optees allowances from 1st May 2003 – the earliest date possible.
4. **Index Linking:** Agrees co-optees allowances should be subject to the same index as Members Allowances generally.

6.2 APPOINTMENT TO CASUAL VACANCY OF TRUSTEE TO THE BOROUGH MARKET, SOUTHWARK (see Supplemental Agenda No.2, pages 99 – 108)

Following debate (Councillors Kim Humphreys and Danny McCarthy), the substantive motion was put to the vote and declared to be carried.

RESOLVED: That Mr Alexander Stevenson be appointed as Trustee of Borough Market Southwark, to the term expiring 31st March 2004.

7. MOTIONS SUBMITTED IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 3.9 (see pages 21 – 33 and Supplemental Agenda No.1)

7.1 MOTION NO.1 – NATIONAL HEALTH SERVICE (see pages 22 – 23 and Supplemental Agenda No.1)

Councillor Denise Capstick, seconded by Councillor Eliza Mann, moved the motion.

Councillor Dominic Thorncroft, seconded by Councillor Dora Dixon-Fyle, moved

Amendment A.

Following debate (Councillors Peter John, Ian Wingfield, John Friary, Nick Stanton, and Danny McCarthy), Councillor Peter John, seconded by Councillor Ian Wingfield, moved that Council Assembly Procedure Rule 1.13 (Guillotine) be suspended in order for the debate to continue. The motion was put to the vote and declared to be carried.

Following Councillor Denise Capstick's right of reply, Amendment A was put to the vote and declared to be lost.

The substantive motion was put to the vote and declared to be carried.

RESOLVED:

1. That Council notes:

- The Government's plans to give limited operational and financial freedom to foundation hospitals;
- That foundation hospitals would create an unnecessary divisive element in the National Health Service and lead to a two-tier system;
- The decision over which hospitals are allowed to become foundation hospitals will be taken by ministers based on how the hospital meets political targets rather than their ability to treat patients;
- The proposals may lead to staff poaching because the new hospitals will have the freedom to pay staff extra;
- The proposals for public 'membership' are still very unclear and the foundation hospitals will not have to have the new patient forums, which the Government itself created when it abolished community health councils;
- That hospitals are being made to consult on bids for foundation status before the relevant legislation is agreed by Parliament – thus pre-empting decisions made by locally elected representatives.

2. That Council believes that all hospitals should be free of central political control and free from the culture of political targets.

3. That Council notes with concern that nearby Lewisham Hospital will not be among those hospitals to benefit from being a foundation hospital but that nearby Guys & St Thomas' and Kings College Hospital will.

4. That Council condemns the Government for not tackling the real problems facing struggling hospitals, such as staff shortages and lack of beds.

5. That Council calls on the Government to bring in proper reforms in the NHS that would devolve power to local people and raise the standard of all hospitals, putting patients' needs first.

6. That Council resolves to continue to work closely in partnership with Southwark Primary Care Trust in supporting those hospitals that serve the residents of Southwark.

Note: The above resolution stands referred to the Executive for consideration.

7.2 MOTION NO.2 – ALG SCRUTINY NETWORK (see page 119)

This motion was not considered and in accordance with Council Assembly Procedure Rule 1.13 (6) will be referred to the Council Assembly meeting on Wednesday 28th January 2004.

7.3 MOTION NO.3 – FOUNDATION TRUSTS (see pages 23 – 24 and Supplemental Agenda No.1)

Motion No.3 fell as the issue had been considered under Motion No.1.

7.4 MOTION NO.4 – SUPER BOROUGHES (see pages 24 – 25)

This motion was not considered and in accordance with Council Assembly Procedure Rule 1.13 (6) will be referred to the Council Assembly meeting on Wednesday 28th January 2004.

7.5 MOTION NO.5 – HERNE HILL VELODROME (see pages 25 – 26)

Councillor Lewis Robinson, seconded by Councillor David Bradbury, moved that Council Assembly Procedure Rule 1.13 (Guillotine) be suspended in order for motion No.5 to be debated. The motion was put to the vote and declared to be carried.

The Borough Solicitor and Secretary provided legal advice on the propriety of debating the motion in light of the Planning Committee's recent decision on the Herne Hill Velodrome.

With the agreement of the meeting Councillor Toby Eckersley amended the motion as follows:-

“ 31st October 2003” to read “January 2003”.

Thereafter, Councillor Toby Eckersley, seconded by Councillor David Bradbury, moved the amended motion.

Following debate (Councillor Alfred Banya and Aubyn Graham), the motion was put to the vote and declared to be lost.

In accordance with Council Assembly Procedure Rule 1.17 (5) the following Members requested that their votes in favour of the motion be recorded in the minutes:- Councillors David Bradbury, Toby Eckersley, Kim Humphreys, Kenny Mizzi, William Rowe and Lewis Robinson.

7.6 MOTION NO.6 – ARTS CENTRE ON THE PECKHAM WHARF SITE (see pages 26 – 27)

The motion was proposed by Councillor Aubyn Graham and seconded by Councillor Billy Kayada. With the consent of Council Assembly, Amendment A proposed by Councillor Jonathan Hunt and seconded by Councillor Graham Neal was further changed as follows:-

‘Delete the first sentence. Insert paragraphs 1, 2, 3 and 4 as point 2 of the motion and delete all the remaining amendment below “Amend”.’

In accordance with Council Assembly Procedure Rule 1.13 (5), Council Assembly signified that the motion as amended was unopposed. The motion as amended was therefore carried.

RESOLVED:

1. That Council Assembly notes the need for an Art Centre to incorporate the facilities of the former North Peckham Civic Centre within the Peckham Square to complement Peckham MediaTech Centre & Library and the Peckham Pulse.

2. That Council Assembly notes that the Peckham Community Council at its July meeting passed a motion, proposed by Councillor Jonathan Hunt and seconded by Councillor Barrie Hargrove, which includes the following:

‘Council welcomes the New Peckham Wharf proposal to complement the Peckham Pulse and Library to provide a venue where quality arts activity may be performed; attract people to Peckham; provide a showcase for the vibrant and exciting range of talent that exists in our community; and offer ancillary facilities.....

‘Council believes the best option for progressing the proposal is to form a locally-based working party, including representatives from local residents other interested bodies, such as the LPO, arts organisations and commercial partners, and for it to procure an assessment as to its viability, and to produce a business plan.

‘Council asked the Executive to:

- i) fund such an assessment and business plan and to provide such assistance and support as this Council may require;
- ii) ensure that all money raised from the sale of land should be used for the Wharf project.’

3. That Council Assembly calls on the Deputy Leader to bring back a report to the next Council Assembly that will detail proposals for the Council's contribution (financial and otherwise) towards an Arts Centre on the Peckham Wharf Site.

Note: The above resolution stands referred to the Executive for consideration.

7.7 MOTION NO.7 – COMMUNICATIONS STRATEGY (see pages 27 – 28 and Supplemental Agenda No.1)

The motion was proposed by Councillor Toby Eckersley and seconded by Councillor Lewis Robinson.

In accordance with Council Assembly Procedure Rule 1.13 (5), Council Assembly signified that the motion was unopposed. The motion was therefore carried.

RESOLVED: That with regard to the Council's "communications strategy" Council Assembly notes with concern that, notwithstanding that the Executive's interim decision on this matter (14th January 2003) included the requirement that:

"the published strategy include clear analysis of the Council's past communications and publicity spend (across all departments) as a priority so that future efficiencies arising from the implementation of the strategy be identified"

the final decision of the Executive on 4th November 2003 and the strategy agreed on that occasion contained no such analysis or any information as to efficiencies on a total budget of well over £3 million (Best Value Review December 2002). Council Assembly also notes that:

- a. according to the item's audit trail the Chief Financial Officer's comments were neither sought nor given; and,
- b. the item states that "there are no financial or legal implications" arising from the strategy.

Council Assembly accordingly calls for urgent scrutiny.

Note: The above resolution stands referred to the Overview and Scrutiny Committee.

7.8 MOTION NO.8 – COMMUNICATIONS STRATEGY (see page 28 and Supplemental Agenda No.1)

This motion was not considered and in accordance with Council Assembly Procedure Rule 1.13 (6) will be referred to the Council Assembly meeting on Wednesday 28th January 2004.

7.9 MOTION NO.9 – BUS ROUTES (see pages 28 – 29)

The motion was proposed by Councillor Kim Humphreys and seconded by Councillor David Bradbury. Amendment A had been proposed by Councillor Michelle Pearce and seconded by Councillor Charlie Smith.

In accordance with Council Assembly Procedure Rule 1.13 (5), Council Assembly signified that the motion as amended was unopposed. The motion as amended was therefore carried.

- RESOLVED:**
1. That Council notes that there are proposals to develop a bus route from Crystal Palace, past the Kingswood Estate, through Dulwich Village and onto Dulwich Hospital, East Dulwich and Camberwell. Council Assembly welcomes the principle of the route which will link College Ward, and in particular, the Kingswood Estate with East Dulwich and Camberwell. Council further notes that the proposed route currently suggested goes down many residential roads and crosses the South Circular at a dangerous junction (Alley Park/Gallery Road junction with Dulwich Common). Accordingly Council Assembly requests the Executive to instruct officers to work with Transport for London (TfL) to devise proposals that are both safe, using existing routes as much as feasibly possible and utilise the least intrusive types of vehicles.
 2. That Council further asks the Executive to instruct officers:
 - a) To make representations to Transport for London in favour of reviewing the No 227 bus (Bromley North - Crystal Palace) with a view to extending it to cover the Dulwich route;
 - b) To liaise closely with TfL on the cost benefit ratios involved in the various options for covering the route in order to report back fully to members;
 - c) To explore, if necessary, whether the route could be made viable by some amount of subsidy from potential partners, e.g. Sainsbury's, the Health Authorities, Southwark Alliance.

Note: The above resolution stands referred to the Executive for consideration.

7.10 MOTION NO.10 – LOCAL DEMOCRACY (see pages 29 – 30)

The motion was proposed by Councillor Alfred Banya and seconded by Councillor Alison Moise.

In accordance with Council Assembly Procedure Rule 1.13 (5), Council Assembly signified that the motion was unopposed. The motion was therefore carried.

- RESOLVED:**
1. That Council Assembly congratulates all those who participated in the activities organised during the recent 'democracy week'. In particular the students from Sacred

Heart School and Peckham Academy who took part in a successful debate in the Council Chamber. This has led to Harriet Harman, MP for Camberwell & Peckham feeding their comments to the Electoral Commission as part of the consultation on lowering the voting age.

2. That Council Assembly calls for an annual all party event for local democracy which will involve children from Southwark Schools, teachers, Southwark Youth Forum representatives, Southwark Youth Council Representatives, MPs and Councillors to debate issues of concern to young people, and the Southwark Community TV should be invited to arrange a live web-cast of the event to promote Southwark Council and its young people.
3. That Council Assembly requests the Executive to prepare a report on a range of future events including the above proposal and to present it to the Council Assembly at the earliest opportunity.

Note: The above resolution stands referred to the Executive for consideration.

7.11 MOTION NO.11 – EUROPEAN CONSTITUTION (see pages 30 – 31)

This motion was not considered and in accordance with Council Assembly Procedure Rule 1.13 (6) will be referred to the Council Assembly meeting on Wednesday 28th January 2004.

7.12 MOTION NO. 12 – AFFORDABLE HOUSING (see page 32)

In accordance with Council Assembly Procedure Rule 3.9 (3) this motion stands referred to the Executive for consideration.

7.13 MOTION NO.13 – PRIVATE AND STATE SCHOOLS (see pages 32 – 33)

In accordance with Council Assembly Procedure Rule 3.9 (3) this motion stands referred to the Executive for consideration.

8. ADJOURNMENT DEBATES (see pages 122 – 123 and Supplemental Agenda No.2, pages 109 – 110)

8.1 BALLOT FOR 28TH JANUARY 2004 COUNCIL ASSEMBLY ADJOURNMENT DEBATES

The Mayor drew the names of the following Councillors in the ballot for Adjournment Debates for 28th January 2004:-

1. Councillor Toby Eckersley
2. Councillor Dermot McInerney

3. Councillor Aubyn Graham

1st Reserve - Councillor David Bradbury

2nd Reserve – Councillor Neil Watson

3rd Reserve – Councillor Dr. Abdur-Rahman Olalekan Olayiwola

Councillor David Bradbury requested that his name be removed from any future ballots.

8.2 ADJOURNMENT DEBATE No.1 – COUNCILLOR CATRIONA MOORE (CATHEDRAL WARD)

Councillor Catriona Moore expressed her concern regarding the education that Southwark provided for children with autism and outlined the problems that one of her constituents had experienced.

The debate was responded to by the Executive Member for Education, Councillor Bob Skelly. He stated that obviously finance played some part but the situation in Southwark had been made worse by the departure of the previous education provider, Atkins. He concluded by saying that the main centre for specialised education in Southwark, the Spa School, was recognised one of the best in Britain.

8.3 ADJOURNMENT DEBATE No.2 – COUNCILLOR BARRIE HARGROVE (PECKHAM WARD)

Councillor Barrie Hargrove outlined his concern at the poor condition of footways and pavements within Peckham Ward.

The debate was responded to by the Executive Member for Environment and Transport, Councillor Richard Thomas. He explained that this was a historical problem due to lack of investment over the years. He outlined the various areas of funding that the Council was investigating and stated that the Executive would be considering the issue shortly.

8.4 ADJOURNMENT DEBATE No.3 – COUNCILLOR ALISON MOISE (BRUNSWICK PARK WARD)

Councillor Alison Moise reiterated the concern of residents of Muscatel Place who had presented a deputation earlier in the evening. She sought commitment and support for the resolution that had been passed following the deputation.

The debate was responded to by the Executive Member for Environment and Transport, Councillor Richard Thomas. He stated that he would pass Councillor Moise's concern regarding anti-social behaviour in the area to the Executive Member for Community Safety. In relation to the parking issue he stated that he looked forward to receiving a report to the Executive on the implementation of yellow lines in Muscatel Place.

The meeting closed at 11.35 p.m.

MAYOR:

DATED:

