



**COUNCIL ASSEMBLY
(ORDINARY)**

MINUTES of the OPEN section of the meeting of the COUNCIL ASSEMBLY
(ORDINARY) held on WEDNESDAY 28TH APRIL 2004 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 Kenny Mizzi
Councillor Mick Barnard	Councillor Abdul Mohamed
Councillor Paul Bates	Councillor Alison Moise
Councillor Catherine Bowman	Councillor Catriona Moore
Councillor Denise Capstick	Councillor Vicky Naish
Councillor Fiona Colley	Councillor Graham Neale
Councillor Dora Dixon-Fyle	Councillor Gavin O'Brien
Councillor Toby Eckersley	Councillor Michelle Pearce
Councillor Stephen Flannery	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 William Rowe
Councillor James Gurling	Councillor Lewis Robinson
Councillor Barrie Hargrove	Councillor Jane Salmon
Councillor Jeffrey Hook	Councillor Andrew Simmons
Councillor David Hubber	Councillor Tayo Situ
Councillor Kim Humphreys	Councillor Robert Skelly
Councillor Jonathan Hunt	Councillor Robert Smeath
Councillor Peter John	Councillor Charlie Smith
Councillor Billy Kayada	Councillor Nicholas Stanton
Councillor Paul Kyriacou	Councillor Richard Thomas
Councillor Jelil Ladipo	Councillor Dominic Thorncroft
Councillor Lorraine Lauder	Councillor Veronica Ward
Councillor Linda Manchester	Councillor Neil Watson
Councillor Eliza Mann	Councillor Sarah Welfare
Councillor Daniel McCarthy	Councillor Ian Wingfield
Councillor Dermot McInerney	Councillor Anne Yates
	Councillor Lorraine Zuleta

1. PRELIMINARY BUSINESS

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

The Mayor made the following announcements:-

- That Southwark had been granted a Beacon Council award by the Office of the Deputy Prime Minister for its outstanding success in reducing levels of crime by working effectively and consistently with the Police, other partners, voluntary organisations and local communities.
- Congratulations were sent to Councillor Beverley Bassom who had given birth to a baby daughter on Saturday 24th April.
- That the Government Select Committee on 'The Commission for Africa' had been held in the Town Hall on Monday evening. It is the first time that such a meeting has been held outside of parliament.
- The Mayor thanked all those Members who had supported his Charity Ball the previous week at Shakespeare's Globe Theatre and those Members who had participated in the launch of the Southwark Community Games on Tuesday 27th April 2004.
- Best wishes were sent to Millwall Football Club who are due to play in the FA Cup.
- The Mayor announce the death of former Councillor Sid Coombes who had been Mayor of Southwark in 1968 and a Councillor for Faraday Ward for two terms in 1964 and 1968. Tributes were paid by Councillors Ian Wingfield and Danny McCarthy, after which one minute's silence was held.

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

At this juncture the Mayor announced that Councillor Ian Wingfield wished to move a procedural motion. Councillor Ian Wingfield, seconded by Councillor John Friary, requested that Council Assembly Procedure Rule 3.11(6) (deadline for the receipt of urgent questions to the Leader of the Council) be suspended in order to consider an urgent question.

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

In accordance with Council Assembly Procedure Rule 3.7(9) (ix) (motions without prior notice), notice was given of the following motions to deputations:-

- Motion A - East Dulwich Tenants & Residents Association from Councillor Peter John
- Motion B - Elephant & Castle Traders from Councillor Toby Eckersley
- Motion C - Elephant & Castle Traders from Councillor Paul Bates
- Motion D - Jade Dry Cleaners from Councillor Dominic Thorncroft
- Motion E - Small Businesses in Southwark from Councillor Ian Wingfield
- Motion F - Pullens and Jade Dry Cleaners from Councillor Jonathan Hunt.

1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

The following disclosures were made:-

Item 3 : Deputation from Elephant & Castle Traders

Councillors Paul Bates, Catherine Bowman, Danny McCarthy, Charlie Smith, Ian Wingfield.

(Personal and Non Prejudicial interest)

Item 5.1 : Questions – March 2004 : Questions from Members - Parking Tickets

Councillor Sarah Welfare.

(Personal and Non Prejudicial interest)

Item 5.3 : Motions – March 2004 – Motion 11: Motion on National Association of Black, Asian and Ethnic Minority Councillors

Councillor Aubyn Graham.

(Personal and Non-Prejudicial interest)

Item 6 : Motion 2 : Motion on New School at East Dulwich

Councillor Richard Thomas.

(Personal and Non-Prejudicial Interest)

1.4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Beverley Bassom, David Bradbury, Alun Hayes, Tony Ritchie and Dr. Abdul Rahman Olayiwola. Apologies for lateness were received on behalf of Councillors Dermot McInerney and William Rowe.

2. **MINUTES:-** That the Minutes of the meeting held on 31st March 2004 be agreed and signed as a correct record with the inclusion of Councillor Jane Salmon as having attended.

3. DEPUTATION REQUESTS

- 3.1 **DEPUTATION FROM THE DARREN P BURNS CONSULTANCY** (see pages 1 - 2 and Supplemental Agenda No.2, page 80)

Deputation withdrawn.

- 3.2 **JADE DRY CLEANERS** (see pages 1- 2 and Supplemental Agenda No.3, page 89)

Council Assembly agreed to accept the deputation. Members were addressed by the deputation's spokesperson, Mrs. Karabetca, following which Councillors Fiona Colley, Caroline Pidgeon, Dominic Thorncroft, Billy Kayada, James Gurling and Jonathan Hunt asked questions. The deputation then withdrew to the public gallery.

Councillor Dominic Thorncroft, seconded by Councillor Fiona Colley, moved Motion D.

Following debate (Councillors Jonathan Hunt, Nicholas Stanton), Councillor Dominic Thorncroft exercised his right of reply.

Motion D 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 above motion be recorded in the minutes:-

Councillors Alfred Banya, Mick Barnard, Paul Bates, Fiona Colley, John Friary, Dora Dixon-Fyle, Norma Gibbes, Mark Glover, Aubyn Graham, Barrie Hargrove, Peter John, Billy Kayada, Lorraine Lauder, Alison Moise, Abdul Mohamed, Michelle Pearce, Vicky Naish, Andy Simmons, Tayo Situ, Robert Smeath, Charlie Smith, Dominic Thorncroft, Veronica Ward, Sarah Welfare and Ian Wingfield.

(See also items 3.6 and 3.7)

3.3 EAST DULWICH TENANTS AND RESIDENTS ASSOCIATION (see pages 1 – 2 and Supplemental Agenda No.2, page 85)

Council Assembly agreed to accept the deputation. Members were addressed by the deputation's spokesperson, Mr. Hedger, following which Councillors Peter John, Paul Bates, Michelle Pearce, Kim Humphreys and Veronica Ward asked questions. The deputation then withdrew to the public gallery.

Councillor Peter John, seconded by Councillor Veronica Ward, moved Motion A.

Following debate (Councillors Nicholas Stanton, Kim Humphreys and Michelle Pearce), Councillor Peter John exercised his right of reply.

Motion A was put to the vote and declared to be carried.

- RESOLVED:**
1. That the deputation and representations from the East Dulwich Estate Tenants & Residents Association be noted.
 2. That the commitment from the Leader of the Council in October 2002 to support the proposal for funding regeneration of the East Dulwich Estate without the need for any land sales or demolition of homes on the Estate, subject to such a proposal being lawful, be noted.
 3. That in light of the representations from the Deputation as to the impact of new Government funding regulations effective from 1st April 2004, Council Assembly requests that the Executive urgently takes appropriate legal advice and considers at a meeting the implementation of the alternative funding proposal for the regeneration of the Estate.
 4. That the Executive is further requested to report back on the progress of this matter at the June 2004 Council Assembly.

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

3.4 PULLENS YARDS TENANTS (see pages 1 – 2 and Supplemental Agenda No.2, page 87)

Council Assembly agreed to accept the deputation. Members were addressed by the deputation's spokesperson, Mr. Barter, following which Councillors John Friary, Graham Neale and Jelil Ladipo asked questions. The deputation then withdrew to the public gallery.

Councillor Mick Barnard, seconded by Councillor Kim Humphreys, moved the motion set out in Supplemental Agenda No.2, page 87.

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

RESOLVED: Following the cross party Pullens Yards Scrutiny Panel and the unanimously agreed recommendations, Council is concerned to learn that there are still ongoing issues at the Pullens Yards. Council therefore recommends that the relevant Scrutiny Panel reconsiders the previous Scrutiny Panels recommendations and in addition questions whether “best consideration” has been achieved.

Note: The above recommendation stands referred to the Overview & Scrutiny Committee for consideration.

(See also items 3.6 and 3.7)

3.5 ELEPHANT & CASTLE TRADERS (see pages 1 – 2 and Supplemental Agenda No.3, pages 89 – 90)

Council Assembly agreed to accept the deputation. Members were addressed by the deputation’s spokesperson, Mr. Fraser, following which Councillors Ian Wingfield, Paul Bates, Catherine Bowman and Toby Eckersley asked questions. The deputation then withdrew to the public gallery.

Councillor Toby Eckersley, seconded by Councillor Kim Humphreys, moved Motion B.

Following debate (Councillor James Gurling), Motion B was put to the vote and declared to be carried.

Councillor Paul Bates, seconded by Councillor John Friary, moved Motion C.

Following debate (Councillors Michelle Pearce, James Gurling, Graham Neale and Vicky Naish), Councillor Paul Bates exercised his right of reply.

Motion C was put to the vote and declared to be lost.

RESOLVED: That Council Assembly, mindful of the need to prevent degeneration adversely affecting regeneration schemes requests the Executive to consider, before 31st May 2004 the concerns expressed by the deputation.

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

OTHER MOTIONS ON DEPUTATIONS

3.6 Motion on Small Businesses in Southwark

Councillor Ian Wingfield, seconded by Councillor Tayo Situ, moved Motion E.

Following debate (Councillor John Friary, Alison Moise, Andy Simmons, Lorraine Zuleta, Richard Porter and Kim Humphreys), Councillor Ian Wingfield exercised his right of reply.

Motion E 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 Motion E be recorded in the minutes:- Councillors Alfred Banyan, Mick Barnard, Paul Bates, Fiona Colley, John Friary, Dora Dixon-Fyle, Norma Gibbes, Mark Glover, Aubyn Graham, Barrie Hargrove, Peter John, Billy

Kayada, Lorraine Lauder, Alison Moise, Abdul Mohamed, Michelle Pearce, Vicky Naish, Andy Simmons, Tayo Situ, Robert Smeath, Charlie Smith, Dominic Thorncroft, Veronica Ward, Sarah Welfare and Ian Wingfield.

3.7 Motion on Pullens Yards and Jade Dry Cleaners

Councillor Jonathan Hunt, seconded by Councillor Nicholas Stanton, moved Motion F.

Following debate (Councillors Fiona Colley, James Gurling and Norma Gibbes), Councillor Jonathan Hunt exercised his right of reply.

Motion F was put to the vote and declared to be carried.

RESOLVED:

1. That the results of inquiries by the District Auditor and Local Government Ombudsman into the planning applications for Imperial Gardens and Fairview Homes site in Camberwell be noted.
2. That the serious concerns raised by deputations, at this meeting and previous meetings, with regard to small businesses in Southwark be noted.
3. That the Executive received, as soon as possible, a report that examines the Council's future relationship with local businesses. The report should:
 - Address the position the Council finds itself in as its role as landlord, in its role as a planning and licensing authority, in its regeneration role and in affording help and advice to small and medium enterprises (SMEs)
 - Include a review of the enterprise strategy and the changes in procurement guidelines designed to create a firer playing field for SMEs in Southwark to bid for council contracts.
 - Consider to what extent the Council might involve an external advisor and/or scrutiny in addressing these issues.
4. That the Council further believes that measures to address concerns about specific businesses and business owners should proceed as a matter of urgency to attempt to bring about solutions acceptable to all parties within the framework of existing policies and legal obligations.

Note: That the above recommendations stand referred to the Executive for consideration.

In accordance with Council Assembly Procedure Rule 1.17 (5) the following members requested that their votes against the above resolution be recorded in the minutes:- Councillors Alfred Banya, Mick Barnard, Paul Bates, Fiona Colley, John Friary, Dora Dixon-Fyle, Norma Gibbes, Mark Glover, Aubyn Graham, Barrie Hargrove, Peter John, Billy Kayada, Lorraine Lauder, Alison Moise, Abdul Mohamed, Michelle Pearce, Vicky Naish, Andy Simmons, Tayo Situ, Robert Smeath, Charlie Smith, Dominic Thorncroft, Veronica Ward, Sarah Welfare and Ian Wingfield.

At 11.00 p.m. the meeting agreed to adjourn for five minutes, reconvening at 11.10 p.m.

PROCEDURE MOTION

At this juncture it was moved, seconded and

RESOLVED: That the following items be considered before the guillotine falls:-

- i. Urgent questions to the Leader of the Council
- ii. As many motions as possible within item 5.3 - Motions (page 46 – 66), prior to the guillotine.

4. QUESTIONS FROM MEMBERS (see pages 10 – 41)

One urgent question was submitted by Councillor Ian Wingfield and a supplemental question was asked of the Leader of the Council (please see appendix to the minutes).

Thirty-seven questions and written answers were circulated around the chamber and their content were noted.

5 DEFERRED BUSINESS

5.1 MEMBERS QUESTION TIME - MARCH 2004 (see pages 10 – 41)

Fifty questions and written answers contained within the agenda were noted.

5.2 REPORTS FOR INFORMATION - REPORT BACK ON CONSIDERATION OF MOTIONS REFERRED FROM COUNCIL ASSEMBLY (see pages 42 – 45)

This item fell following the guillotine and the report was therefore noted.

5.3. MOTIONS – MARCH 2004 (see pages 46 – 66)

1. MOTION NO.1 – COUNCIL TAX (see pages 47 – 48)

The motion was proposed by Councillor Gavin O'Brien and seconded by Councillor Jane Salmon.

Councillor Sarah Welfare, seconded by Councillor Mark Glover, moved Amendment A.

Amendment A was put to the vote and declared to be lost.

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

2. MOTION NO.2 – NEW SCHOOL IN EAST DULWICH (see page 48)

With the consent of Council Assembly Councillor Kim Humphreys moved Amendment A on behalf of Councillor David Bradbury. The motion was seconded by Councillor William Rowe.

Councillor Andy Simmons, seconded by Councillor Robert Smeath, moved Amendment A.

Following Councillor Kim Humphreys 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: That this Council does not believe that the use of Compulsory Purchase Order Powers is the best approach to finding a site for a new school in East Dulwich.

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

3. MOTION NO.3 – DOWNTOWN (see pages 48 – 51)

Councillor Paul Bates, seconded by Councillor Fiona Colley, moved the motion.

Councillor Catherine Bowman, seconded by Councillor Lisa Rajan moved Amendment A.

Following debate (Councillor Kim Humphreys), Amendment A was put to the vote and declared to be carried.

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

RESOLVED:

1. That the appointment of Barratt as preferred developer for the Downtown area regeneration scheme be noted.
2. That it be noted this regeneration scheme was begun under the previous administration and that the scheme caused significant disquiet in the local community.
3. That Council believes that council communication to local residents with regard to this regeneration is very important.
4. That it be noted consultation under the previous administration was woeful and that the new administration has taken conscious steps to improve consultation by, for example, introducing a series of mail drops – the last one on 16 December 2003 – and public exhibitions on-site.
5. That it be noted, as a result of representations from residents and local councillors, the housing density of the Downtown development has been considerably reduced.
6. That it be noted the Barratt application is due to be considered by Planning Committee and that members will be able to approve, seek modification of or refuse the application in the normal way.

Note: That the above recommendation stands referred to the Executive for consideration.

4. MOTION NO.4 – BUS ROUTES (see pages 51 – 53)

This motion was not considered in accordance with Council Assembly Procedure Rule 1.13 (6).

5. MOTION NO.5 – EUROPEAN CONSTITUTION (see pages 53 – 54)

Motion fell as no longer relevant.

6. MOTION No.6 – RISEHOLME ESTATE, EAST DULWICH ESTATE (see pages 55 – 56)

This motion was not considered in accordance with Council Assembly Procedure Rule 1.13 (6).

7. MOTION No.7 – HIGHER EDUCATION, TUITION FEES (see pages 56 – 58)

This motion was not considered in accordance with Council Assembly Procedure Rule 1.13 (6).

8. MOTION NO.8 – PARKS SERVICE (see pages 56 – 60)

This motion was not considered in accordance with Council Assembly Procedure Rule 1.13 (6).

9. MOTION NO.9 – SUPER BOROUGHES (see pages 60 – 62)

This motion was not considered in accordance with Council Assembly Procedure Rule 1.13 (6).

10. MOTION No.10 – STREET LEADERS SCHEME (see pages 62 – 64)

This motion was not considered in accordance with Council Assembly Procedure Rule 1.13 (6).

11. MOTION No.11 – NATIONAL ASSOCIATION OF BLACK, ASIAN AND ETHNIC MINORITY COUNCILLORS (see page 64)

The motion was proposed by Councillor Aubyn Graham 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 declared to be carried.

RESOLVED: That Council Assembly requests that the Executive consider that Southwark Council re-affiliate to the National Association of Black, Asian and Ethnic Minority Councillors (NABAEMC).

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

12. MOTION NO.12 – GREENDALE (see pages 64 – 66)

This motion was not considered in accordance with Council Assembly Procedure Rule 1.13 (6).

6. MOTIONS (see pages 67 – 71)

6.1 MOTION NO.1 – INDEPENDENT INQUIRY (see pages 68 – 69)

This motion fell as the issue was considered earlier (see item 3.6).

6.2 MOTION NO.2 – LOCAL SUSTAINABILITY (see page 70)

This motion was withdrawn.

6.3 MOTION NO.3 – RYE LANE (see pages 70 – 71)

The motion was proposed by Councillor Andy Simmons and seconded by Councillor Mark Glover.

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

- RESOLVED:**
1. That the use of CCTV for parking enforcement along Rye Lane be welcomed.
 2. That the principal use of CCTV along Rye Lane should be for tackling crime.
 3. That the police and community wardens should have priority use of CCTV for proactive and reactive crime prevention functions at any time of the day or night.
 4. That the Executive be asked to make sure that (3) is implemented as soon as possible.

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

6.4 MOTIONS 4 – PUBLIC TRANSPORT LIAISON COMMITTEE (see page 71)

In accordance with Council Assembly Procedure Rule 3.9 (3) Motion No.4 stands referred to the Executive for consideration.

7. ADJOURNMENT DEBATES (see pages 72 - 73)

This item fell following the procedural motion on the guillotine.

The meeting closed at 00.01 a.m.

MAYOR:

DATED: