

Item No. 9	Classification: Open	Date: October 20 2004	Meeting Name: Council Assembly
Report title:		Motions	
Ward(s) or groups affected:		All	
From:		Chief Executive (Borough Solicitor)	

BACKGROUND INFORMATION

In accordance with council assembly procedure rule 3.10, the Member moving the motion may make a speech directed to the matter under discussion. (This may not exceed five minutes without the consent of the Mayor).

The seconder will then be asked by the Mayor to second the motion. (This may not exceed three minutes without the consent of the Mayor).

The meeting will then open up to debate on the issue and any amendments on the motion will be dealt with.

At the end of the debate the mover of the motion may exercise a right of reply. If an amendment is carried, the mover of the amendment shall hold the right of reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.

The Mayor will then ask members to vote on the motion (and any amendments).

IMPLICATIONS OF THE CONSTITUTION

The constitution allocates particular responsibility for functions to council assembly, for approving the budget and policy framework, and to the executive, for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis. Therefore any matters reserved to executive (i.e. housing, social services, regeneration, environment, education etc) can not be decided upon by council assembly without prior reference to the executive. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the executive:

- To change or develop a new or existing policy
- To instruct officers to implement new procedures
- To allocate resources

(NOTE: In accordance with council assembly procedure rule 3.10 (5) & (6) (prioritisation and rotation by the political groups) the order in which motions appear in the agenda may not necessarily be the order in which they are considered at the meeting).

1. **MOTION FROM COUNCILLOR KIM HUMPHREYS** (seconded by Councillor David Bradbury)

Please note that in accordance with council assembly procedure rule 3.10 (3), this motion shall be considered by council assembly.

Council assembly notes with concern and disappointment that London Mayor Ken Livingstone has objected to reduced housing densities proposed in the UDP in the suburban northern zone (covering separate areas of Herne Hill, East Dulwich and the Rotherhithe peninsula).

Council assembly reaffirms its previous support for these proposals and asks the executive member for regeneration & economic improvement to write to the Members of Parliament and Greater London Authority (GLA) member in the areas affected to seek their support on this issue.

Note: If the motion is agreed, any proposals will be submitted to the executive member for regeneration and economic development for consideration.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION

This council assembly is to consider an item on the Unitary Development Plan (UDP) elsewhere on the agenda. This item seeks the agreement of council to a set of proposed changes to the plan to be made in the light of further representations that have been received since the second draft of the plan was placed on deposit earlier this year. Members will note that it has not been recommended to change the designations or the boundaries of the suburban north zone that was specifically placed in the plan as a result of amendments made at council assembly. Among the appendices to that item is a summary of all objections together with officers' comments. These form the basis of the council's case at the forthcoming public inquiry. With regard to this matter, the officers' comments are as follows:-

The density within the northern suburban area (excluding Canada Water) and south suburban area as indicated on the second deposit draft proposals maps are not urban density because of the significant amount of open space, and they have been designated accordingly. The relationship between density boundaries and the SRQ (Sustainable Residential Quality) matrix (Table 4B.1 in the adopted London Plan) will be addressed at the inquiry.

2. **MOTION FROM COUNCILLOR ANDY SIMMONS** (seconded by Councillor Robert Smeath)

Please note that in accordance with council assembly procedure rule 3.10 (3), this motion shall be considered by council assembly.

Council assembly

(1) Notes that the provisional key stage 1 results for 2003/2004 did not show the gap between Southwark's primary school results and the national average being narrowed;

(2) Notes that the provisional key stage 2 results for 2003/2004 show both a decrease in the overall results and a sharply widening gap between Southwark's primary school results and the national average;

(3) Notes the large difference between many individual primary school's Key Stage 2 results and the targets set by schools in discussion with the LEA's school improvement team;

(4) Notes that the poor OFSTED results at Cobourg and Peckham Rye schools in the last year had not initially been predicted by the school improvement team.

(5) Asks the executive to receive an urgent report on whether the school improvement team is adequately resourced, appropriately staffed and working to its full potential in terms of supporting and challenging primary schools;

(6) Agrees that this report is considered by the education and youth scrutiny sub-committee prior to receipt by the executive.

Note: If the motion is agreed, any proposals will be submitted to the executive and to the overview and scrutiny committee for consideration.

COMMENTS FROM THE DIRECTOR OF SCHOOL SERVICES

It is important to recognise that the key stage 1 and key stage 2 results for 2003/04 are provisional. This is not to deny that, particularly, key stage 2 results are a disappointment.

Both Cobourg and Peckham Rye schools were a cause of serious concern prior to their Inspection. It is, therefore, not true to say that being placed in special measures came as a surprise although it is always difficult to predict the outcome of an inspection.

There are too many schools where the targets set by the school and agreed by the local education authorities (LEA) are significantly different from the results achieved. It is for this reason that, as part of the conference recently held for all head teachers of primary, junior and infant schools, further work was undertaken on the target setting process and at a recent meeting of head teachers time was spent on pupil tracking.

The director of education has initiated an urgent external review on the role, functioning and resourcing of the school improvement team.

The outcome of this review will be reported to the executive when completed.

3. MOTION FROM COUNCILLOR RICHARD THOMAS (seconded by Councillor Caroline Pidgeon)

Please note that in accordance with council assembly procedure rule 3.10 (3), this motion shall be considered by council assembly.

This council

- Is dismayed by the Mayor of London's broken promise regarding price hikes during his re-election campaign.

- Believes that the transport using public will shoulder the burden of poor management of Transport for London that led to a budget shortfall of £675 million.
- Believes the introduced pricing structures prevent practical and accurate comparisons with previous prices.
- Notes that this will exacerbate the ever-widening gap between the relative costs of public transport and private motor travel.

This council therefore calls on the Mayor of London to apologise for reneging on his promises of the election and to simplify the pricing structures.

Note: If the motion is agreed, any proposals will be submitted to the executive for consideration.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION

Large areas of Southwark are not well served by rail services and only a small area is served by the Underground. As a result, Southwark is particularly dependent on bus services. Southwark also has high levels of deprivation and social exclusion where dependence on buses is greater than elsewhere. Increases in the price of bus travel will, therefore, be felt more acutely in Southwark than elsewhere in London.

Southwark is also committed to reducing congestion and overall traffic flows. This aim will be hampered if the relative costs of sustainable alternatives to private cars are increased.

4. MOTION FROM COUNCILLOR WILLIAM ROWE (seconded by Councillor Kenny Mizzi)

Please note that in accordance with council assembly procedure rule 3.10 (3), this motion shall be considered by council assembly.

Council assembly notes the serious problem of illegal operators of pirate radio stations installing aerials to council property and other tall buildings across the borough. Not only are these illegal aerials blocking airwaves but the individuals involved often instill fear amongst residents and damage to property.

Council assembly further notes the recent foundation of the London Pirate Radio Enforcement Practitioners Group, (LPREPG) including representatives from Hackney, Newham, Tower Hamlets and Barking Council. Council assembly requests that the executive investigate involvement in this group and the potential benefits of working together and sharing information with other boroughs on effective enforcement.

Note: If the motion is agreed, any proposals will be submitted to the executive for consideration.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION

Comments to follow

5. MOTION FROM COUNCILLOR BARRIE HARGROVE (seconded by Councillor Tayo Situ)

Please note that in accordance with council assembly procedure rule 3.10 (3), this motion shall be considered by council assembly.

1. Council assembly believes that policies to support traffic reduction are essential for all local authorities in the 21st century.

2. At the same time, Council assembly recognizes that traffic reduction schemes, such as control parking zones (CPZ), should not take priority over community cohesion.

3. Furthermore any traffic reduction plans should be coherent and not appear to be random or punitive.

4. Council assembly is concerned that the Trafalgar CPZ, implemented almost a year ago;

- Is deeply flawed.
- Seriously lacks support.
- Carries large scale hostility.

5. Council assembly is also concerned that the Trafalgar CPZ:

- Is having a seriously detrimental effect on local businesses and services.
- Is an ongoing source of discord within the community.

6. Council assembly acknowledges that predicted increases in commuter parking as a result of congestion charging have not materialised.

7. Council assembly also acknowledges that, except for streets close to and directly off the Old Kent Road, the Trafalgar controlled parking zone area is not part of any transport hub, and understands local incredulity at its existence.

8. Council assembly thus recommends that the council's executive without delay dismantle the Trafalgar controlled parking zone. We also recommend that all future consultation about controlled parking schemes includes housing estate tenants and residents as well as other interested parties.

Note: If the motion is agreed, any proposals will be submitted to the executive for consideration.

COMMENTS FROM THE STRATEGIC DIRECTOR OF REGENERATION

The Trafalgar controlled parking zone (CPZ) was introduced in April 2004 under experimental orders as part of measures to address the effect of congestion charging. A review is due to be carried out before the end of 2004. The purpose of the review will be to determine how well it is operating, the level of community satisfaction and whether any amendments to the scheme are needed.

The council is currently preparing a parking and enforcement plan that will set out the criteria for the carrying out of reviews of controlled parking zones and standards of public consultation. One of the intentions of this is to establish clear standards and consistency in the planning of controlled parking zones in the future.

6. MOTION FROM COUNCILLOR JEFF HOOK (seconded by Councillor Lorraine Zuleta)

Please note that in accordance with council assembly procedure rule 3.10 (3), this motion shall be considered by council assembly.

Council is concerned that council tax is a regressive and inadequate local tax that sees the poorest 20% of society paying 42% of their income. This tax has a detrimental impact on many Southwark residents.

Council agrees that council tax warrants reform and welcomes therefore the July publication of the government's Balance of Funding Review.

Council notes that the review, which the government itself commissioned, states that *"There are ... strong arguments for shifting the balance of funding towards more local funding"*, and recommends that local income tax (LIT) could make up at least part of a reformed system of local government finance.

Council further notes that the Chartered Institute of Public Finance Accountants' (CIPFA) evidence to the review confirms that local income tax:

- Would be fairer;
- Could replace council tax at a rate of under 4p in the £ (national income tax would drop to compensate);
- Could save up to £300 million a year if the level of LIT was set by councils and the cash collected by the Inland Revenue alongside national income tax.

Council acknowledges that this confirms claims that local income tax would be a viable and fairer way to fund local councils than council tax.

Council urges the government to accept the replacement of council tax with LIT, as well giving back the setting of business rate levels to local councils, to create an efficient, fair solution to the dilemma of ensuring that local services are well funded without painful taxation.

7. MOTION FROM COUNCILLOR LEWIS ROBINSON (seconded by Councillor Toby Eckersley)

Please note that in accordance with council assembly procedure rule 3.10 (3), this motion shall be considered by council assembly.

Council assembly notes with concern that at recent meetings the opportunity has been denied to each elected member who chose to table a written question to ask supplemental oral questions.

Council assembly believes that the right for each elected member to table a written question at each meeting, and the opportunity to ask supplemental oral questions is an important part of the democratic process and one of the few opportunities for councillors, in particular backbenchers, to hold individual members of the executive and chairs of committees to account.

Council assembly requests the standards committee, via the group whips, to address this matter at its earliest opportunity and make recommendations to remedy this unsatisfactory situation.

Note: If the motion is agreed, any proposals will be submitted to the standards committee.

COMMENTS FROM THE BOROUGH SOLICITOR

Council assembly procedure rules were last reviewed at the constitutional council assembly meeting in May 2004. At that meeting, members considered and amended recommendations received from the standards committee. Those standards committee recommendations were informed by the conclusions arising from a prior informal meeting of the three party group whips and officers from the constitutional team.

There have been two council assembly meetings subsequent to the constitutional meeting. At the first in July, not all agenda items were fully discussed, even though the meeting ended after midnight. There is general consensus that late finishes are not conducive to good decision making. Priority given to agenda items is ultimately a decision for members collectively and decisions agreed that evening suspending the provisions of council assembly procedure rules had the ultimate effect of lengthening the meeting. At the second meeting, in September forty one questions were tabled and every member who wished to ask a supplementary question was able to do so.

While the standards committee plays a pivotal role in providing independent scrutiny of all proposed constitutional changes, care should be taken not to create the impression it has sole responsibility for the regulation of council assembly business. All members have a role in refining current practice to ensure the orderly and efficient transaction of council business within the democratic process. Should members be minded to pass the motion, it is therefore suggested consideration of any proposals to modify council assembly procedure rules should first be given by the three party group whips acting in consultation with my constitutional team. Any recommended changes could then be sent to the standards committee and thereafter fed into the 2005 constitutional review.

BACKGROUND PAPERS

Background Papers	Held At	Contact
Member Motions	Town Hall Peckham Road London SE5 8UB	Constitutional Team 020 7525 7228

Lead Officer	Ian Millichap, Constitutional Team Manager
Report Author	Kevin Flaherty, Constitutional Officer
Version	Final
Dated	October 8 2004