

Item No. 10.8	Classification: Open	Date: December 8 2004	Meeting Name: Council Assembly
Report title:		Emergency Motion	
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 3.2 (xv) the mayor has agreed to accept this as additional urgent open business. This motion is not subject to prioritisation by the political groups and will be taken after the consideration of members motions.

8. MOTION FROM COUNCILLOR TOBY ECKERSLEY (seconded by Councillor Kim Humphreys)

Please note that in accordance with Council Assembly Procedure Rule 3.10 (3), this motion shall be considered by Council Assembly.

Council assembly notes:

- (a) that on 23 November 2004 a contract was entered into with Pearson Government Solutions Ltd for the provision of a Customer Service Centre (“CSC”) pursuant to the executive’s decision of 14 September 2004;
- (b) that the contract requires an advance payment of £10 million to that company by 21 December 2004 subject only to the council’s receiving by that date the guarantee of Pearson PLC;
- (c) that the executive agreed to this advance payment and that it should be funded from the council’s Capital Expenditure Reserve Fund subject to the approval of council assembly to the use of the fund balances for this purpose;
- (d) that, while recognising that the advance payment can lawfully be made from the reserve by virtue of its redesignation as the Modernisation, Service and Operational Improvement Reserve, it would have been preferable for council assembly to have explicitly approved the making of the advance payment from this reserve;

and, accordingly,

- (1) notes that the Modernisation, Service and Operational Improvement Reserve is available to finance the advance payment; and
- (2) endorses the amendment of the 2004/05 budget framework in order to allow the allocation of £10 million for the purposes of the CSC.

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	06/12/04