

Item No. 10	Classification: Open	Date: December 8 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 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.

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.

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

2. MOTION FROM COUNCILLOR DAVID HUBBER (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.

This council expresses its horror at the brutal murder and assaults which took place recently just outside the borough boundary and which were apparently homophobic attacks.

Council assembly calls upon heads, staff and governors of Southwark schools to take more positive steps to combat homophobia and homophobic bullying, which so often leads to this kind of despicable crime being committed.

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

COMMENTS FROM THE DIRECTOR OF SCHOOL SERVICES

Comments to follow.

3. MOTION FROM COUNCILLOR KIM HUMPHREYS (Seconded by Councillor Lewis Robinson)

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

Noting that there has been little progress in regeneration of the East Dulwich Estate council assembly requests the executive to appoint an independent Conciliation Service to try and develop better dialogue between the council and residents with a view to establishing a mutually agreeable way forward for the regeneration of the estate.

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF HOUSING

On September 14 2004 the executive resolved that the decision to proceed with the masterplan for the regeneration of East Dulwich Estate be reaffirmed. Since this decision was made there has been significant progress in taking the scheme forward to implementation. The decanting process for tenants in blocks identified for demolition is underway with a number of voids on the estate being refurbished to allow moves to take place. A housing association partner has now been selected for the development of new affordable homes. The planning application for the new nursery and community facility will be considered by the planning committee shortly. The masterplan has been refined in discussion with planning officers and will be ready to be considered by the planning committee in January. It is anticipated that the developer partner will be selected in January.

Any further review of the decision to proceed on the basis of the current masterplan would add further delay to the implementation of this scheme.

The council is committed to involving and engaging residents at all stages of the development and implementation of the plans for regenerating East Dulwich Estate and this objective was the basis for the establishment of the project team and the series of exhibitions and questionnaires that have already taken place. The council will continue to seek the engagement of the project team and tenants and residents association representatives as well as consulting in detail with residents about how the scheme will affect them.

4. MOTION FROM COUNCILLOR AUBYN GRAHAM (Seconded by Councillor Mark Glover)

This council notes:

1. The London bid to host the 2012 Olympics and Paralympics games.

This council believes:

1. That these games would be a sporting celebration for the whole country and would bring a lasting sporting, economic, social, health and cultural legacy to the whole of Greater London.
2. That a successful bid has the potential to benefit Southwark by encouraging sports development and inspiration for the young people of this borough with Olympics scholarships and the encouragement of healthy lifestyles.
3. Participation in the cultural festival that would take place before and during the games would be of special note and benefit to Southwark because of our borough's rich cultural diversity – 70 languages are spoken in Southwark alone. As such, Southwark will have a real role to play in this.
4. The development of the infrastructure across London will have a knock-on effect on Southwark's own transport and regeneration projects.

This council therefore resolves:

1. To give its full support to London's bid to stage the 2012 Olympic and Paralympic games and agrees to work to maximise the opportunities afforded to this borough and to London through a successful bid.
2. To support the Association of London Government (ALG) in seeking a clear limit on the amount of funding that will be raised through the GLA precept on the council tax to support both the bid and the holding of the games should that bid be successful.
3. To urge the Chancellor of the Exchequer to strongly consider funding the London 2012 games with a tax windfall from the Olympics lottery as a means of reducing any increase in council tax bills as a result of winning the bid.

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF ENVIRONMENT & LESIURE

The London Borough of Southwark has already made a clear and tangible commitment to promoting competitive sport for children in the borough. Southwark's

team has been the top inner London borough in the London Youth Games for three out of the last four years, last year we were seventh borough overall (out of 32 London boroughs) which is our best result ever. We also launched the Southwark Community Games last year and already 4,000 children have been involved in the competition. Next year this will increase to at least 5,000. Officers of the council, schools, sport clubs and countless volunteer coaches have worked with children to ensure the success of the games. The Community Games has captured the interest of Sport England, other local authorities and governing bodies of sport as a potential model to be replicated elsewhere.

With this level of commitment and enthusiasm Southwark council is absolutely determined to ensure that we play our part in supporting the 2012 bid and (should the bid be successful) the games. Our support will seek to ensure that the benefits to people in Southwark (and especially our children) are maximised, contributing to physical and social regeneration and engendering civic pride. The games have the potential to inspire a host nation and with luck a number of children from Southwark may actually participate in the Olympics or Paralympics. Even for the majority, however, who are nowhere near that level of achievement we will seek to ensure that they have a legacy which enables them to live healthy lives in which regular physical activity is a key feature for them and their families.

Southwark council will also exercise its influence to ensure that the games are delivered to budget and that the potential costs to council taxpayers are clearly defined beforehand and capped. We would also seek to ensure that any potential surplus is used to reduce the burden on council tax further.

5. MOTION FROM COUNCILLOR JEFF HOOK (seconded by Councillor Eliza Mann)

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

Council notes that the draft London Safety Plan outlines major changes to the capital's fire service, including a redistribution of fire engines.

Council notes that the plan, currently subject to public consultation, specifically proposes that one of the two existing fire engines (and crews) at Dockhead is relocated elsewhere in London.

Council notes further that, according to London Fire & Emergency Planning Authority (LFEPA) figures, the majority of fire-related emergencies in Southwark occur in the north of the borough. Indeed, Southwark itself has the fourth highest number of fires in London.

Council is gravely concerned therefore by the impact that this measure could have on the safety of north Southwark residents in particular.

Council welcomes and accepts the offer made by Val Shawcross, LEFPA Chair and Assembly Member for Southwark and Ken Knight, Commissioner for Fire and Emergency Planning on behalf the Fire Authority, to make a presentation to individual boroughs.

Council urges overview & scrutiny committee to consider the London Safety Plan and to make recommendations to council assembly before public consultation on the plan ends.

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

COMMENTS FROM THE CHIEF EXECUTIVE

Proposals for major changes to London's fire and rescue service were approved for consultation by the London Fire and Emergency Planning Authority meeting on Thursday 4, November 2004. The consultation period on the draft plan concludes on 9 February 2005.

The changes are the first stages in one of the biggest transformations of the service since World War II. The government's recent removal of the prescriptive national standards of fire cover will allow London's resources to be redirected on a risk based approach and a focus on community safety.

The Fire and Rescue Services Act 2004 came into force this month, replacing the previous Act dating back to 1947. It makes community fire safety a specific legal duty for the first time and recognises a wider ranging role of the fire and rescue service.

Key proposals contained in the draft plan include

- Setting up a strategic resource using existing fire crews and engines to focus more on community safety work to prevent fires and other emergencies and on training.
- Changes aimed at improving the overall standard of emergency response. This involves moving 10 fire engines from central London stations Acton, Bethnal Green, Clerkenwell, Dockhead (in Southwark), Euston, Greenwich, Islington, Kensington, Knightsbridge and Westminster fire stations to outer London stations Addington, Chingford, Finchley, Heston, Hillingdon, Leyton, Northolt, Sidcup, Sutton and Walthamstow fire stations. Each station losing an engine would retain one engine
- An end to sending automatically three fire engines to all calls (many of which are false alarms) in Central London: normally two would be sent, which will free up more crews for safety work in the community.
- Closing Manchester Square Fire Station
- Reducing the number of firefighter posts by 128, without cutting the level of service. The plan states that no firefighters would lose their jobs (achieved by taking advantage of improved sickness absence figures and other efficiencies).

Members may wish to note the following statistics:

- There are four fire stations in Southwark Dockhead (Riverside ward), Southwark (Cathedrals ward), Peckham (The Lane ward), and Old Kent Road (South Bermondsey ward).
- Two-fifths of emergency calls are resolved using resources from stations outside the borough.
- On average, the first engine arrives within 4 minutes, 57 seconds (the London-wide average is 5 minutes, 32 seconds).

- Southwark has one of the highest number of fires in London. On average the fire brigade attends 48 fires a week. Of those, 64% are smaller fires that do not pose an immediate threat to people or property.
- The biggest activity in Southwark is providing special services and dealing with emergencies that are neither fires nor false alarms.

6. 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 that very substantial increases in annual service charges – in some cases almost 100% in total – have been notified to leaseholders for the year to 31 March 2005.

Council assembly therefore requests the executive to instruct officers to bring a report to council assembly no later than February 2005;

- a) setting out reasons for these increases in detail,
- b) making proposals for providing leaseholders with significantly better information on the breakdown of these annual charges and reasons for changes in their level.

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF HOUSING

The council is obliged each year to send individual leaseholders estimated charges for the various services that are to be charged for the forthcoming year. These estimates seek to predict how much each leaseholder is contractually obliged to contribute for the actual costs of the services to be provided during the year. These estimated costs can increase and decrease from year to year and between individual leaseholders. This year some charges have reduced whilst others have increased. This variation is caused because leaseholders service charges are 'variable' service charges, this means they rise and fall reflecting the level and cost of services provided to a particular block and/or estate in a particular year.

Having said that the service charges for some leaseholders have fallen, it is important to confirm that, in general, service charges have risen. There are several contributing factors.

This first and most marked increase is that in respect of buildings insurance. The premium paid to our insurers has more than doubled from 2003/4 to 2004/5, even when taking into account the increase in the number of leaseholders. This matter has been the subject of several reports to leaseholder council. To paraphrase a complicated situation – during 2003/4 our insurers made a loss, paying out more in claims than they received in premiums. They sought to rectify this position by increasing their premiums from the 1 April 2004, as per the terms of their 5 year agreement to provide buildings insurance. The insurance officers tested the market

to see if cheaper premiums could be obtained only to find no companies were willing to provide buildings insurance.

The second most relevant factor resulting in upward pressure on service charges is the increased funding for the integrated cleaning contract. The integrated cleaning contract covers both the cleaning and grounds maintenances elements of leaseholders' service charges.

Apart from general inflationary pressure there are two other factors that have given rise to increases in the 2004/5 service charges – the move to calculating service charges at a block and/or estate level and work to identify the cost of responsive repairs.

The council is committed to calculating service charge as per the terms of Southwark's leases – that is, to identify the cost of services to individual blocks and estates and divide these costs amongst the constituent flats. Hitherto the council had constructed service charges on an 'averaging' basis – looking at the cost of a service across the borough or across a particular neighbourhood and dividing that cost amongst the recipients of the service. This new methodology of constructing service charges, adopted for the first time in this year's estimated demands, means that leaseholders that receive services above the average will experience an increase in their demands. Likewise those whose service level is below the average (they may, for example, have minimal communal gardens, or little communal area to be cleaned etc) will see a decrease in their service charges – hence the comment at the beginning of this explanation to the effect that some leaseholders have seen a drop in their 2004/5 demands. The council has previously written to leaseholders explaining that we are moving to the more specific charging regime that complies more precisely with the terms of their leases.

Finally, the council has undertaken a considerable amount of work to identify each communal responsive repair, however small its value, to ensure leaseholders pay their fair proportion. This, together with the fact that inflation in the building industry is outstripping the retail prices Index (this year we have agreed a 6.1% uplift on schedule of rate prices with our neighbourhood contractors) also gives rise to increased service charge demands. It is pertinent to comment that this final factor shows why leaseholders' service charges will continue to rise in coming years – as with all other local authorities with large service charge portfolios, there is a move to 'disaggregate' hitherto pooled costs so that enforceable service charges that reflect the full cost of services can be constructed and levied. Any other course of action would effectively result in leaseholders being subsidised by tenants.

In addition to these six factors which have the effect of sustaining upward pressure on service charges, there is an additional factor affecting the 2004/5 estimated demands for some leaseholders. Some errors have been identified in the construction of the 2004/5 estimates. This was primarily caused by the move from 'averaged' service charges to those reflecting the cost of services to individual blocks and estates. These errors are 'compensating', that is to say services have been both under and over charged – the total debit is exactly what was predicted. Arrangements are in place to correct these errors when the actual accounts for 2004/5 are issued next year.

The housing scrutiny sub committee is due to consider leaseholder issues in the near future and will be scoping their scrutiny of this topic at their meeting on December 7 2004.

7. MOTION FROM COUNCILLOR TOBY ECKERSLEY (seconded by Councillor David Bradbury)

Please note that in accordance with council assembly procedure rule 3.10 (3), this motion stands referred to the executive for consideration.

In respect of London's bid for the 2012 Olympics, council assembly notes the following report in the Financial Times of 13 November 2004 (page 4);

"Unfazed by the tradition of spiralling British infrastructure project costs, London's bid organisers predict that they will be able to make a profit from the 2012 Olympics. The cost is put at £2.375 billion, to be shared between the National Lottery (£1.5 billion), the London Development Agency (£250 million) and a five year London Council Tax levy of 38p a week. But London believes that will be more than offset by funds from the International Olympic Committee, television, national sponsorship and merchandising."

And, in the light of the fact that the benefits to Southwark and many other London boroughs will be no greater than the benefits to areas outside London (and in the case of Essex, for example, much less) requests the executive to open negotiations to achieve (1) a fair apportionment of the costs of laying on the Olympics 2012 and (2) an agreement to return to council tax payers a fair proportion of the costs should a profit be made.

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	26/11/04