



**COUNCIL ASSEMBLY  
(ORDINARY)**

MINUTES of the Open section of the Ordinary Council Assembly meeting held on  
Wednesday December 8 2004 at 7.00 p.m. at the Town Hall, Peckham Road, London  
SE5 8UB

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The Worshipful the Mayor Councillor Anne Yates

Councillor Alfred Banya	Councillor Kenny Mizzi
Councillor Mick Barnard	Councillor Abdul Mohamed
Councillor Beverley Bassom	Councillor Alison Moise
Councillor Paul Bates	Councillor Catriona Moore
Councillor Columba Blango	Councillor Vicky Naish
Councillor Catherine Bowman	Councillor Graham Neale
Councillor David Bradbury	Councillor Gavin O'Brien
Councillor Denise Capstick	Councillor Dr. Abdul Rahman Olayiwola
Councillor Fiona Colley	Councillor Michelle Pearce
Councillor Dora Dixon-Fyle	Councillor Caroline Pidgeon
Councillor Toby Eckersley	Councillor Richard Porter
Councillor Stephen Flannery	Councillor Mark Pursey
Councillor Norma Gibbes	Councillor Lisa Rajan
Councillor Mark Glover	Councillor Tony Ritchie
Councillor Aubyn Graham	Councillor Lewis Robinson
Councillor James Gurling	Councillor Jane Salmon
Councillor Barrie Hargrove	Councillor Andrew Simmons
Councillor Alun Hayes	Councillor Tayo Situ
Councillor Jeffrey Hook	Councillor Robert Skelly
Councillor David Hubber	Councillor Robert Smeath
Councillor Kim Humphreys	Councillor Charlie Smith
Councillor Jonathan Hunt	Councillor Nicholas Stanton
Councillor Peter John	Councillor Richard Thomas
Councillor Billy Kayada	Councillor Dominic Thorncroft
Councillor Paul Kyriacou	Councillor Veronica Ward
Councillor Jelil Ladipo	Councillor Neil Watson
Councillor Lorraine Lauder	Councillor Sarah Welfare
Councillor Linda Manchester	Councillor Ian Wingfield
Councillor Eliza Mann	Councillor Lorraine Zuleta
Councillor Daniel McCarthy	
Councillor Dermot McInerney	

**1. PRELIMINARY BUSINESS**  
**1.1 ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE EXECUTIVE OR CHIEF EXECUTIVE**

The Mayor presented the Head Teacher of Kingsdale School, Mr. Steve Morrison, with the 2004 Wood Award in the Structural Category for the school's Auditorium. A prestigious award from the Society of Carpenters.

The following external recognition of Southwark's service excellence were announced and the meeting congratulated staff and others who had contributed to the various successes:-

- Southwark social services' performance in both adult and children's social care has been assessed at 3 stars in the national performance ratings, one of only 20 social services departments in the country to be awarded the top three star rating. The Commission for Social Care Inspection has identified that the council now serves "most" children and adults in Southwark well, with "excellent" prospects for improvement;
- Southwark procurement have been awarded the "outstanding achievement in procurement award for 2004" from the National Society of Procurement Officers;
- Southwark financial management services won the best property investment manager in the UK for the year 2003/04. The award was presented to the chief executive at the pensions investment award dinner on November 1;
- Southwark's housing department won the national home improvement council award 2004, in the category of gas safety in the home, for its unique "entropy approach". Southwark is the only local authority using the new approach which has been described as "exemplary" and highly praised by CORGI (the national watchdog for gas safety in the United Kingdom);
- Southwark local education authority's music service received a commendation for its excellent music service at this year's national music council awards;
- Southwark's Elephant and Castle regeneration team received a prestigious GLA planning award. The award was for 'best public sector planning organisation' and recognised the council's achievements in getting the regeneration scheme back on track;
- Bermondsey community warden team came second in the LGC top team award;
- Goose Green school was recently named as the second most improved school nationally over the last four years;
- Council services have been shortlisted for two beacon council awards: Effective environment health (environment and leisure) and supporting new business (regeneration). Winners will be announced in April 2005;

- Southwark's benefits team have been shortlisted for benefits team of the year at the institute of revenues, rating and valuations awards;
- The Enforcement section of the waste department have been shortlisted under programme of the year section; ENCAMS awards, for their approach to making the public aware of enviro-crime and their behaviour towards the environment in general.

The leader of the council announced the appointment of Councillor Caroline Pidgeon as the new executive member for education.

## **1.2 NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT**

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

- Item 10.8 – emergency motion and comments of the chief executive.

## **1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS**

All members present declared a personal interest in item 9.2 – Licensing Act 2003 – Constitutional Issues as the report called for a decision on the rate of members allowances.

Councillor Richard Thomas declared a personal and prejudicial interest in item 8.1 – Report back on consideration of motions referred from council assembly (motion 2 – double glazing costs) as his employer is part funded by double glazing companies.

Councillor Dermot McInerney declared a personal and prejudicial interest in item 10.8 – Emergency motion as his wife works for the Financial Times.

Councillor Jonathan Hunt declared a personal and prejudicial interest in item 10.8 – Emergency motion as he works for a subsidiary of Pearson Government Solutions Ltd.

As leaseholders Councillors Catherine Bowman, Stephen Flannery, Tony Ritchie and Jane Salmon declared a personal and non-prejudicial interest in item 10.6 Motions from members – leaseholder annual service charges.

## **1.4 APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors John Friary and William Rowe. Apologies for lateness were received from Councillors Billy Kayada, Dermot McInerney and Alison Moise.

## **2. MINUTES**

Councillor Barnard stated he had not received the results of the investigation promised to him the October 20 2004 meeting. The mayor said she would ask officers to look into his complaint.

**RESOLVED:** That the minutes of the meeting held on October 20 2004 be confirmed and signed as a correct record of the proceedings.

## **3. PETITIONS**

No petitions were received.

**4. PUBLIC QUESTION TIME** (see page 1)

Three members of the public (Ms Ellis, Mr. Salawu and Mr. Ajibike) asked a supplemental question of the executive member for regeneration and economic development, a summary of which is attached as Appendix 1 to these minutes.

**5. DEPUTATION REQUESTS**

**5.1 UNWIN ESTATE AND GLENGALL ROAD RESIDENTS** (see pages 2 – 4)

Council assembly agreed to hear the deputation. Members were addressed by the deputation's spokesperson, following which Councillors Andy Simmons, Tayo Situ, Barrie Hargrove, Fiona Colley, Mark Glover, Neil Watson and Kim Humphryes asked questions of the deputation. Thereafter the deputation withdrew to the public gallery.

At this juncture the Mayor varied the order of business in order to consider Item 10.1 – Members motions. (Please see item 10.1 for decision).

**5.2 BLACK AWARENESS GROUP** (see pages 2 – 3 and supplemental agenda 1 and closed agenda 1)

Council assembly agreed to suspend council assembly procedure rule 3.7 (1) (qualification for making a deputation), in order to hear the deputation. Members were addressed by the deputation's spokesperson, Mr. Stephenson, following which Councillors Vicky Naish and Jonathan Hunt asked questions of the deputation. Thereafter the deputation withdrew to the public gallery.

**5.3 COMMUNITY RADIO GROUP** (see pages 2 –3 and supplemental agenda 1)

Council assembly agreed to hear the deputation. Members were addressed by the deputation's spokesperson, Mr. Bongotehteh, following which Councillors James Gurling, Ian Wingfield, Tayo Situ and Abdul Mohamed asked questions of the deputation. Thereafter the deputation withdrew to the public gallery.

During the consideration of the three deputations the meeting adjourned twice, firstly at 7.50 p.m. until 8.00 p.m. and secondly at 8.10 p.m. until 8.20 p.m. in order for the deputations to clarify issues within their groups and to allow the deputations to withdraw from the chamber.

**6. MEMBERS QUESTION TIME** (see pages 5 – 11)

One urgent question was submitted by Councillor Peter John to the leader of the council. (attached as appendix 2 ). Councillor John asked a supplemental question of the leader of the council.

Thirty seven questions were submitted and answers circulated around the chamber (attached as appendix 3). 19 members opted to ask supplemental questions.

At 9.40 p.m. the meeting adjourned for five minutes for a refreshments break. The meeting reconvened at 9.50 p.m.

**7. DEFERRED BUSINESS**

**7.1 MOTION FROM OCTOBER 20 2004 COUNCIL ASSEMBLY – COUNCIL TAX REFORM** (see pages 12 – 14)

This item was not considered, therefore the motion fell.

**8. REPORTS FOR INFORMATION FROM THE EXECUTIVE**

**8.1 REPORT BACK ON CONSIDERATION OF MOTIONS REFERRED FROM COUNCIL ASSEMBLY - EAST DULWICH COMMUNITY CENTRE, DOUBLE GLAZING COSTS AND PARKING REDUCTION CONSULTATION** (see pages 15 – 17)

**RESOLVED:** That the report be noted.

**9. OTHER REPORTS**

**9.1 LICENSING ACT 2003 – THE LICENSING STATEMENT OF POLICY** (see pages 18 – 167)

The Mayor formally moved the recommendations contained within the report.

Following debate (Councillors Andy Simmons, Ian Wingfield and David Hubber), the substantive motion was put to the vote and declared to be carried.

**RESOLVED:**

1. That the Licensing Statement of Policy provided at Appendix C to the report, to be published as of 1 January 2005, be approved.
2. That the matters considered by the Licensing committee at its meeting of 11 November 2004 be noted.

In accordance with council assembly procedure rule 1.17 (5) the following members requested that their vote against the above resolution be recorded in the minutes:- Alfred Banya, Mick Barnard, Paul Bates, Fiona Colley, Dora Dixon-Fyle, Norma Gibbes, Mark Glover, Aubyn Graham, Barrie Hargrove, Alun Hayes, Peter John, Billy Kayada, Lorraine Lauder, Dermot McInerney, Abdul Mohamed, Alison Moise, Vicky Naish, Michelle Pearce, Tony Ritchie, Andrew Simmons, Tayo Situ, Robert Smeath, Charlie Smith, Dominic Thorncroft, Veronica Ward, Sarah Welfare and Ian Wingfield.

**9.2 LICENSING ACT 2003 – CONSTITUTIONAL ISSUES** (see pages 168 – 188)

The Mayor formally moved the recommendations contained within the report.

Councillor Linda Manchester, seconded by Councillor Jeff Hook moved Amendment A.

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

Paul Bates, seconded by Councillor Peter John, moved Amendment B.

Following debate (Councillor Lewis Robinson), Amendment B was put to the vote and declared to be carried.

Councillor Lewis Robinson, seconded by Councillor Kenny Mizzi, moved Amendment C.

Following debate (Councillor Paul Bates, Toby Eckersley, Kim Humphreys, Michelle Pearce, David Hubber), Amendment C 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 vote in favour of Amendment C be recorded in the minutes:- Councillors David Bradbury, Toby Eckersley, Kim Humphreys, Kenny Mizzi and Lewis Robinson.

Following debate on the substantive motion (Councillor Lewis Robisnon), the substantive motion was put to the vote and declared to be carried.

In accordance with council assembly procedure rule 1.17 (5) the following members requested that their vote against the above resolution be recorded in the minutes:- Councillors David Bradbury, Toby Eckersley, Kim Humphreys, Kenny Mizzi and Lewis Robinson.

- RESOLVED:**
1. That the constitutional proposal containing a division of responsibilities as indicated in Appendix 1 in respect of the following be agreed;
    - (i) Licensing functions
    - (ii) That in respect of street trading functions, the standards committee, in consultation with the strategic director of environment and leisure, be asked to further review all constitutional changes affecting the division of responsibilities for street trading functions.
  2. That to achieve maximum flexibility a committee of 15 members be formed (option 1).
  3. That a proportional committee of 15 members be formed on the basis of 7 Liberal Democrat, 7 Labour and 1 Conservative members (option b).
  4. That option 1 be adopted for licensing sub-committees.
  5. That reserves will not be appointed to the new licensing committee.
  6. That the party group whips inform the constitutional team of their proposed membership and that the election of the chair and vice-chair be appointed at the January 2005 meeting of council assembly.

7. That the following be agreed:-
  1. That the chair receives a band 2 special responsibility allowance.
  2. That all other members receive a band 1 special responsibility allowance.
  3. That any allowances paid to licensing committee members be additional to any band 1 or 2 allowances they currently receive.
  4. That all members undertake a course of training approved by the Borough Solicitor prior to hearing any applications or receiving a special responsibility allowance.
  5. That attendance at licensing committee will be subject to regular monitoring by the borough solicitor, with details of attendance sent to party group whips on a monthly basis. The whips will be expected to replace members who consistently fail to attend meetings without good reason in accordance with committee and community councils procedure rule 2.2(2).
8. That the constitutional changes affecting community council terms of reference and matters reserved as set out in Appendix 1 be noted.
9. That the fact that there is no change in the proportionality of the planning and appointments committees be noted.
10. That, in light of the above recommendations, officers be given the authority to make any consequential changes to the constitution to ensure consistency, including any necessary corrections to spelling, grammar and punctuation, without changing the substantive content.
11. That after the first year of operation the new arrangements be reviewed.
12. That the arrangements take effect from the February 7 2005, i.e. the first operative date for applications to be made.

**9.3 FINANCIAL ADMINISTRATION – SECTION 151 RESPONSIBILITY** (see pages 188 – 192)

The Mayor formally moved the recommendations contained within the report. The substantive motion was put to the vote and declared to be carried.

**RESOLVED:** That it be agreed that Eleanor Kelly assumes the Section 151, Local Government Act 1972 responsibility with immediate effect until a permanent appointment is made to the Finance Director position, with Bob Coomber as deputy responsible officer.

**10. MOTIONS** (see pages 193 – 201 and supplemental agenda 2)

**10.1 MOTION NO.1 – TRAFALGAR CPZ** (see pages 194 – 195)

Councillor Barrie Hargrove, seconded by Councillor Tayo Situ, moved the motion.

Councillor Richard Thomas, seconded by Councillor Stephen Flannery, moved Amendment D.

Following debate (Councillors Richard Porter, Charlie Smith, Catherine Bowman, Jonathan Hunt and Neil Watson), Councillor Barrie Hargrove exercised his right of reply.

Amendment D was put to the vote and declared to be carried.

- RESOLVED:**
1. That council assembly believes that policies to support traffic reduction are essential for all local authorities in the 21<sup>st</sup> Century.
  2. That council assembly notes that some members are concerned that the Trafalgar CPZ, implemented almost a year ago;
    - Is deeply flawed
    - Seriously lacks support.
    - Carries large scale hostility.
  3. That council assembly also notes that some members are 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.
  4. That council notes, however, that a review of the operation of the CPZ and the level of community satisfaction is due to be carried out before the end of 2004.
  5. That council requests that the options of both amending and abolishing the Trafalgar CPZ should be considered as apart of this review .
  6. That council requests the strategic director of regeneration to ensure that the local community council should be fully involved in this review.
  7. That council notes the development of a parking and enforcement plan that will:
    - a) set out the criteria for the carrying out of reviews of controlled parking zones and standards of public consultation;
    - b) establish clear standards and consistency in the planning of controlled parking zones in the future.

Note: The above recommendations stands referred to the executive for consideration.

**10.2 MOTION NO.2 – HOMOPHOBIC ATTACKS** (see page 195 and supplemental agenda 3)

Councillor David Hubber, seconded by Councillor Lorraine Zuleta, moved the motion.

Councillor Andy Simmons, seconded by Councillor Aubyn Graham, moved Amendment E.



Following debate (Councillor Danny McCarthy) and Councillor David Hubber's right of reply, Amendment E 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 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.
  2. That council assembly calls upon the executive, 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.
  3. That council assembly welcomes the release of "Stand Up for Us" and believes that this provides a valuable resource for tackling homophobia in schools.

Note The above recommendations stands referred to the executive for consideration.

### **10.3 MOTION NO.3 – EAST DULWICH ESTATE** (see pages 195 – 196)

Councillor Kim Humphreys, seconded by Councillor Lewis Robinson, moved the motion.

Following debate (Councillors Peter John, Veronica Ward, David Bradbury and Nick Stanton), Councillor Kim Humphreys exercised his right of reply.

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

- RESOLVED:** That 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: The above recommendations stands referred to the executive for consideration.

At 10.36 p.m. the Clerk announced that the guillotine had fallen

### **10.4 MOTION NO.4 – 2012 OLYMPICS AND PARALYMPIC GAMES** (see pages 196 – 197)

Councillor Aubyn Graham, seconded by Councillor Mark Glover, moved the motion.

Councillor Toby Eckersley, seconded by Councillor David Bradbury, moved Amendment F.

Following debate (Councillors Columba Blango, Graham Neale and Jonathan Hunt), Amendment F 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 this council notes:

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

That 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.

That this council therefore resolves:

1. To give its full support, subject to the achievement of the aims expressed in paragraphs 2 and 3 below, 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: The above recommendations stands referred to the executive for consideration.

## **10.5 MOTION NO.5 – DRAFT LONDON SAFETY PLAN (see pages 197 – 199)**

Motion proposed by Councillor Jeff Hook and seconded by Councillor Eliza Mann.

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

- RESOLVED:**
1. That council notes that the draft London Safety Plan outlines major changes to the capital's fire service, including a redistribution of fire engines.
  2. That 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.
  3. That 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.
  4. That council is gravely concerned therefore by the impact that this measure could have on the safety of north Southwark residents in particular.
  5. That 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.
  6. That 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: The above recommendations stands referred to the overview and scrutiny committee for consideration. In the event the committee considers the matter any matters will be referred to the executive for consideration.

**10.6 MOTION NO.6 - LEASEHOLDER ANNUAL SERVICE CHARGES** (see pages 199 – 200)

With the agreement of the meeting Councillor Kim Humphreys moved the motion in Councillor William Rowe's absence. The motion was seconded by Councillor Kenny Mizzi.

Councillor Gavin O'Brien, seconded by Councillor Nick Stanton, moved Amendment G.

Following Councillor Kim Humphreys right of reply, Amendment G was put to the vote and declared to be lost.

Councillor Fiona Colley, seconded by Councillor Alfred Banya, moved Amendment H.

Amendment H 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 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.

2. That council assembly also notes that many leaseholders have received service charges which clearly contain errors, such as charges for services which they do not receive
3. That 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,
  - c) setting out in detail the causes and extent of the errors in the service charges and the action to be taken to ensure that these mistakes are not repeated.

Note: The above recommendations stands referred to the executive for consideration.

**10.7 MOTION NO.7 – 2012 OLYMPICS** (see page 201)

In accordance with council assembly procedure rule 3.10 (3) this motion stands referred to the executive for consideration.

**10.8 EMERGENCY MOTION** (see supplemental agenda 2 page 211 –212)

Councillors Dermot McInerney and Jonathan Hunt withdrew from the chamber for the debate and vote on this item.

Councillor Toby Eckersley, seconded by Councillor Kim Humphreys, moved the motion.

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

**RESOLVED:** That council assembly notes:

- (a) that on November 23 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 September 14 2004;
- (b) that the contract requires an advance payment of £10 million to that company by December 21 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.

## **11. ADJOURNMENT DEBATES** (see page 202)

**11.1** The following Councillors were selected in the ballot for adjournment debates for January 26, 2005:-

- 1. Councillor Vicky Naish
- 2. Councillor Toby Eckersley
- 3. Councillor Billy Kayada
- 1<sup>st</sup> Reserve - Councillor Abdul Mohamed
- 2<sup>nd</sup> Reserve – Councillor Peter John
- 3<sup>rd</sup> Reserve – Councillor Kim Humphreys.

## **11.2 Adjournment Debate No.1**

Councillor Paul Kyriacou withdrew his proposed debate on the Old Kent Road Mosque as the issues had been addressed during public question time.

**11.3 Adjournment Debate No.2**

Councillor Caroline Pidgeon withdrew her proposed debate on the Pullens Estate.

The meeting closed at 11.10 p.m.

**MAYOR:**

**DATED:**