

Item No. 9.	Classification: Open	Date: January 26 2005	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 ELIZA MANN** (seconded by Councillor Columba Blango)

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

Council notes with horror the tragic events of December 26 2004 in the Indian Ocean and wishes to express its utmost sympathy with all those who have lost or are missing family within the region.

Council further notes the astonishing response of the British and global public to this disaster.

Council welcomes the contribution of the British government to the relief effort.

Council calls on the government to seize the opportunity presented by holding the presidency of the G8 and push forward the issue of debt relief for the stricken nations in order to aid reconstruction that will take place over the coming years.

Furthermore, council welcomes the increasingly central role that the United Nations is playing in the relief effort and urges the UK government to support the UN in this role.

COMMENTS FROM THE CHIEF EXECUTIVE

To follow

2. **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 urges the executive to have regard without further delay to the resolution of the Dulwich community council on November 22 2004 that it consider urgently the report on flooding in the Dulwich area last year presented to the community council by officers on that date.

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF ENVIRONMENT & LEISURE

The first draft of the report on the flooding of April 2004 was presented to the Dulwich community council in November 2004. At that meeting members of the community council asked for the report to be placed on the council's website for public consultation and that a further community meeting be held, under the auspices of the Herne Hill forum, to discuss the report with Lambeth officers and residents and Thames Water Utilities Ltd. A date for that meeting has been set for the February 8 2005. The report will be amended in the light of feedback from the community and considered at the next available executive.

3. MOTION FROM COUNCILLOR PAUL BATES (seconded by Councillor Lorraine Lauder)

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

Council notes with extreme concern that thousands of Aylesbury estate residents were without adequate heating and hot water from December 17 2004, through the Christmas and New Year period and that as of January 4 2005, a number of blocks on the estate still did not have sufficient heating or hot water.

Council notes the grant provided by central government of over £4 million to help fund an updated heating and hot water system for the Aylesbury estate – and notes this funding was first provided to Southwark in the autumn of 2004.

Council recalls the deputation from the Aylesbury tenants and residents association to council assembly in early 2003 when similar problems affected the estate.

Council believes that the parlous situation on the Aylesbury estate over the festive period to be utterly unacceptable and expresses its deep concern and frustration at the pace of improvement and poor state of repair of the heating and hot water system on the Aylesbury estate.

Council assembly requests the executive to receive an urgent report (additional to the normal concurrent report which will accompany this motion) on the particular problems over the festive period. This report should assess the following in detail and make recommendations for improvement where applicable:

- The performance of the contractors OCO and of Southwark technical services during the breakdown in heating/hot water;
- How housing department officers dealt with the problem over the festive period – including the distribution of erroneous letters to tenants about the handling and resolution of the situation;
- How the emergency “out of hours” centre provided information to the thousands of tenants that were affected during the period;
- What general improvements can be made should a repeat situation occur in the coming winter months;
- The current state of play with regard to the proposed combined heat and power system and timescales for securing match funding for the system and its likely implementation.

Council assembly requests that housing scrutiny sub-committee examine any proposals within the report and questions officers, members and tenants where relevant as part of a one-off enquiry into the Aylesbury heating situation.

Council assembly further requests that the executive ensure compensation is swiftly paid to every household on the estate that was affected and that the payments be over-and-above normal compensation rates as a gesture of goodwill because of the extended and unacceptable disruption during the holiday period.

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF HOUSING

1. General background

The Aylesbury Estate consists of 2,434 dwellings built between 1970 and 1977. The estate is provided by a district heating and hot water system that provides continuous hot water throughout the year and a space heating service for two thirds of the year. A service charge is made for this service as part of the gross rent.

An external contractor provides the maintenance of the district heating service. The contractor, because of the size of the system, has staff based on the estate with detailed local knowledge and experience of the system to provide a planned maintenance and responsive repair service. The housing department in turn has a directly employed technical/engineering section, special technical service (STS) to monitor and supervise the performance of the contractors that provide heating/hot water and other engineering services on housing estates.

The size of the estate and the complexity of the district heating system result in occasional disruptions to the district heating service. The majority of these problems are resolved very quickly and often only impact on individual or small groups of dwellings.

2. Chronology of events

During the second half of December 2004 parts of but not all of the Aylesbury Estate experienced additional problems to those that can normally be expected to the district heating and hot water service. These problems, could not have been anticipated and could not be resolved by the completion of minor remedial work. A summary of the specific locations, nature of the fault and dates is attached as an appendix to this comment (see Appendix 1).

In the event that service is disrupted to a block of dwellings, the area housing office works with the contractor and representatives of STS, to keep residents informed of the problem and the progress that is made to remedy this problem. This includes direct contact with individual residents as well as a bespoke letter which is hand delivered to those dwellings affected. The local housing office adopted this approach in order to keep residents informed.

Outside of normal working hours the management of failures to district heating systems or to other services which directly affect large numbers of residents creates a much greater challenge because of the reduced levels of resources immediately available to tackle the problem.

Appendix 1 identifies all the main service problems that arose over the period in question including the disruption that first occurred early evening on New Year's Eve. The daytime housing services had at that time closed and the housing repairs call centre (HRCC) received reports of a serious leakage of hot water external to a block on the Aylesbury Estate. An initial inspection suggested that the leak could be contained without disconnecting the district heating and hot water service but by the following day this had deteriorated and complaints were received from residents about reductions in heating and hot water to that part of the estate within which the leak was located.

The following day, Saturday January 1 2005, senior housing staff were contacted via one of the local ward councillors because of concerns about the problem.

Representatives of STS and the housing management service were contacted and attended the site to evaluate the problem and decide on the course of action to be taken.

During the course of the inspection it was established that an electrical power failure had also occurred in the same area and the council, had requested EDF Energy (the electrical supplier in London) to undertake the repair. It was subsequently established that an underground electrical distribution cable had failed and it was this fault that had damaged a primary heating supply pipe which had resulted in the severe leakage of hot water. Repairs work was finally completed both to the electrical cable (the responsibility of EDF) and the primary heating supply pipe on the January 2 2005. Services were reinstated to all the dwellings affected.

During the course of remedying the faults, the following communication strategy was put in place:

- The local ward councillor available was kept fully informed of developments.
- A letter was prepared and hand delivered to the dwellings affected.
- The repair call centre was regularly updated on the progress.
- Home visits were undertaken to residents to keep them informed of progress.

An assessment is now being undertaken to identify the level of compensation that should be offered to those residents affected as a direct result of the loss of heating and hot water. Residents and ward councillors will be advised of the calculations that have been made during January 2004.

As a result of the concerns raised about the difficulties experienced with the service in December 2004, a meeting is currently being organised between representatives of the Walworth area housing office, representatives of the different tenant and residents associations on the estate and ward councillors to discuss the events that have taken place and to address concerns about the district heating/hot water service on the estate. This will include planned maintenance work that is required as well as progress on the combined heat and power initiative.

3. Conclusions

The main conclusions are as follows:

- A number of separate problems affected the district heating service on the Aylesbury Estate during the second half of December and the first few days of January 2005. These affected parts of the estate whilst other parts of the estate remained fully operational. These disruptions could not have been foreseen and the remedial work was undertaken quickly once the defects were recognised.
- Residents were kept informed of progress via the normal communication channels but ward councillors were not briefed on the difficulties.
- The service disruption that first commenced on New Year's Eve coincided with a close down of normal council services and this left reduced resources to deal with the communication issues that arise when such disruptions occur. A review of this element of the response is being undertaken because it is accepted that on this occasion it did not match up to the standards expected and that accurate up to date information was not available, certainly in the early stages of the problem. It is anticipated that the following recommendations will be adopted:

- Further training for the call centre staff on responding to out of hours emergencies including briefing ward councillors of problems and the progress being made.
 - Escalation of information about emergencies to key housing staff to be reviewed.
 - Increased use of the recorded message facilities on the telephone service so that residents can be kept informed of progress with specific service problems.
 - A further review of all local emergency plans
- That said, ultimately the severity of the problem on New Year's Eve (in particular the significant leakage of hot water) was due to the failure of the underground electrical distribution cable – the responsibility of EDF. The Council is dissatisfied with the response rate of EDF and will be taking this up with them shortly, possibly with a view to seeking compensation.

4. Future development of Combined Heat and Power Project

A report is scheduled to be presented to the executive in February 2005 seeking approval to the procurement route for this project as well as providing information on the current funding position. The project has the potential to prevent problems associated with the existing boiler-houses, as experienced in early December, as well as providing a cheaper and more efficient source of energy for Aylesbury residents. In order to comply with the funding approval for central government grant the contracted works will need to be completed by March 2007.

4. MOTION FROM COUNCILLOR GRAHAM NEALE (seconded by Councillor David Hubber)

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

Council notes and congratulates members of all political parties who opposed ID cards during the recent commons vote.

Council further notes that:

- The scheme is proposed to carry a price tag of £3 billion pounds and that the cards will cost the public £85.
- The government's track record with major technology and computer projects has been a series of horror stories.
- The public are perfectly able to identify themselves through a variety of ways already should they need to do so.
- Benefit fraud is primarily caused by false claims on personal circumstances rather than false identity.
- ID cards do not prevent crime and terrorism; good policing prevents crime.
- There is no clear singular purpose for these cards.

Council therefore believes that this legislation is simply a big brother measure, the stated aims of which are simply retrospective justifications. Furthermore the amount of information to be centrally stored for these cards goes beyond that required for the stated aims, thus increasing the potential for function creep and abuse in the future.

Council further believes the claim that the cards will be unforgeable is preposterous and instead will add yet another industry to a black market where criminal and terrorist gangs can thrive.

Council believes that this scheme, far from addressing benefit fraud and terrorism will instead steal valuable resources and vandalise hard won human rights and civil liberties.

Council therefore urges all the borough's MPs to oppose this bill at the next reading.

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

COMMENTS FROM THE ASSISTANT CHIEF EXECUTIVE (PERFORMANCE & STRATEGY)

The Home Office states that the aims of the ID Scheme are to:

- Tackle illegal working and immigration abuse
- Disrupt the use of false and multiple identities by organised criminals and those involved in terrorist activity
- Help protect people from fraud, theft and identity fraud
- Improve public confidence and strengthen security
- Ensure free public services are only used by those entitled to them
- Enable easier and more convenient access to public services

The Local Government Association (LGA) has made a number of comments on the contents of the proposed ID card bill:

- The bill is an enabling measure and much of the detailed application will be set out in regulations later. There is no mention of local authorities and it is therefore difficult to comment on the precise implications either in terms of costs or benefits.
- Councils are major public service providers, maintain extensive databases of people, and are the first point of contact for many disadvantaged groups and vulnerable groups in society. By the end of 2005 it is expected that many councils in England will have a contact management or customer relationship management system, and the use of local authority smartcards is likely to grow. We remain concerned about the potential of increased costs, lack of co-ordination and duplications with other government initiatives which involve local authorities in using and maintaining data about individuals, including proposals for maintaining databases of children.
- We are not convinced, even though we support in principle the idea of a population register, that the proposals do put sufficient safeguards in place to protect personal data privacy, given the concerns expressed by the information commissioner about the proposals, the lack of clarity as to the purpose of data collection and the lack of rights of access of individuals to data held about them.
- We are concerned about the effective move to compulsion, even in the early stages, for those who apply for or renew a passport or driving licence.

- Although the bill would not automatically require the production of a card for any service and parliament would have to agree revised regulations for each service, it could in future be compulsory to have an ID card for voting or to access housing or council tax benefit or to adult or children's social services. We would expect detailed consultation with local government before such requirements were introduced.
- The draft bill does not appear to make any provision for people with unstable lives or take account of the practicalities of placing requirements including change of address notification (with penalties for failure to notify), on vulnerable and disadvantaged groups, many of whom have significant service dealings with local authorities as their first point of contact with public services. We also have concerns about the potential impact of the proposals on community cohesion.
- Local authorities may be well placed to assist in some of the functions listed for the issuing of cards, for example through the registration service or other local office.
- We would like to see a properly resourced cost benefit analysis to address in detail what impact these proposals would have on local authorities and the services they provide to the public.

The council is also aware that the law society and the bar council have called on the government to abandon the proposal. No public comment has been made by the association of chief police officers.

5. MOTION FROM COUNCILLOR IAN WINGFIELD (seconded by Councillor Veronica Ward)

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:

1. That many employees of the housing department with long term relevant experience of particular areas and estates have been moved from their former posts as a result of the introduction of the new housing area structure and moved to areas where they have little or no knowledge or experience;
2. The removal of such employees has caused disruption and a failure to provide an adequate service to both councillors and residents who have raised casework enquiries since the new area structure became operational;
3. Some housing department employees were not informed until the New Year by e-mail of where they may be working in the new area management structure causing severe damage to staff morale and council/employee relations.

In light of the above council assembly believes that the new area housing management structure was introduced without sufficient preparation or consideration and calls upon the executive to urgently review the new structure and take steps to ensure that:

1. All ward councillors have a full and accurate contact list of all area housing staff in order that casework may be properly processed;

2. Employees and trade unions are properly consulted about the effects of the implementation of the new area structure and urgent steps taken to remedy the breakdown in trust and confidence which currently exists between the council and its employees.

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF HOUSING

To follow

6. MOTION FROM COUNCILLOR JAMES GURLING (seconded by Councillor Stephen Flannery)

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

Council notes the recent release of the comprehensive performance assessment (CPA) ratings league and Southwark's rating of 'Good'.

Council also notes the additional praise from local government minister, Nick Raynsford, in his letter to the leader dated December 17 2004 and his request that this congratulation be forwarded on to fellow elected members and staff of all levels.

Council furthermore notes the numerous achievements of the past year, including:

- 3 stars social services rating
- Beacon status for the Safer Southwark partnership
- Home Office 'Best practice in tackling crack markets'
- 'Best public sector planning organisation' from the Mayor of London for the Elephant and Castle project
- Keep Britain Tidy Innovation Award
- Best ever GCSE results
- Short listed for second year running for Local Government Chronicle award 'Most improved council'
- Benefits service and benefit fraud inspectorate CPA rating up to '4'

Council therefore wishes to congratulate all the staff of Southwark council for their continued hard work and dedication, without which such successes would not happen.

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

COMMENTS FROM THE ASSISTANT CHIEF EXECUTIVE (PERFORMANCE & STRATEGY)

To follow

7. MOTION FROM COUNCILLOR AUBYN GRAHAM (seconded by Councillor Andy Simmons)

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 the report in the December 23 2004 edition of Southwark News that an elderly man lived in a 'squalid' state despite weekly visits from care workers.

Council assembly notes that this is one of a number of recent complaints about home care provision within the borough, including cases where elderly residents are entitled to care and are in some cases paying for their own care.

Council assembly therefore calls on the executive member for health and social care to bring forward a report to the health and social care scrutiny sub committee outlining the extent of the problem and her proposals for addressing the issue.

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF SOCIAL SERVICES

To follow

8. MOTION FROM COUNCILLOR DENISE CAPSTICK (seconded by Councillor Sarah Welfare)

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:

Smoking is the biggest cause of preventable death in the western world.

A recent report suggests that 40% of all deaths in Southwark are related to smoking, the largest incidence in the United Kingdom alongside Liverpool.

Council assembly notes the leading role of the council in promoting good health in Southwark and the responsibility of an employer to protect the health of its staff and agrees that members of the council and co-opted members of committees should refrain from smoking at the Town Hall and in any council office building.

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

COMMENTS FROM THE ASSISTANT CHIEF EXECUTIVE (IMPROVEMENT & DEVELOPMENT)

This motion complements the approach of chief officers who agreed an updated smoking policy for staff in June 2004. Chief officers have since decided to ban all smoking by staff in council offices, including the removal of the few smoking rooms that still remained. The council's approach is that of a good employer and approval of this motion by council assembly will enable all council office buildings to become smoke-free and also accord with the re-launch of Healthy Southwark in early 2005, a cross agency vehicle for implementation of the Health Strategy and Public Health white paper.

BACKGROUND PAPERS

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

APPENDICES

No.	Title
Appendix 1	Motion 3 - Aylesbury Estate Catalogue of District Heating Problems

Lead Officer	Ian Millichap, Constitutional Team Manager
Report Author	Kevin Flaherty, Constitutional Officer
Version	Final
Dated	January 14 2005