



**COUNCIL ASSEMBLY
(ORDINARY MEETING)**

WEDNESDAY FEBRUARY 23 2005

SUPPLEMENTAL AGENDA No.1

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NOTE: Please note that the above reports have not been circulated seven clear working days in advance of the meeting (council procedure rule 1.2 (1)). Therefore, in accordance with access to information procedure rule (5), the Mayor will be asked to accept the items as late and urgent.

Circulated: Monday February 14 2005.

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Item No. 3.	Classification: Open	Date: February 23 2005	Meeting Name: Council Assembly
Report title:		Deputation requests – supplementary advice from officers	
Ward(s) or groups affected:		All	
From:		Chief Executive (Borough Solicitor)	

SUPPLEMENTARY ADVICE FROM OFFICERS

Comments from the chief executive on the Black Awareness Group's deputation

Following the District Auditor's report into Imperial Gardens and the associated Ombudsman and overview and scrutiny reports, the Executive asked Lord Herman Ouseley to conduct an independent review of the council's equality and diversity framework. Lord Ouseley began his review in September 2004 and has since held private and public meetings with a number of interested parties, including local business people and representatives of the Black Awareness Group. As well as a wider review of the council's general policy framework and how it discharges its duties with relation to equality, diversity and social cohesion, the review has been making a specific examination of the council's regeneration and planning functions, particularly in relation to their impact on black and minority ethnic businesses. It is anticipated that Lord Ouseley's report will be published early next month, March 2005.

Comments from the strategic director of housing on the Aylesbury Tenants and Residents Association's deputation

The problems with heating and hot water that occurred over Christmas and the New Year on the Aylesbury estate were the subject of report and discussion at the council assembly on January 26 2005 and of a motion that has been referred from council assembly to the executive for March 8 2005 consideration. Since January 26 senior housing officers, ward councillors and residents attended a public meeting and Tenant & Resident Association meetings to discuss the concerns that were raised. It was confirmed at those meetings that:

- Compensation would be paid to those residents affected by the disruption in service. This compensation will be calculated and paid by early March 2005. The payment will include a sum to assist with any additional electricity consumed with the use of fan heaters.
- That while significant investment in plant and system improvements have been made over the last 3 years, the heating system, because of the original design linked to the age of the system, does require planned maintenance work to increase reliability and to sustain correct

temperature levels for both heating and hot water. A survey is being commissioned of the Aylesbury estates district-heating scheme. The study will identify the problems currently being encountered within the estates district-heating scheme and will include a detailed survey of all the blocks across the estate. The consultant has been asked to formulate and consider options, which will both overcome the existing problems and provide the council and its residents with a reliable heating and hot water system.

A follow - up letter has been sent to all residents on the estate to confirm the action being taken and the individual Tenant and Residents Associations and ward councillors are being and will be kept informed of progress during the coming months.

Comments from the chief executive on the Supporters of Tsunami Families in Southwark deputation

The council has demonstrated its support for victims of the tsunami disaster in a number of ways following the tragic events of December 26. The flags at the town hall were lowered as a mark of respect to the victims and their families, and all council offices observed the three-minute silence at midday on January 5th. Staff received an email on New Years Eve advising them how they could demonstrate their support through donations, encouraging people to do so via the Tsunami Earthquake Appeal website run by the Disaster Emergency Committee, and a link was added to the Southwark Council homepage to direct visitors to the appeal site. Collection tins have been made available in the main council reception points so that visitors and staff can make cash donations, which will be provided to the Disaster Emergency Committee.

The London Funders' Group (LFG)¹ held an emergency meeting on 12th January to consider how members could respond to the Asian Tsunami disaster in a joint initiative, given that it is anticipated that it could substantially increase pressure upon a range of services provided by voluntary and community agencies in London. As a result of the meeting, the following actions were set in train:

- Survey being undertaken through Barings Foundation to establish:
 - What is range of service issues emerging or expected to emerge for the voluntary and community sector (VCS)?
 - What is the potential scale of these and the ability of agencies to cope with the demands?
- Survey being undertaken by LFG with its members (which includes all the London boroughs and ALG) to establish:
 - Whether funders are responding to or intending to respond to these issues?

¹ An informal network of over 100 funders of London's voluntary and community sector. The Group is made up of representatives from London's local authorities, private, charitable and public funders. It includes: lottery distributors; grant making trusts; major companies; and others. The London Development Agency and the Association of London Government are co-opted members of the Group.

- Whether funders are interested in joining in a co-ordinated approach to responding, if not through setting up a common fund through a single “portal” set up by LFG, signposting the VCS to the most appropriate funding source?

The LFG met on February 3 2005. The survey by the Barings Foundation did not find a high level of demand on voluntary and community sector agencies. Faith groups had reported some additional demands on counselling services.

The ALG is working with key voluntary and community sector networks to get information out to voluntary and community sector agencies about accessing additional support, and seeking information about demand yet to arise.

The ALG Grants Committee met on January 26 to consider its response to people and communities affected in London and received a report back on the London Funders Group meeting and actions.

The Local Government Association (LGA) is in close liaison with the Local Government International Bureau (LGIB) who will be seeking advice and working with the Department for International Development (DfID) to determine how best local authorities might assist as communities spanning the Indian Ocean begin the massive task of reconstruction.

The Commonwealth Local Government Forum (CLGF) will be coordinating a local government response, after consultation with government and local government in the countries affected. The CLGF will work with them to find out the sort of skills and experts needed to assist reconstruction where other local governments could provide practical support so that resources can be most effectively targeted. The forthcoming CLGF Board and other meetings in Aberdeen, March 2005 will provide an opportunity to address how local government efforts at reconstruction can be supported in the medium-to-long term.

Long term, the LFG will be pursuing concerns about how gift aid works. Given the speed and manner in which donations were collected following the tsunami, a major opportunity for gift aid to bring in more money was lost, and exposes a fundamental weakness in gift aid.

The 2001 census tells us that of all people resident in Southwark in 2001, 373 gave their country of birth as Sri Lanka.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Deputation Request File	Town Hall, Peckham Road, London SE5 8UB	Lesley John 020 7525 7228

Lead Officer	Ian Millichap, Constitutional Team Manager
Report Author	Lesley John, Constitutional Team
Version	Final
Dated	15.2.05

Item No. 6	Classification: Open	Date: 23 February 2005	Meeting Name: Council Assembly
Report title:		Motions	
Ward(s) or groups affected:		All	
From:		Chief Executive (Borough Solicitor)	

1. MOTION FROM COUNCILLOR WILLIAM ROWE (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 notes the decision of the Leasehold Valuation Tribunal in respect of the Brandon estate and leaseholders' continuing unhappiness with the way in which they are consulted on major works schemes and requests the executive to instruct officers to bring an urgent report to overview & scrutiny committee on:

- Reasons why the Council lost this particular case
- Actions to be taken to ensure that the Council only incurs costs in respect of leasehold properties when it is reasonable for those costs to be recharged to leaseholders
- How each of the following areas can be improved in relation to major works contracts for the benefit of both leaseholders and the HRA:
 - (i) consultation with leaseholders
 - (ii) purchasing procedures to achieve better prices
 - (iii) supervision of contractors to ensure work is completed satisfactorily
 - (iv) timing of issue of invoices

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF HOUSING AND BOROUGH SOLICITOR

Contrary to the assertion in this question, the council did not lose this Leasehold Valuation Tribunal (LVT). Indeed the leaseholders who brought the case applied for 100% reduction in scaffolding costs and originally contended that concrete repairs as well as the window and door repairs were unnecessary. The LVT supported the council's position that leaseholders had to pay a full contribution for scaffolding, concrete and roof repairs and it was only their contribution towards the replacement costs of the doors and windows that were reduced to a cost estimated as appropriate by the LVT for repair and overhaul only.

The reasons for the LVT decision to reduce costs for windows/doors lay in the fact that insufficient evidence could be demonstrated from surveys before works began that the windows had reached the end of their useful life.

Evidence existed that they had exceeded the life originally intended when built but physical survey evidence of each individual unit could not be produced to show each was beyond repair.

The council contended that whatever life still existed, replacement in uPVC would offer value for money at this time because the costs of scaffolding had to be incurred for concrete and roof repairs anyway and the new windows would extend the life of the windows for a much longer period and reduce ongoing maintenance costs in the future. In many previous cases the LVT have accepted this argument. Full consultation had been undertaken prior to the scheme with tenants and leaseholders with the majority opting for new, uPVC windows from a choice of designs and materials and despite the LVT ruling in regard to the leaseholder contributions the satisfaction ratings from residents of the first 2 phases of the overall project are extremely high. The third phase of this project is on site and making good progress.

As a result of the LVT decision the council is ensuring that its surveyors pay increased attention when surveying projects before specification to show the remaining life of component elements of the works and to assess, in particular, the value for money of any repair and/or renewal options over an extended life to ensure that it can be evidenced to individual leaseholders that the most cost effective option is being chosen, not just the option that the majority of residents want.

The council is constantly reviewing the increasingly complex, legislative requirements aimed at maximising leaseholder consultation. Major works consultation is currently in the housing scrutiny sub-committee work programme and officers will be providing evidence addressing matters of consultation, contract supervision; and leaseholder billing/invoicing and in conjunction with the head of procurement on purchasing matters as part of that scrutiny. It should be emphasised that all the statutory consultation requirements for leaseholders on the Brandon scheme were complied with fully.

In conclusion, members should be aware that the LVT is an administrative tribunal, without strict rules of evidence which rules on issues in dispute. Its decisions do not set precedent and turn on the individual circumstances prevailing on each case. Having said this, the council will always listen to, and if appropriate, act on the findings of an independent tribunal. In this case most of the service charge costs remain recoverable and neither the consultation nor invoicing processes were brought into contention. Despite the reduction in leaseholder contributions for the reasons stated above and which will be addressed on future schemes, officers remain convinced that replacement of doors and windows as part of a comprehensive major works package with long-term consideration of ongoing maintenance costs/benefits can offer the best long term value for money for the council and so can assist the drive to make all its homes "decent".

2. MOTION FROM COUNCILLOR GRAHAM NEALE (seconded by Councillor Jeffrey Hook)

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

Council notes with alarm Thames Water's plan to reduce water pressure in a number of areas across London, including Southwark, during the next five years, with work expected to start in some places this spring.

Council further notes that this reduction in pressure will necessitate the use of new pumps in some buildings - including flats, schools and hospitals – to get water up to higher floors.

Council is concerned that many council tower blocks in Southwark are likely to be affected and that the council looks set to bear the cost for new pumps. Residents living on the second floor or above who rely on a combination boiler will also need to fit costly alternatives.

Council is appalled at Thames Water's failure to:

- Face up to their responsibilities as a public service provider
- Engage in a proper assessment of how many people will be affected by this pressure reduction strategy
- Develop an estimate of the financial implications for households and local authorities across the capital
- Agree to pay the cost of pump equipment or installation (as opposed to the cost of designing the pumps)

Council believes that the pressure reduction plan is merely a cost-saving measure ironically proposed at a time when:

- Water bills are set to increase by about 13% above the rate of inflation over the next five years
- Areas, including Dulwich, have been blighted by sudden drops in pressure and thereby loss of water – attributed to urgent leak repairs by Thames Water
- Thames Water is already making handsome profits
- Thames Water is pumping raw sewage into the Thames because of a failure to invest in modern sewage infrastructure (a step which has already caused damage to ecosystems in the Rotherhithe peninsula waterways)

Council thereby:

- Demands that Thames Water review its proposals and consider the impact, both practical and financial, on London residents and services
- Calls on Thames Water to invest in its infrastructure so that customers no longer suffer from an interrupted basic service
- Demands that Thames Water foot the bill for any pump costs incurred by a change in water pressure
- Give its unequivocal backing to the Association of London Government (ALG) and the Greater London Authority in their attempts to hold Thames Water to account

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF ENVIRONMENT & LEISURE/STRATEGIC DIRECTOR OF HOUSING

1. Overview and scrutiny committee examined a serious disruption to water supplies [following a burst in Nunhead] in 2003. Serious problems caused by low water pressure were raised by residents during this process, specifically problems affecting Denmark Hill estate and East Dulwich estate. These have been dealt with as far as possible by local solutions, but we are installing booster pumps to Denmark Hill estate as the risk of future problems remains.
2. Overview and scrutiny committee (OSC) have remained concerned about the implications of low water pressure and have received periodic updates on the matter, most recently on January 12, 2005. The report from OSC was agreed at executive in March 2004.
3. The Greater London Authority (GLA) carried out a scrutiny process into water supplies to London in 2003 and concluded that Thames Water needed to consult more and be more aware of the risks to residents in high rise buildings posed by pressure reduction/ low pressure. Most recently the GLA health and public services committee on January 25 held an evidentiary hearing on the subject with representatives from Thames Water. London boroughs presented evidence [including Southwark] with the ALG leading with an all party presentation, principally on the question of costs.
4. Following the original OSC meetings, officers from housing have met with Thames Water to talk through local issues and how plans may affect Southwark. The last meeting was also attended by officers from environment and leisure. We have agreed with Thames Water to meet quarterly: principally to improve communication and information flow between ourselves. Following the last meeting with Thames Water, housing staff have accompanied Thames Water surveyors in examining a number of our blocks which may be affected by a planned reduction in water pressure along one of the principal mains in 2005. Results from this are not yet known.
5. In response to the ALG we have identified all properties which could be "at risk" were Thames Water to revert to supplying all water at 1 bar pressure. Initial costings have been based upon a simple approach of installing booster sets to all such blocks. The housing department's special technical services have recognised that this does not give us a full or realistic picture of what we may need and have engaged a consultant to examine a sample of our stock, current supply situations and consider what alternatives may be used in the event of reduced pressure.
6. The ALG has convened a number of meetings with representatives of Thames Water and London boroughs to highlight concerns at the approach taken by the company. Principally, criticism of Thames Water has been about the lack of adequate consultation or communications to both residents and landlords. Southwark has attended these meetings and has provided evidence on local issues and the possible implications for Southwark of reduced pressure. A draft protocol to improve communications and a commitment from Thames Water to consult when planning to reduce pressure have come out of this process. The ALG is now seeking to focus on the question of costs and the responsibilities for investment arising from reduced water pressure. Thames Water has conceded that it may make a token

contribution to consultancy costs [originally £2,500 per scheme] but is adamant that it will not assist with the potentially high investment costs.

3. MOTION FROM COUNCILLOR RICHARD THOMAS (seconded by Councillor Graham Neale)

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

Council notes the dramatic improvement in performance in the cleanliness of the borough.

Council further notes:

- Praise from the Audit Commission's Comprehensive Performance Assessment (CPA) inspection that noted that "Streets are visibly cleaner"
- Praise from Rt Hon Alun Michael who said, "Thanks to this scheme there has been increasing enforcement, with 155 prosecutions in the year 02/03"
- Praise in 'The Londoner' ("Southwark is leading the way on enforcement")
- The 14% net increase in satisfaction of cleanliness of the borough, in contrast to a national trend of falling satisfaction
- Southwark is playing a central role in spreading best practice on environmental crime including an active role in informing the drafting of the Clean Neighbourhoods and Enforcements Bill and chairing the ALG steering group for the enforcement of the Environmental Protection Act

Council further notes the effectiveness of the borough's environmental enforcement including:

- 2,317 fixed penalty notices and 80% payment rates, one of the highest rates in the country
- Being the only authority in the country to have seconded a full-time police officer working on environmental crime
- That 100 wardens, 50 housing staff and police community support officers have been trained to use environmental enforcement powers

Council welcomes the Clean Neighbourhoods and Enforcements Bill and its recognition of the link between environmental crime and antisocial and criminal behaviour.

Council also welcomes the greater use of fixed penalty notices.

Council therefore calls on the leader to write to the government and local MPs in support of this bill.

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

COMMENTS FROM THE STRATEGIC DIRECTOR OF ENVIRONMENT & LEISURE

The waste management division has put a significant emphasis on enforcement work, the results of which are set out in the Motion. Furthermore Southwark council has played a key role in developing the cleaner neighbourhoods bill as advisors to the Local Government Association and through the secondment of an officer to the Home Office and furthermore being.

This is because the council wanted not to just clean up the borough but to ensure that attitudes changed so that in due course there would be less clearing up required.

The enforcement work is also complimented by education and awareness rising. For example the council is the only London borough to implement the London Environment Schools to all age groups. This scheme is now being expanded to encompass the Eco Schools standard to further the emphasis placed on changing behaviour.

4. MOTION FROM COUNCILLOR ELIZA MANN (seconded by Councillor Catherine Bowman)

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

Council assembly is concerned by reports that tsunami relief aid and medicine donations sent by the Tamil diaspora to affected people in North and East Sri Lanka are possibly not reaching their intended recipients and that international tsunami aid given to the Sri Lankan government is not being distributed equitably to all the affected areas on the island.

Council assembly welcomes the Sri Lankan government's agreement to work with the Tamil Tigers to address this problem.

Council notes, however, reports from the area that suggest that this support has not been translated into comprehensive action.

Council thereby calls on the leader, given Southwark's sizeable Sri Lankan population, to write to the Secretary of State for International Development to ask that appropriate diplomatic action is taken vis a vis the Sri Lankan government to ensure that aid is being delivered to those still suffering in the Tamil region.

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

COMMENTS FROM THE CHIEF EXECUTIVE

Please refer to the comments offered in respect of Supporters of Tsunami Families in Southwark deputation (item 3 elsewhere on this agenda)

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	Beverley Olamijulo, Constitutional Officer
Version	Final
Dated	15.2.05