

Item No. 8.	Classification: Open	Date: January 25 2006	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 council, 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 council (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the council. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the council:

- 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 LISA RAJAN

Seconded by Councillor Graham Neale

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

Mini Motos

Council assembly notes with serious concern the rapid growth in the sale and use of “mini motos” and mopeds, especially by children and young adults.

Council assembly believes the illegal riding of these vehicles is extremely dangerous and anti-social, affecting a number of areas around Southwark.

However, council assembly understands the serious difficulties faced by the police in preventing or stopping the use of these vehicles and in identifying and catching those who ride them illegally.

Council assembly further believes that the current powers afforded to police to deal with the problem are insufficient. Council assembly notes that despite the difficulties police in Rotherhithe have recently managed to secure two arrests and have seized a number of vehicles. Council assembly therefore believes that publicly criticising the police over the issue is very damaging.

Council assembly calls on the council to work up proposals for government legislation, in conjunction with other organisations, which will enable local authorities and the police to have better powers to tackle this problem long term.

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

COMMENTS FROM STRATEGIC DIRECTOR ENVIRONMENT & LEISURE

To follow

2. MOTION FROM COUNCILLOR IAN WINGFIELD

Seconded by Councillor Alison Moise

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

Camberwell Street Drinking

This council assembly requests the council executive to exercise its powers under section 13 of the Criminal Justice and Police Act 2001, together with all other enabling powers, to introduce the necessary by-law or public order as appropriate to designate central Camberwell a street drinking control area and to formally approach the Southwark police borough commander to implement Section 155 of the Licensing Act 2003 which extends existing police powers relating to confiscation of alcohol from people who are drinking and causing nuisance in public places, allowing for the confiscation of sealed containers in addition to opened containers, in defined circumstances. This enforcement will not affect licensed street cafes operating within the designated area however, or any special arrangements for festivals as decided by the council in liaison with the police.

The executive should be mindful that support for the introduction of such a street drinking control area has arisen from extensive consultation with the local community particularly through council officer reports (such as from the East Camberwell Street Action Team in 2003) that show street drinking in Camberwell to be a cause of major public annoyance. The introduction of a control area has also been endorsed by decisions of the Camberwell community council and the Camberwell police sector consultative working group.

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

COMMENTS FROM STRATEGIC DIRECTOR ENVIRONMENT & LEISURE

To follow

3. MOTION FROM COUNCILLOR LEWIS ROBINSON

Seconded by Councillor William Rowe

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

Crystal Palace Park

Council assembly notes the recent public consultation by the London Development Agency (LDA) on their draft planning framework for the future regeneration of Crystal Palace park.

Whilst many of the proposals put forward by the LDA, including a new sports centre and opening up the centre of the park are welcome, council assembly is deeply concerned at the claims that in order to fund these improvements ideas must be considered for limited development of up to 200 housing units built on the park entrances and edges.

Council assembly notes the key findings of the extensive survey carried out by College Ward councillors last December of Southwark residents who live on roads adjoining the park:

- 78% of respondents were not aware of the LDA's proposals or public consultation.
- 88% of respondents oppose in principle the development of housing units at the entrances of the park being included in the planning framework.
- 92% of respondents support further exploration of other means of meeting any funding gaps.

The LDA is now considering responses to its public consultation. Council assembly requests that Southwark Council planning officers support the findings of College Ward councillors in future representations and discussion with the LDA that housing development on this historic park space is not supported by local residents.

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

COMMENTS FROM STRATEGIC DIRECTOR REGENERATION

The London Development Agency (LDA) will take over the lease of the National Sports Centre (NSC) in Crystal Palace Park in March 2006 and has an option to take over the rest of the park by 2009. In preparation for this the LDA published 'Crystal Palace Park Planning Framework – a draft for consultation' in October 2005. The document states

that it “is not intended to be a prescriptive document”. It also states that it is a “non-statutory planning document, which will not be formally adopted by the London Borough of Bromley but will be subject to extensive consultation” and that it “should be read in conjunction with the policies contained in the London Plan and the London Borough of Bromley Unitary Development Plan”.

The document sets out proposals for the park which include development for a variety of uses including housing at two of the park’s entrances on metropolitan open land.

The London Borough of Bromley is at a similar stage in the preparation of its unitary development plan (UDP) to Southwark in that a public inquiry into the plan was held recently and they hope to adopt the plan in 2006.

The London Plan policy on metropolitan open land (policy 3D.9) states that the Mayor will and boroughs should maintain the protection of metropolitan open land (MOL) from inappropriate development and that any alterations to the boundary of MOL should be undertaken by boroughs through the UDP process. Policies should include a presumption against inappropriate development of MOL and give them the same level of protection as green belt.

If the Crystal Palace Park planning framework is followed up by an application for planning permission for these developments, they should be referred to the Mayor who has the power to direct refusal.

Although the document appears to cover the wider spatial planning of the area identifying a range of delivery mechanisms, including development management and control it is not being prepared as a local development document under the Planning and Compulsory Purchase Act 2004. If it were it would be required to have a strategic environmental assessment and sustainability appraisal according to formal statutory processes and to be subjected to external examination before it is adopted.

4. MOTION FROM COUNCILLOR JONATHAN HUNT

Seconded by Councillor Barrie Hargrove

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

Sale of Public Assets – Requirements for Consultation

Council assembly believes that community councils and local people should have the opportunity of commenting on whether public assets should be sold or retained before such artifacts, land or premises are put on the market; and

Calls upon Southwark property and other agencies to draw up plans as to how such consultation should take place.

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

COMMENTS FROM STRATEGIC DIRECTOR REGENERATION

The Council’s policy is: to maintain a full register of its property; to have an asset management plan which ensures the effective use of the council’s assets to deliver its services; and to dispose of assets when surplus, to secure receipts to finance capital projects in support of service delivery.

Existing assets can be declared surplus by the current service user. These are then reviewed to establish the potential future use by other services or as part of the wider regeneration or development programmes

Members, either through community councils or individually, are able to identify projects or changes to services which might have implications for the use of property. Such proposals would need to be agreed as part of a service through the normal procedures before an assessment is made of the best way in which to accommodate them – whether through existing property, the re-use of property, or the acquisition of new property. Where a freestanding project is proposed the capital and revenue resources for it need to be identified.

The release of information about prospective disposals is commercially sensitive in that developers and other purchasers may be able to secure unfair advantage unless the marketing is properly handled.

Officers will ensure that community councils are notified of prospective disposals once information can be released without compromising that confidentiality.

5. MOTION FROM COUNCILLOR CAROLINE BOWMAN

Seconded by Councillor Eliza Mann

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

Mobile Phone Masts

Council assembly notes current government planning legislation and government planning policy guidance (PPG8), which permits fast tracking of mobile phone mast applications under 15 metres in height through permitted development.

Council assembly further notes the recent decision by Walworth community council to refuse an application for a 15 metre mobile phone mast on the pavement of Dale Road and the recent decision by full planning committee to refuse a 17 metre mast application on Chadwick Road.

Council believes that current government fast-tracking policy subverts the democratic planning process and calls for an end to this permitted development for telecommunications masts.

Council therefore calls on the executive member for regeneration to write to the government minister with responsibility for planning policy calling on the government to end this policy and take steps to change the law permitting these “fast-track” mast applications as soon as possible.

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

COMMENTS FROM STRATEGIC DIRECTOR REGENERATION

All proposals for mobile phone masts require planning permission and fall into two categories: those for masts up to 15 metres in height which follow the prior approval procedure; and those over 15 metres that follow the normal planning application procedure.

Although both procedures do allow the council sufficient time to consult the local community for its comments, the prior approval procedure does not give adequate time

for proposals to be properly considered by either community council or planning committee because the applicant must receive the council's decision within 56 days from receipt of the application. There is no power to extend the 56 day period and if the decision is not notified to the applicant by day 56 then permission is deemed to have been given.

The removal of proposals for any masts from the prior approval procedure would ensure that the views of the local community can be properly taken into account by community council or planning committee in reaching a decision on proposals that generally are of great concern to the local community.

6. MOTION FROM COUNCILLOR BARRIE HARGROVE

Seconded by Councillor Robert Smeath

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

Rail Pricing

This council supports the efforts of the Mayor for London to persuade the rail operating companies to incorporate the use of oyster cards into their ticketing arrangements. Much of south London, including two-thirds of Southwark, lacks access to the underground system. Council assembly believes that as a result, Southwark rail travellers are being heavily financially penalised by the rail companies.

Council assembly calls on the executive to liaise with the mayor's office, to use whatever means are available to promote fair rail pricing and to strongly communicate this council's concerns to the rail companies operating in Southwark.

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

COMMENTS FROM STRATEGIC DIRECTOR REGENERATION

To follow

7. MOTION FROM COUNCILLOR DAVID BRADBURY

Seconded by Councillor Toby Eckersley

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

Road Resurfacing Programme

Council assembly recognises that many roads in the borough need resurfacing and congratulates the executive on again making funding available for such routine renewal. It also recognises that councillors will be aware of particular roads in their own wards that would benefit – such as Carver, Tarbert and Trossachs Roads in Village Ward, therefore, calls on the executive to ensure that ward members and community councils are fully consulted before the 2006-07 programme for road resurfacing is finalised.

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

COMMENTS FROM STRATEGIC DIRECTOR ENVIRONMENT & LEISURE

The 2005/06 resurfacing programme was arrived at using the following process.

All streets in Southwark, other than principal roads, were inspected using a national standard assessment system which allows for each street to be scored on its condition. Where streets achieved the same condition score these were then scored again based on usage (e.g. bus facilities, shops, schools, cycling), to arrive at an initial priority list. The top forty streets were all visited to confirm the assessment, establish the extent of works needed and to produce an estimate of work costs. At the same time the list was checked against other works planned for the street which would affect the programme, (e.g. utility works, development, etc.). Any streets affected by other works were withdrawn and the next street on the list inserted. Accordingly this year's programme was prioritised first on condition and then refined based on usage mainly around public transport, cycling and pedestrians.

It is proposed that the repair programme for 2006/07 will be developed using the same process to arrive at a programme of works (established on technical grounds) aiming to resurface the worst rated streets first. The programme will be submitted to each community council for information before the works commence.

Principal roads are not included in this programme because their assessment and repair is financed by Transport for London.

8. MOTION FROM COUNCILLOR LORRAINE ZULETA

Seconded by Councillor Nick Stanton

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

Local Government Finance Settlement

Council assembly notes with concern:

- the recent local government finance settlement, announced by the government, which gives Southwark a just above the floor increase of 2.2%;
- that this compares very unfavourably with other London boroughs, such as Camden with a 3.8% increase and Kensington & Chelsea with a 3.3% increase.

Council assembly believes that this represents an enormous challenge to the council to maintain a high level of service provision whilst keeping council tax below the 5% cap that the Government has indicated it will impose.

Council assembly is particularly concerned that the local government finance settlement takes no account of relative levels of deprivation and therefore impacts disproportionately against Southwark.

Council assembly notes the escalating costs of the war in Iraq and the effects that this is having on the government's ability to properly finance front line service delivery and believes this money would be better spent on our residents.

Council assembly therefore calls on the executive member for resources and Southwark's three local members of parliament to lobby the government to provide Southwark with a settlement that takes into account the needs of the borough and the council's desire to keep any council tax increases to a minimum.

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

COMMENTS FROM DIRECTOR OF FINANCE

To follow

9. MOTION FROM COUNCILLOR AUBYN GRAHAM

Seconded by Councillor Mark Glover

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

Walmer Castle: Peckham Road SE15

Council assembly notes recent press (Southwark News, December 15 2005) comment and the concerns of local residents - including the Peckham Society, about the possible development of the Walmer Castle public house.

Council assembly believes that without this local authority's involvement this important and historic venue will be lost as a local cultural feature and leisure facility.

Council assembly requests that the executive member for regeneration report back to the council executive (or the relevant scrutiny panel) setting out options and actions for securing the Walmer Castle public house on Peckham Road, SE15 as a community art facility.

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

COMMENTS FROM STRATEGIC DIRECTOR REGENERATION

The Walmer Castle public house has not been in use for over a year. A planning application has been made which would result in its demolition and replacement by flats. Officers can discuss with the applicant the options for a mixed-use scheme which could include public house type uses. A mixed-use scheme in this location could provide a venue for local artists' work.

Should members wish to promote a community arts facility, a project would need to be developed with sufficient resources to deliver such a venue (these resources would need to cover the acquisition and development of the site).

10. MOTION FROM COUNCILLOR WILLIAM ROWE

Seconded by Councillor Kim Humphreys

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

Street Lighting Budget

Council assembly notes that substantially the entire current budget for street light renewal has been directed to replacement of concrete lampposts with no priority being given to providing adequate lighting in roads where it is currently at an unacceptable standard.

Council assembly therefore requests the executive to instruct officers to prepare a more balanced policy for 2006/7 which:

- Includes a balance of priorities between improving lighting and replacing concrete lamp posts.
- Includes consultation with ward members and community councils on which streets should be given priority in their areas.

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

COMMENTS FROM STRATEGIC DIRECTOR ENVIRONMENT & LEISURE

To follow

11. MOTION FROM COUNCILLOR RICHARD THOMAS

Seconded by Councillor Jeff Hook

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

South London Transport Links

Council assembly believes that south London has historically suffered from a lack of public transport links, especially compared to areas north of the river, and that areas such as Peckham and Camberwell have been particularly affected.

Council assembly further believes that decent transport links are vital to the economic and social development of an area; especially those that provide better and easier access to central London.

Council assembly welcomes plans to extend the East London Line as a railway to Clapham Junction via Peckham and up to Islington and plans for a Cross River tram to link north and south London from Camden down to Peckham via Elephant & Castle. Council assembly believes that these plans are integral to the successful regeneration of the centre of the borough.

However, council assembly regrets the ongoing delays to both of these major transport projects caused by:

(a) the Mayor of London being unable to secure funding for phase II of the East London Line extension (extending to Clapham Junction via Peckham); and

(b) the Mayor of London giving priority to the West London tram project, despite this area already being well-served by public transport, meaning there has been little or no preparatory work on the Cross River tram which could now be delayed until after the 2012 Olympics.

Council assembly therefore calls on the Mayor of London to rethink these plans and prioritise links to Peckham and Camberwell, including reconsidering adding a new branch to the Cross River tram which would serve Camberwell.

Council assembly further calls upon the leader to write to the secretary of state for transport reiterating the need for a mainline railway station in Camberwell.

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

COMMENTS FROM STRATEGIC DIRECTOR REGENERATION

To follow

12. MOTION FROM COUNCILLOR MICHELLE PEARCE

Seconded by Councillor Andy Simmons

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

Proceeds of Crime Act

Council Assembly:

- notes CIPFA's guidance on the Proceeds of Crime Act and the Money Laundering Regulations 2003.
- notes the executive member for resources comments in reply to a question on September 14 2005 that she does not "feel obliged to implement the requirements of the legislation concerning the creation of reporting systems, training, identification and record keeping and internal reporting procedures."
- requests the overview and scrutiny committee to refer this issue to regeneration and resources scrutiny sub-committee for consideration of best practice in this area.

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

COMMENTS FROM DIRECTOR OF FINANCE

To follow

13. MOTION FROM COUNCILLOR TOBY ECKERSLEY

Seconded by Councillor David Bradbury

Please note this motion is not for debate and stands referred to a meeting of the executive.

North Dulwich 20mph Zone

That Council assembly welcomes the council's success in bidding, through the "Borough Spending Plan," for funds from Transport for London (TfL) for a 20 m.p.h. zone in North Dulwich, and requests the executive to give a high priority to early implementation. It is further requested that the executive ensure that each household receives the relevant consultation material, given complaints that many households in multi-occupied houses in this area have been missed out from earlier consultations.

COMMENTS FROM STRATEGIC DIRECTOR ENVIRONMENT & LEISURE

In 2004/2005 officers investigated proposals to install a 20 mph zone in North Dulwich for the Dulwich community council. At that time the proposal was not granted funding by the community council as other schemes took priority. During this financial year (2005/2006), the council was made aware of the possibility of additional funding being available from Transport for London (TfL) for 20 mph zones and funding of £25,000 to cover consultation and implementation has been agreed. However, it should be noted that this funding is only available for the current financial year, i.e. the works must be completed by the end of March 2006.

A full consultation exercise has commenced that includes all residents and businesses affected by the proposed zone which is the area bounded by Half Moon Lane, Village Way, Red Post Hill, Elmwood Road, Davencroft Road and Herne Hill. The consultation process includes:-

1. Approval by members of the Dulwich community council of the letter, questionnaire and drawing to be sent to residents prior to the community council meeting of January 19 2006.
2. Brief presentation on the scheme at the Dulwich community council meeting on January 19.
3. The information being sent to residents and businesses located within the area allowing a three-week consultation period.
4. Members of the community council are being advised of the results of the consultation. If there is general support for the proposal following this process of consultation the work will be undertaken before the end of the financial year.

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	Cameron MacLean, Constitutional Officer
Version	Final
Dated	January 13 2006