



**COUNCIL ASSEMBLY
(ORDINARY MEETING)**

WEDNESDAY MARCH 22 2006

SUPPLEMENTAL AGENDA No. 2

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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 March 20 2006.

For further information please contact Lesley John/Cameron MacLean 020 7525 7228/7236

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|------------------------------------|--------------------------------|--|--|
| Item No. 4. | Classification: Open | Date: March 22 2006 | Meeting Name: Council Assembly |
| Report title: | | Deputation requests | |
| Ward(s) or groups affected: | | All | |
| From: | | Chief Executive (Borough Solicitor) | |

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

1. Comments from the strategic director environment & leisure/borough solicitor – Chamberlain Cottages

At the meeting of the Camberwell community council on March 7 2006, the acting head of legal services agreed to review the legal advice that had previously been given in this matter. This has been done and, given the layout of the road (a cul-de-sac with no vehicular access), Counsel's advice was also obtained.

The only procedure available to the council to address the concerns of residents is to apply to the Magistrates Court to "stop up the highway" under Section 116 of the Highways Act 1980. The procedure would be for residents to request the council to make such an application to the court. Relevant service areas of the council would then be consulted before a final decision was made. Such an application could, however, only be made if all relevant residents wish the highway to be stopped up and also if all residents have taken appropriate legal advice on their own private law position. Ultimately, it would be for the Magistrates Court to decide whether the criteria for stopping up the highway are satisfied.

Should this matter be referred to the executive, further more detailed legal advice (including the council's potential liability for costs) will be given to the executive.

2. Comments from the strategic director housing – LAS 2000

The Council was aware of concerns raised by leaseholder representatives about the accuracy and punctuality of revenue service charges. In response the management of revenue service charges was reorganised. A plan, agreed at Leaseholder Council in December 2004, was put in place to address these concerns. In summary the plan included:

- Open book accounting to allow leaseholder representatives to check service charges before they are issued.
- The move from calculating service charges on a borough-wide average basis to a block by block/estate by estate basis.
- The move to a billing regime dictated by the lease i.e. annual (not quarterly) billing with payments quarterly in advance.

The position on revenue service charges for the last four years is as follows:

2002/2003

Actuals were issued to leaseholders in November 2003 before the agreement to use open book accounting and prior to the implementation of block-by-block construction of service charges. Leaseholders had questions that were answered. However subsequent queries were received. It has been agreed to review these after the 2004/2005 actuals are finalised but before work on the 2005/2006 work commences.

2003/2004

The estimates for 2003/2004 were issued in July 2003.

Work on the actuals was finalised in July 2005 and passed to leaseholder representatives for review. The “open book accounting” discussions resulted in the draft actual service charges being reduced by £250,000 not £1.5m. There was no attempt to overcharge leaseholders. As explained to Leaseholder Council 12th December these were draft accounts sent to leaseholder representatives for scrutiny. It was understood that issues would arise and result in discussions. Some matters were conceded in a spirit of conciliation and in recognition of the need to deal with the backlog of actual charges. The effect of these discussions was the equivalent to under £25 for each leaseholder for that year or 4% of the average service charge.

The actuals were agreed in October 2005 and accounts will be with leaseholders shortly. The delay in issuing the actuals has been caused by the Council having to reconfigure the IT system so it can cope with estimated demands being calculated on a borough wide average basis whilst the actuals were calculated on block by block basis. This will not happen for any subsequent years because from 2004/5 all service charges are calculated at the block/estate level.

Open book accounting has ensured accurate 2003/4 charges.

2004/2005

The estimates for these service charges were issued in November 2004. Work on the actuals started in July 2005 and draft final accounts were passed to leaseholder representatives for their views in November 2005. These are still with the leaseholder representatives.

2005/2006

The 2005/2006 estimates were issued on time in April 2005 – they were scrutinised by leaseholder representatives, they were calculated at a block by block and estate by estate level and billed annually in advance as per the terms of the lease.

The council does take seriously the concerns raised by leaseholders. A great deal of progress- apart from that already outlined in this report – is being made. For example the mapping exercise to identify the blocks and estates as described by the council’s leases has been completed and has been loaded into the council’s IT system so that communal repairs can be recorded against the block and estates in 2006/07. At the same time resources have been identified to commence work on identifying how all financial processes can be attributed to individual blocks and estates. As described in this deputation, the issues are “ongoing” but there is no need for a reconciliation because the matters are known, understood and are being resolved.

The deputation concludes with concerns about the methodology behind the splitting of the costs of the ICC contract between the HRA and the General Fund. LAS 2000 members on Leaseholder Council have been told that this issue was the subject of a 2004 audit which concluded that the rationale for the allocation of costs between the HRA and General Fund is reasonable. They have been told that the Director of Finance is undertaking a review that includes legal advice, to ensure an equitable apportionment of costs between the HRA and the General Fund. Finally they are also aware that work is underway to progress block by block accounting.

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 Officer |
| Version | Final |
| Dated | 20.3.06 |

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|------------------------------------|--------------------------------|---|--|
| Item No. 6.2a | Classification: Open | Date: March 22 2006 | Meeting Name: Council Assembly |
| Report title: | | <i>Report back on motions referred to executive from council assembly</i> | |
| Ward(s) or groups affected: | | All | |
| From: | | Executive | |

MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 – PECKHAM RYE PARK

Executive on March 14 2006 considered the following motion referred from council assembly on February 22 2006 which had been moved by Councillor Aubyn Graham and seconded by Councillor Robert Smeath and subsequently amended:

1. Council assembly is concerned that no capital has been identified to replace the changing rooms on Peckham Rye Park although plans are well in advance to demolish them and build new facilities.
2. Council assembly calls on the executive member for culture, youth & sport to include a bid for funding for both the canteen and changing rooms on this park in the next capital programme so that both are completed at the same time.
3. Council assembly requests that the executive member lobbies the Secretary of State for Culture, Media and Sport, to ensure that Southwark receives a fair deal from the success of the London Olympics bid by way of funding for local sports schemes such as this, especially given that residents will be paying on average at least an extra £20 on their council tax specifically for the Olympics.

We agreed the motion.

MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 3.9 – CHURCH COMMISSIONERS

Executive on March 14 2006 considered the following motion referred from council assembly on February 22 2006 which had been moved by Councillor Mark Pursey and seconded by Councillor Caroline Pidgeon and subsequently amended:

1. That council assembly notes:
 - the importance of affordable housing in south London and that Octavia Hill estates in Walworth, Waterloo and Vauxhall have provided affordable housing since the 19th century.
 - that this housing was built with the express purpose of providing homes for those on low incomes.
 - Council assembly notes the reluctance of the church commissioners to meet with officers of Southwark Council's housing department to discuss

the sale of the properties following a request from Faraday ward councillors in November 2005, despite Southwark Council's role as strategic housing authority for the area.

2. That council assembly further notes that the total return on the church commissioner's residential property portfolio rose by nearly 22% in 2004, with a gross income of £15.6 million, according to their annual report.
3. That council assembly therefore condemns the church commissioner's decision to sell off this key affordable housing to private landlords, with the inevitable effect of an increase in rents to the market level.
4. That council assembly believes that this sale offers no guarantees to tenants and residents that rents will remain under the market level and could therefore the communities of those living on the estates as well as forcing many onto Southwark's homeless list.
5. That council assembly welcomes the representations made by the leader of the council and our local MPs Simon Hughes and Harriet Harman to persuade the church commissioners to sell the estates to a social landlord rather than private companies.
6. That council assembly calls on the church commissioners to revise their decision to sell the properties to a consortium led by Grainger Trust and instead to sell the properties wholly to a social landlord so as to afford greater protection to existing tenants; and
7. That council assembly calls on the executive to urgently assess the impact of the sale on residents and on the council, and to lobby the church commissioners and the new owners to ensure the contract of sale ensures that the housing continues to be provided at affordable levels.

We agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 3.9 – WELCOME TO DULWICH SIGNS**

Executive on March 14 2006 considered the following motion referred from council assembly on February 22 2006 which had been moved by Councillor Michelle Pearce and seconded by Councillor Charlie Smith and subsequently amended.

1. That council assembly notes that many residents of Dulwich and Herne Hill have expressed concerns over the recently installed 'Welcome to Dulwich' signs. In particular, that:
 - ***the bright pink colour of the signs were out of keeping with the area***
 - ***the signs were rejected unanimously at the consultation stage by Dulwich community council, and yet were still installed***
 - ***the signs were located far from the centre of Dulwich, and might have confused travellers***
 - ***residents of Herne Hill have expressed their view that 'Welcome to Dulwich' signs were inappropriate for an area which has a strong local identity distinct from Dulwich***

- ***that the community council expressed a strong view that it would prefer to spend the money allocated for the signs on the cleaner, greener, safer programme instead***
2. That given these concerns, council assembly welcomes the executive's decision to remove the signs in Dulwich.
 3. That council assembly also notes that many residents of East Dulwich have expressed concern over the "welcome to Camberwell" and "welcome to Nunhead and Peckham Rye" signs on the border of the Dulwich community council area, in particular that:
 - That the garish colours of the signs are out of keeping with the area and add to street clutter;
 - That residents of East Dulwich have expressed their view that both "Welcome to Camberwell" and "Welcome to Nunhead and Peckham Rye" signs are in fact in East Dulwich and do not reflect the boundaries that local people recognise.
 4. That given these concerns, council assembly asks that the remaining signs on the boundaries to East Dulwich also be removed.
 5. That council assembly further notes some concern about such signs elsewhere in the borough and asks that any future review of this or similar matters also gives weight to the views of the relevant community council.

We agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL
PROCEDURE RULE 3.9 – NEW CYCLE AND PEDESTRIAN BRIDGE**

Executive on March 14 2006 considered the following motion referred from council assembly on February 22 2006 which had been moved by Councillor Jeff Hook and seconded by Councillor Lisa Rajan and subsequently amended.

1. That council assembly welcomes proposals for a new cycle and pedestrian bridge to span the river Thames from Rotherhithe to Limehouse as part of the 2012 Olympic and paralympic legacy.
2. That council assembly notes:-
 - that cycling promotes healthy living and fitness and is environmentally friendly;
 - that the new bridge would both boost cycle use in Southwark and provide a vital improvement to the transport infrastructure of south east London;
 - that the bridge would provide access to jobs and services north of the river for local residents;
 - that the press has described the project as a "huge boost for cyclists and for all who care about sport, the environment and London.
3. That council assembly therefore calls on the executive member for environment and transport to write in support of the project to the Mayor of London, and to work with Sustrans to approach all relevant funding bodies to ensure its success.

We agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL
PROCEDURE RULE 3.9 – TRANSPORT IN SOUTH LONDON**

Executive on March 14 2006 considered the following motion referred from council assembly on February 22 2006 which had been moved by Councillor Ian Wingfield and seconded by Councillor John Friary and subsequently amended.

1. That 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 Camberwell, Dulwich & Peckham have been particularly affected.
2. That 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.
3. That council assembly welcomes the proposals announced by the Mayor of London on October 12 2004 for a £10 billion, five-year investment programme to give London a 21st century transport system that includes a ground-breaking agreement between the government and Transport for London (TfL), and welcomes the new TfL London Rail Partnership agreement that has been set up between TfL, London Rail and the Strategic Rail Authority (SRA) to help secure significant improvements in train services.
4. That council assembly also 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 the Elephant and Castle. Council assembly believes that these plans are integral to the successful regeneration of the centre of the borough.
5. However, council assembly notes with regret that although the Mayor's transport investment programme 2005/6-2009/10 includes over £24 million to progress the cross river tram project, neither this nor phase II of the East London Line extension is as yet fully funded. council assembly further regrets the shelving of the proposed East London Line extension through Dulwich towards Wimbledon.

6. That council assembly also believes that fear of crime can deter people from using existing public transport and notes with concern that safety at rail and tube stations is going backwards with only 2 rail stations and just 1 of the borough's 8 tube stations currently meeting the government's 'secure station' status.
7. That council assembly also acknowledges that the local implementation plan (LiP) and borough spending plan (2006/07) should include the findings of the Camberwell community council's transport needs report of July 13 2003 - April 16 2004. This includes the transport recommendations contained in its annual report dated 2005 which calls for a tram, a tube link and train station, better pedestrian routes & cycle routes and the continued need for accessible bus provision.
8. That council assembly therefore calls upon the leader of the council to write jointly with, as appropriate, the ward councillors, highlighting any deficiencies and all of Southwark's strategic transport needs as set out in the final LiP, including:-
 - i. to the Mayor of London, calling upon him to consider adding a new branch of the cross river tram serving Camberwell;*
 - ii. to the Mayor of London calling upon him to re-consider at the earliest opportunity the development of the proposed East London Line extension through Peckham and Dulwich to Wimbledon;*
 - iii. to the secretary of state for transport, the head of the SRA, and the managing director of TfL London Rail reiterating the need for a mainline station in Camberwell;*
 - iv. to TfL and the Mayor of London emphasising the regeneration and economic development benefits that a new tube station and extension of the Bakerloo Line would bring to Camberwell.*
9. ***That council assembly calls upon the executive to seek major improvements to public transport wherever they are needed in the borough, noting in particular the deficiencies in Camberwell, Dulwich, Peckham, Walworth and Rotherhithe. Council assembly requests the executive to ensure that Southwark council's transport policy team develops an integrated plan of action for sustainable transport throughout the borough working closely with the community councils, the government, TfL, Network Rail and all relevant bodies as appropriate.***

We agreed the motion.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|------------------------------|--|---------------------------------|
| Executive agenda and minutes | Constitutional Unit, Town Hall, Peckham Road, London SE5 8UB | Paula Thornton 020 7525 4395 |

AUDIT TRAIL

| | | |
|---|--|--------------------------|
| Lead Officer | Deborah Holmes, Borough Solicitor & Secretary | |
| Report Author | Everton Roberts/Paula Thornton, Constitutional Team | |
| Version | Final | |
| Dated | March 20 2006 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER | | |
| Officer Title | Comments Sought | Comments included |
| Borough Solicitor & Secretary | No | No |
| Chief Finance Officer | No | No |
| Executive Member | No | No |
| Date final report sent to Constitutional Support Services | March 20 2006 | |

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|------------------------------------|--------------------------------|--|--|
| Item No. 8. | Classification: Open | Date: March 22 2006 | Meeting Name: Council assembly |
| Report title: | | Motions | |
| Ward(s) or groups affected: | | All | |
| From: | | Chief Executive (Borough Solicitor) | |

3. MOTION FROM COUNCILLOR CHARLIE SMITH (Seconded by Councillor Peter John)

Please note that, in accordance with council assembly procedure rule 3.10(3), council assembly shall consider this motion. This motion was submitted with the request that it be considered at the conclusion of item 4.3 LAS 2000 deputation request, to which it relates.

LAS 2000

Council assembly notes with concern the inaccuracies in leaseholder service charge accounting that have been discovered by LAS 2000.

Council assembly notes that despite repeated requests from leaseholders, the council has failed to respond to the report produced by LAS 2000 in Autumn 2005, which reveals £1.5 million of mistakes in service charge accounts.

Council assembly notes the council has also failed to adequately respond to the leaseholder council's concerns relating to the breakdown of charges on the integrated cleaning contract.

Council assembly notes the long period of time leaseholder council and LAS 2000 have tried, unsuccessfully, to work with the council to resolve these issues.

Council assembly therefore supports the call from LAS 2000 for these issues to be investigated by an independent third party at the earliest opportunity.

Comments from the strategic director housing

See director's comments under item 4 "Deputation Request" above.

BACKGROUND PAPERS

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

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|----------------------|--|
| Lead Officer | Ian Millichap, Constitutional Team Manager |
| Report Author | Lesley John, Constitutional Officer |
| Version | Final |
| | 20.03.06 |