

Item No. 8.	Classification: Open	Date: June 28 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 DAVID HUBBER (Seconded by Councillor Nick Vineall)

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

Southwark Plan (Unitary Development Plan) - Designation Of The Rotherhithe Peninsula And East Dulwich As Suburban

Council assembly notes that it has previously given unanimous support to the designation of the majority of the Rotherhithe peninsula and East Dulwich as 'suburban' as outlined in the Southwark Plan (Unitary Development Plan).

Council assembly further notes and welcomes the planning inspector's report, which upholds the council's decision to designate these areas as suburban and concludes, "... the council is seeking to achieve the appropriate densities throughout Southwark".

Council assembly therefore notes with huge concern the Mayor of London's continued and unjustified objection to "the reclassification of [parts of Southwark] from urban to suburban", as stated in a letter to the council's planning department on May 22 2006.

Council assembly notes in addition that this is in direct conflict with his correspondence to Southwark residents in April stating, "the conservation area in Dulwich will remain".

Council assembly therefore reaffirms its support of the designation of the Rotherhithe peninsula and East Dulwich as suburban and calls upon the Mayor of London to respect the clearly expressed views of Southwark members and residents.

Comments of Strategic Director Regeneration

1. Policy 4B.3 of the London Plan – Maximising the potential of sites – says that boroughs should develop residential and commercial density policies in their UDPs in line with this policy and adopt the residential density ranges set out in table 4B.1. This calls for densities appropriate to their setting whether they are 'central,' 'urban,' or 'suburban.' The plan defines 'suburban' as 'lower density development, predominantly residential, of two to three storeys, as in some parts of inner London and much of outer London.'
2. Policy 4.1 and appendix 3 of the draft Southwark UDP set out Southwark's response to this. The suburban zone is marked on the proposals map. The Inspector has supported the council's approach and says of the Rotherhithe area, 'this part of the Borough is a Suburban Zone and development should generally respect its existing character and densities.'
3. The UDP may only be adopted if it is in general conformity with the London Plan. The Mayor objected to this designation and the Greater London Authority has written to the Council saying that they are likely to consider this a matter of general conformity with the London Plan.
4. The inspector considered the GLA's objections and his recommendations show in some instances that he disagrees with the Mayor and concludes that matters that have been raised are not matters of general conformity.
5. Council Assembly is being asked to approve proposed modifications to the plan in response to the inspector's recommendations. In view of the inspector's comments there are no proposed modifications to the boundaries of the

suburban zone. Following this consultation on these proposed modifications, the council will give notice of its intention to adopt the plan and the Mayor will be asked to issue a statement whether he considers the plan to be in general conformity with the London Plan. If he does not consider it to be in general conformity with the London Plan he may make representations to the Secretary of State requesting that the council is directed not to adopt the plan or to modify the plan in accordance with specified modifications. For its part, the council will prepare a statement of its decisions as respects all the objections and its reasons for each decision and submit this to the Secretary of State.

6. The final say on whether the plan is in general conformity with the London Plan will, in effect, be decided by the Secretary of State when she decides whether to issue a direction.

2. MOTION FROM COUNCILLOR FIONA COLLEY (Seconded by Councillor Gordon Nardell)

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

Licensing policy

Council assembly notes that over 100 local businesses, places of worship, tenants' and residents' associations, schools, community organisations, visitor attractions, trade unions, health services and local residents have expressed their opposition to the granting of adult entertainment licences.

Previous experience of adult entertainment clubs in the borough has shown that local residents, employees and visitors have been subjected to unwanted exposure to anti-social and sexually explicit behaviour in public.

Council assembly notes the concern of local businesses, faith groups, tenants' and residents' associations, schools, community organisations, visitor attractions, trade unions, health services and residents that the opening of such establishments will have a negative effect on regeneration and a harmful impact on those who live, work and visit the area, especially women.

Council assembly welcomes the proposal for review of and consultation on Southwark's licensing policy but remains concerned, given recent statements by the Leader of the Council reported in the local media, that the policy, even if reviewed, may not protect the interests of local people.

Council assembly therefore calls on the licensing committee to:

- Ensure wide consultation on the review of the licensing policy
- Ensure that the consultation includes a policy option which ensures that adult entertainment clubs are not opened in close proximity to schools, visitor attractions, residential areas, places of worship and other community facilities
- Review the procedural aspects of Southwark's licensing policy, and if necessary make representations to the government, to ensure that ward councillors are not prevented from playing an effective role as advocates for their communities in licensing matters
- Assure the local community that it will honour its responsibilities to local people and to local business and ensure that the Southwark council takes this issue as seriously as other London boroughs such as Westminster council.

Comments of Strategic Director Environment & Leisure

1. The Council recognises the degree of concern that exists within the Southwark community regarding the licensing of premises for adult entertainments.
 2. Decisions taken to date by the Licensing Committee in respect of adult entertainments, as well as the sale of alcohol and the provision of entertainment generally have to follow the Licensing Act 2003 and the regulations and Guidance issued by the Department of Culture Media and Sport (DCMS); as well as the Council's own Statement of Licensing Policy.
 3. The Mayor of London's draft consultation document on London's Night Economy is unable to offer any best practice guidance on how Local Authorities can deal with license application for lap dancing clubs and other adult entertainment venues. Under the Act, striptease and similar entertainment is a lawful licensable activity and one of the fundamental principles of licensing remains that no statement of policy may undermine the right of any individual to apply under the terms of the Act for any of the variety of permissions and consents and have that application considered upon its merits. This means that the Council cannot ban outright lap-dancing or similar activities.
 4. On 22nd June 2006 the Licensing Committee having regard to a variety of concerns about the new licensing regime agreed to a mid-term review of the Council's Licensing Policy including a process of full public consultation which will operate from 3rd July through to 30th September 2006. Submissions are invited from any interested party on any matter covered in the policy.
 5. When the consultation is completed the Licensing Committee will consider a full analysis in November 2006 and then on to this Council Assembly on 6 December 2006. The review will specifically consider: -
 - a). The public advertisement requirements in respect of applications for licences involving adult entertainments;
 - b). The general consultation arrangements in respect of applications for licences involving adult entertainments;
 - c). The factors that should give rise to consideration as to whether a locality is suitable for the grant of a licence involving the provision of adult entertainments; and
 - d). Appropriate conditions that may be attached to any licence involving adult entertainments.
 6. The review will also consider best practice by other licensing authorities. However, it has to be recognised that many other Local Authorities that have set policies in relation to adult entertainment venues have been able to do so as a result of a concentration of each venue.
 7. The review will separately consider the role of ward councilors within the licensing process, including where necessary lobbying the DCMS.
- 3. MOTION FROM COUNCILLOR LISA RAJAN** (Seconded by Councillor Kim Humphreys)

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

Thames Water and Central London's Water Supply

Council assembly welcomes Westminster council's proposal for a cross-borough action plan to highlight and remedy the mismanagement of central London's water supply by Thames Water, and notes that the London boroughs of Camden, Lambeth and Islington have given their support to the plan.

Council assembly notes that Thames Water's level of service has declined markedly over recent years and believes they should be held to account.

Council assembly also notes concern over the frequent loss of pressure in tower blocks in Southwark as well as Thames Water's failure to address leakages adequately.

Council assembly further notes that water supply related problems are often wrongly perceived by the general public to be the fault of the council rather than Thames Water.

Council assembly therefore supports the 'cross-borough charter for improvement', and requests that the executive considers the following ten-point action plan for Thames Water:

- OFWAT leakage targets to be met year on year
- Major burst mains to be actioned immediately. Minor leaks to be repaired within seven days of them being reported
- A log of all leaks known to Thames Water to be provided on the Internet for public access
- Technical liaison officers' contact details to be provided to London boroughs
- Emergency supplies of water to be delivered individually to residents in the event of a loss of supply
- No roads to be closed without prior council approvals being in place. No parking bays to be occupied without proper suspensions being requested
- Thames Water to pay for London boroughs to inspect 60% of their works instead of the normal 30%
- "Courtesy boards" to be provided at all sites
- Customer service improved and call centres to provide a rapid and well-informed response to all callers
- Thames Water and their contractors to become committed members of all boroughs' Considerate Streetwork schemes.

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

Comments from the Strategic Director Environment and Leisure

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. Overview and scrutiny committee (OSC) have remained concerned about the implications of low water pressure and have received periodic updates on the matter.
2. 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. London boroughs, including Southwark, have presented evidence, with the ALG leading an all-party presentation, principally on the question of costs.

3. Following the original OSC meetings, officers from housing have met with Thames Water on a number of occasions to talk through local issues and how plans may affect Southwark. The most recent communication has been concerned with drought issues and water shortages.
4. 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.
5. 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.
6. Member level negotiations with Thames Water were suspended during the election period. By April 2006, a draft protocol to improve communications was agreed, subject to member endorsement post election. The protocol is not a legally binding document but indicates an agreement from Thames Water to work more effectively and supportively with boroughs. Ultimately, Thames Water's levels of service to customers are as agreed with Ofwat, in accordance with the statutory and regulatory framework for the supply of drinking water and waste water services.
7. As a result of ALG lobbying, Thames Water have also offered to pay 50% of the costs relating to booster pumps that are installed as a result of supply pressure reductions caused by their Network Improvement Programme. In addition, they have improved their original interest-free two-year loan for the remaining 50% of the costs from 2 years to a 5-year period. However, the ALG is negotiating for Thames Water to cover 100% of any costs associated with water pressure reductions. This negotiating position has been agreed at the 33 borough ALG Leader's Committee and the 33 borough ALG Housing Steering Group.
8. The council is currently installing booster pumps to Denmark Hill estate, as the risk of future problems remains. Thames Water is not paying towards this work, as it does not result from changes to their network. The level of reported issues affecting East Dulwich estate was less extreme and the estate is subject to a major regeneration scheme, which will take the water pressure issue into account (planned to begin on site January 2007).
9. Causes for dissatisfaction with Thames Water include leakage rates, the speed with which major bursts are repaired, water pressure levels and the quality of customer care when supplies are interrupted. In response to these issues, Westminster council has drawn up a "Charter for Improvement" which it plans to present to Thames Water in the near future. The improvements sought are as summarised in the motion. According to the Leader of Westminster council, this is a non-political,

cross-borough action, for which Camden, Lambeth and Islington have already offered their support.

4. MOTION FROM COUNCILLOR PETER JOHN (Seconded by Councillor Alison McGovern)

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

Potters Field and Comments of Brian Coleman MLA

Council assembly recognises the importance which residents of Southwark place on our open and green spaces. In particular council assembly recognises the importance of Potters Field Park as a facility used and enjoyed by residents and visitors alike, and the historic fight undertaken by residents of the area to secure the park as such a valuable facility.

In the circumstances, council assembly utterly condemns the recent comments of the Conservative chair of the Greater London Authority (GLA) Brian Coleman, who stated that Potters Field park should be used as the site for a multi-storey car park with the capacity for 1,000 cars and condemns his reported comment that: "...Parks in Central London we're not short of."

Therefore, council assembly calls upon the Conservative chair of the GLA to withdraw his comments and advises him in future to concentrate his attention to serving the interests of his constituents in Barnet and Camden.

Comments from the Strategic Director Environment & Leisure

1. The London Borough of Southwark has a number of parks in which we have made significant investment and of which we are extremely proud. The UDP, however, clearly identifies the north of the Borough as an area which suffers from a deficit of open space especially open space of good quality.
2. Potter's Fields Park is a site of international significance; it is on a highly visited tourist route opposite the Tower of London and adjacent to Tower Bridge which is one of the iconic structures that defines London. Additionally, significant numbers of people work in the locality and Potter's Fields Park also performs a vital function as a local green space for people who live in the area. For all these reasons the site merits a very well designed park of the highest quality.
3. Southwark Council, therefore, sees it as a priority to refurbish the site and a package of funding has been assembled for this purpose. First, as part of its Section 106 (s106) agreement with Southwark, More London Ltd has contributed £750K; this has been supplemented with £750k in match funding which the Council has allocated from other existing s106 agreements and finally, £1.1 million single regeneration budget funding has been obtained from the London Development Agency (via the Pool of London Partnership). Construction has now begun and a vibrant and inspirational park will be delivered in late spring of 2007. The site will then be managed by a local development trust (the Potter's Fields Park Management Trust) which will maintain the park to a high standard and protect the interests of all parties with a stake in the site.
4. For these reasons the suggestion that the site should be a car park is entirely inappropriate. In addition, there are a number of further reasons that make a car park a bad idea. Firstly, the park is in the Congestion Zone (an area where the aim

is to discourage additional car usage). Secondly, for those who must drive there is on-street pay and display parking provision and a large multi-story car park in near by Shad Thames. Finally, the park is designated Metropolitan Open Land and benefits from the protection against development that such designation carries. A car park on Potter's Fields Park is neither sensible, nor achievable.

5. MOTION FROM COUNCILLOR AUBYN GRAHAM (Seconded by Councillor John Friary)

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

Maroon Project

Council assembly welcomes the valuable and important service which Maroon Project in Camberwell has provided for many years for mental health suffers in Southwark.

Council assembly notes that the project has been running from industrial units unsuitable for vulnerable service users.

Council assembly calls on the executive member for health and social care to investigate and report back on what attempts have been made by Southwark council in the past 10 years to find suitable premises for the project; and further calls on the executive member to assist in relocating this valuable project in adequate premises.

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

Comments from the Strategic Director Health and Community

To follow

6. MOTION FROM COUNCILLOR ROBERT SMEATH (Seconded by Councillor Andrew Pakes)

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

Service Improvement – Nunhead & Peckham Rye Housing Office

Council assembly notes serious concern about the level and quality of service provided to tenants and leaseholders from Nunhead & Peckham Rye neighbourhood housing office (NHO).

Council assembly notes a recent example where a toilet overflow took up to 5 months to replace and unacceptable delays for residents to be able to see officers from the tenancy management team. Council assembly further notes that a flood left residents without electricity overnight, despite being promised emergency assistance which did not appear.

Council assembly calls on the executive member for housing to investigate service levels at Nunhead & Peckham Rye NHO and then report back on the steps he intends to take to secure improvements in service levels.

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

Comments from the Strategic Director Housing

1. The service levels at Nunhead and Peckham Rye (N and PR) - as with other area housing offices - are the subject of monthly council performance management plus regular review by tenants & residents through the Area Forums. More specifically, in N and PR the Area Forum has established a specific compact involving officers, contractors, Members, tenants and residents which, through its Partnership Board, reviews performance in a wider context. Recent consideration through each of these fora have shown no diminution of service, indeed repair statistics were at their best in the last report to Area Forum in April 2006.
2. As the 2 specific cases alluded to in the motion are not identified, it is not possible to give a categorical case review. However, it is believed that the first is a case where the tenant refused access on several occasions and the repair could only be completed following the written threat of forced entry. The other instance is believed to be one where an error occurred when the Customer Services Centre ordered electrical repairs to one flat affected by flooding but omitted to order similar works to a second affected flat outside normal working hours. When this was brought to the area office's attention on the following morning, power was restored by the afternoon.
3. Area housing managers have invited all ward councillors to meet with their management teams since the election and are establishing ongoing liaison arrangements. Further invites are being extended where councillors may not have yet been able to take up this opportunity. Should the invite be accepted, the N&PR meeting with Councillor Smeath will specifically include discussion on the perception of the overall quality of the service and the details of the specific cases. A report on the outcome of that meeting will be forwarded to the Executive Member of Housing.
4. In addition, the Executive member for Housing is scheduled to be meeting with the N and PR Housing Office as a priority to understand the issues addressed in this motion.

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	2nd draft
Dated	09.06.06