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| Item No. 9. | Classification: Open | Date: March 28 2007 | Meeting Name: Council assembly |
| Report title: | | Motions | |
| Ward(s) or groups affected: | | All | |
| From: | | Director of Legal and Democratic Services | |

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 responsibility for particular functions to council assembly, including approving the budget and policy framework, and allocates to the executive responsibility 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 that are reserved to the executive (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the executive. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the executive:

- To change or develop a new or existing policy
- To instruct officers to implement new procedures
- To allocate resources

(NOTE: In accordance with council assembly procedure rule 3.10 (5) & (6) (prioritisation and rotation by the political groups) the order in which motions appear in the agenda may not necessarily be the order in which they are considered at the meeting).

1. MOTION FROM COUNCILLOR PAUL NOBLET (seconded by Councillor Mackie Sheik)

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

Legal Aid

Council assembly notes:

- (1) The plans by the government, led by Harriet Harman MP and other ministers, for changes to the funding regime for legal aid cases;
- (2) That changes will involve a move towards national fixed fees on a 'type of law' basis with no additional London weighting;
- (3) That the demands on legal aid have increased sharply since 1997 as a result of the increased number of offences on the statute book; and,
- (4) That spending on civil legal aid has fallen in real terms by over 20% since 1997; and,
- (5) That nine legal firms in Southwark have stopped undertaking legal aid cases in the past 12 months due to past changes in the funding regime and that this represents a fall of 43%.

Council assembly believes:

- (6) That higher costs and longer case lengths in London will act as a disincentive to firms to undertake legal aid work under the new funding regime;
- (7) That black and ethnic minority firms are worried that they may be forced into mergers, which interfere with their identity or that leading lawyers will no longer be able to head up firms, providing important role models for their communities;
- (8) That fewer firms undertaking legal aid will have an adverse effect on the residents of Southwark who will find it more difficult to find a solicitor willing to take on their case;
- (9) That the cost of providing services for people for whom English is not a first language is likely to be higher and consequently that fewer firms will be willing to take them on; and,
- (10) That black and minority ethnic populations could suffer disproportionate cuts in their access to services as a result of these changes.

Council assembly resolves:

- (11) To ask the executive to campaign to urge Harriet Harman MP and the government to halt the move towards the fixed fee funding regime for legal aid cases; and,
- (12) To ask the executive to make local groups who have an interest in these matters aware of the changes and the potential effect on them and to urge them also to have their say.

Comments of the Strategic Director (Regeneration and Neighbourhoods)

To follow.

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

2. MOTION FROM COUNCILLOR KIRSTY MCNEILL (Seconded By Councillor Paul Bates)

District Heating Systems

Council notes:

- (1) When the Heygate heating fails it also fails on the neighbouring Salisbury estate, which is run off the same system;
- (2) So far this year, the heating has been out for 3 days in January, 9 days in February and 5 days in March. Outages occur with no warning and can last for several hours;
- (3) Heating outages have also taken place on the Aylesbury estate over this period including during Christmas when the heating failed on a number of blocks;
- (4) That this is taking place at the time when heating charges for Southwark's tenants are increasing by 46%;
- (5) These cost increases come following increases in charges of more than 29% for tenants across the borough last winter; and,
- (6) Leaseholders have been warned that increases in the region of 62% should be anticipated.

Council believes:

- (7) Responsibility for the disrepair and poor maintenance of the heating falls squarely with the council and residents are being systematically denied the services they pay for;
- (8) Residents and leaseholders should not face massive price hikes for the provision of services which are totally unreliable and sub-standard;
- (9) Residents should be adequately compensation for the loss of heating and hot water experienced during this very cold and wet winter, including on one day of snow;
- (10) Residents suspect that the continued failings of their heating and hot water supply are part of a systematic campaign to run down their estate so that people voluntarily leave before the regeneration. They cite the poor standards of lift maintenance, pest control, external repairs and estate cleaning as further evidence that there has been a deliberate decision to render the Heygate inhabitable; and,
- (11) Council believes that regeneration should not be an excuse to abandon the residents of the Heygate, Aylesbury estates and wider Elephant and Castle neighbourhood.

Council therefore resolves:

- (12) To request the executive to report on the feasibility and cost of replacing the district heating system in full;
- (13) To request the executive to undertake a full cleaning of the system to prevent further blockages and leaks;
- (14) To call on the executive to consider freezing district heating charge rises for residents and leaseholders on the Heygate, Aylesbury and Salisbury estates; and,
- (15) To request the executive provides compensation for the repeated and substantial loss of heating service this winter.

Comments of the Strategic Director (Environment and Housing)

To follow.

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

3. MOTION FROM COUNCILLOR CAROLINE PIDGEON (seconded by Councillor Bob Skelly)

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

Southwark Schools for the Future

Council assembly welcomes:

- (1) The commitment from the Executive to providing the best possible learning environment for Southwark's children and young people;
- (2) The detailed pupil place planning work which shows the need for additional secondary school places, particularly in the north of the borough;
- (3) The exceptional performance by Southwark pupils and many schools, in particular Boutcher, Beormund and Cobourg primary schools which came at the top of their respective league tables;
- (4) The success of Southwark's bid to the Department for Education and Skills (DfES) for approximately £186 million for state of the art school buildings through the Southwark Schools for the Future programme
- (5) The addition of £20 million of Southwark's own capital funds to the schools building programme; and,
- (6) The commitment to opening a temporary site for the new Harris Boys Academy East Dulwich for September 2008 and on its permanent site in September 2009.

Council assembly believes that the best way of ensuring that every Southwark child receives the best possible education is for all local schools to be of a high quality.

Council assembly requests the executive:

- (7) To continue to work with the Harris Foundation and other interested parties to ensure that the new Harris Boys school opens on its temporary site in September 2008 and on its permanent site in September 2009;
- (8) To press ahead with the plans for a new secondary school in the Rotherhithe area and another in the Walworth area, to ensure that the borough meets the projected demand for secondary school places;
- (9) To ensure that one of the new secondary schools is an eco-school, where the environment and sustainability is at the heart of the curriculum, as well as the build and to press the government to release funds to build schools to higher eco-standards;
- (10) To ensure where possible, that school facilities are opened up to the wider community out of school hours, ensuring that schools are genuinely at the heart of the community and a resource for adult and family learning; and,
- (11) To lobby the government finally to change the legislation to ensure that VAT is not payable on new school buildings if they are rented out to community groups for extended school activities.

Comments of the Strategic Director (Children's Services)

To follow.

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

4. MOTION FROM COUNCILLOR VERONICA WARD (seconded by Councillor Martin Seaton)

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

Youth Provision

Council notes that Southwark already spends more money on youth services than many other boroughs and that some additional funds were provided for in the budget.

Council assembly notes evidence of dissatisfaction with services provided highlighted in the MORI poll of service users presented to the executive in November 2006.

Council notes that some voluntary organisations, often black and minority ethnic (BME) groups, providing a wide variety of provision are underfunded and struggling to maintain vital support they are giving to young people within their own communities.

Council assembly notes the present Young Southwark and partnership initiatives and the hard work of many staff, agencies and members of the local community in working together and listening to young people.

Council believes there is evidence of a mismatch between services provided and activities that young people can and want to use. Overall use of resources needs to be examined.

Council assembly recognises that young people and their parents will look for a wide variety of appropriate services and activities – some through extended school activities, some through local leisure centres, churches, tenant and resident associations (T&RAs) and the many voluntary and community groups, theatre, sports and art groups in the borough.

Council assembly believes that the youth service has a coordinating and supportive role as well as providing many activities both centre based and through outreach.

Council assembly also believes that the channels for direct involvement by young people in decisions made about activities for them should be strengthened, mainstreamed and formalized, so that their views directly influence the planning of youth services.

Council assembly therefore calls on the executive to carry out a full review of all current youth provision in the borough that listens to young people and those working with young people, taking an overview of all provision and how best to meet the aspirations and interests of young people with the resources available.

Council assembly also calls on the executive to carry out a full review of the youth engagement strategies, including youth councils and other forums, to assess how more of the borough's young people can be involved and engaged in influencing youth provision in the borough.

Council assembly reasserts the need to ensure that all of these reviews must take care to include the views of all communities in the borough and that measures should be taken to ensure that BME young people are fully represented.

Comments of the Strategic Director (Children's Services)

To follow.

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

5. MOTION FROM COUNCILLOR RICHARD THOMAS (seconded by Councillor Nick Vineall)

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

Unitary Development Plan

Council assembly notes:

- (1) The suburban character of Rotherhithe, East Dulwich, Nunhead and Herne Hill;
- (2) The proposal to retain the designation of these areas as suburban in the council's new unitary development plan (UDP);
- (3) That the UDP would limit housing densities to a maximum of 350 habitable rooms per hectare in these areas;
- (4) The strong support shown by Southwark residents for this aspect of the council's UDP;
- (5) That the provision of affordable homes in Southwark is a crucial issue and that the council is on course to meet its targets in this regard – something that was recognised by the Inspector who scrutinised the draft UDP;
- (6) The decision by the Mayor of London to retain the designation of the 'suburban north zone' including Rotherhithe, East Dulwich, Herne Hill, Nunhead and North Dulwich;
- (7) The decision by the secretary of state to direct Southwark to amend its UDP overruling the clear recommendations of the independent inspector; and,
- (8) That the UDP has received unanimous cross party backing within this council chamber on its recommendations with regards to density.

Council assembly welcomes the support shown for its campaign by local MPs Simon Hughes and Tessa Jowell and Greater London Authority (GLA) member Val Shawcross but regrets that Harriet Harman MP has so far failed to do so.

Council assembly calls on the executive:

- (9) To continue to press the secretary of state to recognise the suburban character of Rotherhithe, East Dulwich, Herne Hill, Nunhead and North Dulwich and to reconsider her direction; and,
- (10) To consider what further action might be appropriate in case she fails to change her designation.

Comments of the Strategic Director (Regeneration and Neighbourhoods)

To follow.

6. MOTION FROM COUNCILLOR AUBYN GRAHAM (seconded by Councillor Tayo Situ)

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

Black and Minority Ethnic (BME) Staff

Council assembly note the concerns of BME staff about issues of unfair treatment and discrimination, often brought to the attention of members through their day-to-day links with the BME communities.

Council assembly asks the executive to investigate and report back to council assembly on any formal and or informal reports of unfair treatment of BME staff in the past 18 months, department by department, and the outcome of any action by management to improve this situation, and support to BME staff in promotion and personal development.

Comments of the Strategic Director (Customer and Corporate Services)

To follow.

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

7. MOTION FROM COUNCILLOR ROBERT SMEATH (seconded by Councillor Evrim Laws)

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

Changing Facilities on Peckham Rye Park

Council assembly notes the tremendous work and support Southwark Caribb Sport Association has been providing for young people both girls and boys from across the borough over many years.

Council assembly notes the contribution of volunteers, week in week out, who provide the help and guidance for young people and recognises their efforts their admirable efforts at involving a wide range of young people in activities.

Council assembly notes that Southwark council was found to be the worst borough in London for child obesity.

Council assembly notes the substantially large number of teams and young people already taking part in activities on this park and using these facilities

Council assembly believes their achievements are evident in the large number of young people benefiting from their activities, parents support and sporting successes.

Council assembly believes all members should be mindful of the education and personal development value of team sports and the benefit to young adults, particularly at a time when a few of them are attracted to anti-social behaviour.

Council assembly believes that that the planned changing and other facilities will be wholly inadequate for the number of users.

Council assembly believes the call for additional facilities to the ones now in construction on Peckham Rye park is justified.

Council assembly asks the executive member to review the situation with a view to providing additional changing facilities on Peckham Rye park at least by the autumn of this year.

Comments of the Strategic Director (Environment and Housing)

To follow

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

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 | Cameron MacLean, Constitutional Officer |
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