

Item No. 11.	Classification: Open	Date: 17 May 2011	Meeting Name: Cabinet
Report title:		Motions Referred from Council Assembly	
Ward(s) or groups affected:		All	
From:		Strategic Director of Law, Communities & Governance	

RECOMMENDATION

1. That the cabinet considers the motions set out in the appendices attached to the report.

BACKGROUND INFORMATION

2. Council assembly at its meeting on Wednesday, 6 April 2011 agreed a number of motions and these stand referred to the cabinet for consideration.
3. The cabinet is requested to consider the motions referred to it. Any proposals in a motion are treated as a recommendation only. The final decisions of the cabinet will be reported back to the next meeting of council assembly. When considering a motion, cabinet can decide to:
 - Note the motion; *or*
 - Agree the motion in its entirety, *or*
 - Amend the motion; *or*
 - Reject the motion.

KEY ISSUES FOR CONSIDERATION

4. In accordance with council assembly procedure rule 2.9(6), the attached motions were referred to the cabinet. The cabinet will report on the outcome of its deliberations upon the motions to a subsequent meeting of council assembly.
5. The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework, and to the cabinet for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis.
6. Any key issues, such as policy, community impact or funding implications are included in the advice from the relevant chief officer.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Motions submitted in accordance with council assembly procedure rule 2.9 (6).	160 Tooley Street London SE1 2QH	Lesley John Constitutional Team 020 7525 7228

APPENDICES

Number	Title
Appendix 1	Motion on themed debate: The future for Southwark – Rising to the community challenge
Appendix 2	Repayment of major works charges by leaseholders
Appendix 3	Secondary school in SE16
Appendix 4	Secure tenancies
Appendix 5	Cabinet priorities

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Lesley John, Constitutional Officer	
Version	Final	
Dated	6 May 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Deputy Chief Executive	Yes	Yes
Strategic Director of Children's Services	Yes	To follow
Strategic Director of Housing Services	Yes	Yes
Strategic Director of Communities, Law and Governance	No	-
Cabinet Member	No	-
Date final report sent to Constitutional Team	6 May 2011	

APPENDIX 1

Motion on themed debate: The future for Southwark – Rising to the community challenge

At council assembly on Wednesday 6 April 2011 a motion on the future for Southwark – rising to the community challenge was moved by Councillor Patrick Diamond and seconded by Councillor Michael Situ. The motion was agreed and stands referred to the cabinet as a recommendation.

Recommendation

1. That council assembly notes the letter from the cabinet member for equalities and community engagement setting out the theme of the debate: “The future for Southwark - rising to the community challenge”.
2. That council assembly notes the assertion that “the council’s role will have to change over the coming years, due to spending cuts and changing resident expectations and needs.” It notes the questions that the cabinet member posed to members to help them think about how they can shape that change:
 - How can we give residents more control over the services they receive?
 - What role could you and your community play in helping to deliver these services?
 - How should we measure success and how should we communicate our progress with you?
3. That council assembly calls on the cabinet to note the content of the debate and points raised.
4. That council assembly calls on the cabinet member for regeneration and corporate strategy to report back in not less than six months on which of these ideas will be pursued further with communities and neighbourhood forums.

Comments of the Deputy Chief Executive

At Council Assembly on 6 April, the Cabinet Member for Regeneration and Corporate Strategy set out a focus on three core themes:

- Delivering shared services
- An holistic approach to service delivery, joined up around families and individuals
- Community involvement in service delivery

Questions and the debate at Council Assembly provided a number of ideas on how the Council should meet future challenges.

The Cabinet Member also invited Members to send in their views if they did not get a chance to speak in the debate and a number of additional points have been raised since 6 April. The themed debate will continue to be followed up through Community Councils.

The ideas presented during the debate or since will be collated by officers. These, and actions taken as appropriate, will be reported back within the timescale set out in the motion. Further, the Council plan will be considered by Cabinet on 21st June 2011 and will be submitted to Council Assembly for approval. Development of the Council plan will be informed as appropriate by the ideas raised through this process. This is within the timeframe for the Cabinet Member to report back.

Repayment of major works charges by leaseholders

At council assembly on Wednesday 6 April 2011 a motion on repayment of major works charges by leaseholders was moved by Councillor Lewis Robinson and seconded by Councillor Toby Eckersley. The motion was agreed and stands referred to the cabinet as a recommendation.

Recommendation

That council assembly notes:

1. Southwark Council currently offers leaseholders a number of repayment options when major works (a charge for large one-off works to a block or an estate) are due on their property for which they are liable. These include a “voluntary charge” payable upon sale of the property, and an interest free repayment period of between 12 and 36 months. The council’s preferred option is repayment in 12 monthly instalments (Home Owners Guide)
2. The interest free repayment offer of 36 months is fairly standard across London local authorities, although some do offer a longer period of 48 months.

That council assembly believes:

3. A well planned programme of this type of work across the borough would ensure that all required works are carried out with good notice, and scheduled so that leaseholders are able to make adequate provision and plan ahead financially over a number of years.
4. There have been an increasing number of examples however, of the council failing to achieve this. For example, the council may have to carry out emergency major works following health and safety issues identified in an inspection, or a fire safety notice has been served. In some cases, the programme of works has just been poorly planned.
5. This can and has resulted in several major works programmes taking place in one financial year on an estate, and is highly likely to cause considerable financial hardship to leaseholders. Many on fixed or low incomes are unable to meet the increased costs or able to plan ahead, and given the current state of the housing market, offsetting costs against equity is an increasingly unviable option.
6. The council, while acknowledging that circumstances, and the legal position, may differ from block to block and lease to lease, also believes that further information is required about the obligation of leaseholders to make contributions towards the remedying of fire safety defects.

That council assembly therefore requests cabinet:

7. That where exceptional circumstances occur, and the council is required to carry out more than one programme of major works on an individual estate in one financial year, the current repayment schedule of 36 months will be extended to 48 months so that those affected leaseholders are better placed to budget for the additional financial burden.
8. That when such a situation arises the council informs affected leaseholders this further option is available to them.
9. That definitive advice on leaseholder duties in respect of all types of request for contributions for remedying of fire safety defects be obtained.

Comments of the Strategic Director of Housing Services

To follow.

Secondary School in SE16

At council assembly on Wednesday 6 April 2011 a motion on a secondary school in SE16 was proposed by Councillor Rosie Shimell and seconded by Councillor Jeff Hook. The motion was subsequently amended and the amended motion stands referred to the cabinet as a recommendation.

Recommendation

1. That council assembly recognises the need for more secondary school places in SE16.
2. That council assembly notes that this administration has always been firmly committed to a new school in SE16 - and that this has consistently been reflected in the Canada Water Action Plan.
3. That council assembly notes that:
 - 1) The Labour government and the previous council administration agreed a programme of 12 Building Schools for the Future (BSF) schools in Southwark, including a brand new, 5 forms of entry (150 places per year group) school in Rotherhithe.
 - 2) In July 2010, the Secretary of State scrapped almost all the BSF programmes across the country, but told this council that Southwark's 12 schools were 'unaffected' by these changes – including schools in Phase 3 of Southwark's BSF programme.
 - 3) Last June the government asked the council to resubmit the borough's pupil place demand projections.
 - 4) In October 2010 Partnerships for Schools (an agency of the Department for Education) informed the council that programmes referred to as 'unaffected' in July would be subject to the Department for Education value for money review. Initially, reference was made to the Department for Education seeking savings of up to 40% across remaining BSF programmes nationally.
 - 5) In November 2010 the government wrote to the council saying that they were withdrawing the £19.6 million it had previously allocated for a new school in Rotherhithe. In the letter, however, the government said it considered there was a need for 2 forms of entry (60 places per year group) worth of places in the area. The letter from the Department for Education to the council said:

"It is not considered that a case can be made for the delivery of a new 5 form of entry secondary school in Rotherhithe at this time. As such the £19.6 million funding provisionally allocated to this project through the Stage 0 approval process in April 2010 will no longer be available to the Authority to deliver that proposal.

"The Department [for Education] considers that there is the need to establish 2 forms of entry of additional secondary places in the Rotherhithe area in the next five years. As such the Department will work alongside Southwark and PfS [Partnerships for Schools] to identify an alternative proposal for the delivery of these places."

- 6) To date the government has not confirmed how much funding the government will provide to the council for these extra places and when the council will receive it. Until the government confirms this, the council can not progress plans.
- 7) Last month a working level BSF spreadsheet, emailed from an official in Partnerships for Schools to an officer in the council, suggested that the government had still allocated the full £19.6 million to a new school in Rotherhithe. This was despite the fact that the government had formally told the council in November that it had withdrawn the funding.
- 8) As a result, the council wrote to the government demanding clarity on how much funding the council will receive for new secondary places in SE16. The letter said:

"The council has always maintained that, despite borough-wide figures, there is a specific need for additional places in Rotherhithe and our proposals for a new school responded both to this and the specific demand in Rotherhithe.

"I am writing to seek confirmation that we can now move forward....I hope you can advise without delay in order that I can progress, because we need to give certainty to local families."

4. That council assembly further notes that:
 - any suggestion in the media or otherwise that the council should 'welcome the government's funding for a new school in SE16 is based on a fundamental and complete misunderstanding of the situation
 - any suggestion in the media or otherwise that £10 million for new places may be available from the government does not match the facts as they are known to the council.
5. That council assembly supports the cabinet in its calls for the government to clarify how much funding is available for new secondary places in SE16.
6. That council assembly welcomes the cabinet's wish to work with stakeholders, including both the MPs for SE16, to find a solution to the need for places in the area.

Comments of the Strategic Director of Children's Services

To follow.

Secure Tenancies

At council assembly on Wednesday 6 April 2011 a motion on secure tenancies was proposed by Councillor Ian Wingfield and seconded by Councillor Gavin Edwards. The motion was agreed and motion stands referred to the cabinet as a recommendation.

Recommendation

1. That council assembly notes that Southwark is the largest local authority social landlord in London with 45,000 tenants and homeowners in the borough.
2. That council assembly notes the proposal in the Conservative/Liberal Democrat government's Localism Bill to end the right to a secure tenancy for council and housing association tenants, and restrict the rights of tenants to complain directly to the housing ombudsman.
3. That council assembly notes that Labour has tried to remove these provisions from the Localism Bill but that Liberal Democrat MPs voted with the Conservatives to keep them within the bill.
4. That council assembly regrets the government's proposal to issue fixed-term tenancies of just two years that will force tenants in Southwark to go through an assessment of their income and family circumstances after just eighteen months in their home which will act as a disincentive to get a better job, could force couples to leave their family home once their children leave home and do not include a right to improve homes or a right to pass on the tenancy to a child, live-in carers or siblings.
5. That council assembly is deeply concerned at the lack of clarity from the Tory-led government regarding the rights of existing social tenants in Southwark to a secure tenancy if they move to a new council or housing association property.
6. That council assembly also notes that along with their cuts to council house building, housing benefit and their plan to introduce rents of up to 80% of local market rents, and reduce funding for the decent homes programme, this is an attack on the fundamental principles of decent, secure and affordable public housing.
7. That in the circumstances council assembly praises the Southwark Labour administration's ambition to make every council home warm, safe and dry.
8. That council assembly calls upon the cabinet and the relevant cabinet members:
 - To lobby Simon Hughes MP to vote against this proposal in the House of Commons and not abstain
 - To seek clarification from the government regarding the proposals to force council tenants to move if their income increases.

Comments of the Strategic Director of Housing Services

Under the Localism Bill the government proposes to give local authority and housing association landlords the flexibility to offer, in addition to secure or assured tenancies, a new 'flexible tenancy', allowing landlords to offer some or all new tenants fixed term tenancies. The proposals apply to new tenants of social housing: existing council and Registered Provider tenants will generally be unaffected, even if they transfer or mutually exchange properties. However for those existing secure or assured tenants transferring to an 'Affordable Rent' property, it is proposed that landlords will have the discretion as to whether to offer a lifetime tenancy.

It is proposed that the minimum fixed term for flexible tenancies will be two years. However landlords will be free to offer longer terms, or retain lifetime tenancies should they wish.

The proposals for flexible tenancies allow for succession for spouses or partners, but give landlords the flexibility to grant whatever additional succession rights they choose.

The Bill also proposes to restrict access to referrals to the Housing Ombudsman to 'designated persons' only. For the purposes of the Bill, the following are identified as designated persons:

- a. A member of the House of Commons.
- b. A member of the local housing authority for the district in which the property concerned is situated, or
- c. A designated tenant panel for the social landlord.

The Government's proposals to charge rents at up to 80% of market rents (so called 'Affordable Rent') to new tenants of housing association (Registered Provider) new build homes, and a proportion of relets, could have a significant impact in boroughs such as Southwark. The borough has relatively high land values and low income levels (for example the median household income for council tenants was £9,100- Southwark Housing Requirements Study 2008). On the basis of these income levels, generally only those on Housing Benefit would be able to afford 'Affordable Rents'. However from April 2013 the Government intends to cap the maximum amount of benefit that households can claim at £500 per week for couples and lone parents and £350 per week for single people. This could cause severe financial hardship and the build up of rent arrears, increased homelessness, as well as increased overcrowding as families could be reluctant to move to larger homes with significantly higher rents.

Cabinet Priorities

At council assembly on Wednesday 6 April 2011 a motion on cabinet priorities was proposed by Councillor Anood Al-Samerai and seconded by Councillor Paul Noblet. The motion was subsequently amended and the amended motion stands referred to the cabinet as a recommendation.

Recommendation

1. That council assembly notes that in just under a year of the Labour administration, despite the savage cuts from the Tory/Liberal Democrat government:
 - The administration's success in taking the regeneration of the Elephant & Castle forward, with progress on new leisure facilities
 - The administration has delivered a food waste recycling pilot, meaning that, where carbon would be produced through incineration and methane through landfill, fewer emissions are produced. It notes the planned reduction in the carbon produced by the council's estate
 - The cabinet's commitment to a new school in Rotherhithe. It notes that the government withdrew the Building Schools for the Future funding for a new school.

2. That the other following deliveries on the administration's commitments be noted:
 - Piloting free school meals and securing the finance for free meals in primary schools across the borough
 - Establishing a commission on reducing teenage conceptions
 - Cutting spending on special responsibility allowances by the same amount that they were increased by the Liberal Democrat/Tory administration
 - New safeguards on spending on consultants and the amount spent on them cut as a result
 - The most open budget process in the borough's history
 - All fire risk assessments of council homes now available to the public
 - New dedicated housing department created
 - Two air-quality monitoring stations reopened
 - Consulted with the voluntary sector on our care service charter of rights
 - Piloting a new dedicated phone line for queries about social care.

3. That the other following achievements in the administration's 2011/12 budget be noted:
 - Transition fund for voluntary sector, thought to be unique in London, and funding cushion for day care centres and lunch clubs
 - Youth fund to help young people in Southwark find work or stay on in education
 - Pay increase for the lowest paid council employees, despite a national pay freeze.

4. That council assembly believes that this administration delivers. It calls on the cabinet to put delivery at the core of the new council business plan.