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| <b>Item No.</b><br>5.2             | <b>Classification:</b><br>Open | <b>Date:</b><br>23 January 2013 | <b>Meeting Name:</b><br>Council Assembly |
| <b>Report title:</b>               |                                | Motions                         |  |
| <b>Ward(s) or groups affected:</b> |                                | All                             |  |
| <b>From:</b>                       |                                | Proper Constitutional Officer   |  |

## BACKGROUND INFORMATION

The councillor introducing or “moving” the motion may make a speech directed to the matter under discussion. This may not exceed five minutes<sup>1</sup>.

A second councillor 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 debate the issue and any amendments on the motion will be dealt with.

At the end of the debate the mover of the motion may make a concluding speech, known as 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 councillors 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 cabinet 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 cabinet (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the cabinet. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the cabinet:

- 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 2.10 (7) & (8) (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.

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<sup>1</sup> Council assembly procedure rule 1.14 (9)

1. **MOTION FROM COUNCILLOR PETER JOHN** (Seconded by Councillor Richard Livingstone)

#### **Save Southwark emergency services**

1. Council assembly believes that the safety and security of Londoners and the residents of our borough is being put at risk as a result of cuts to emergency services being pushed through by the Mayor of London and the Tory Liberal Democrat government to our key emergency services – the Metropolitan Police Service, the London Fire Brigade alongside the London Ambulance Service and the city's accident and emergency departments.
2. Council assembly believes that the cuts are going too far and too fast and that the many millions of pounds being cut from the budgets of the NHS, the Metropolitan Police Service and the London Fire Brigade will inevitably endanger families and communities across the capital.
3. Council assembly believes that the cuts are being carried out without consideration of the impact on Londoners' safety. The mooted closures of police front desks in Rotherhithe and East Dulwich, fire stations in Borough and Peckham and Lewisham A & E department will mean various pockets of London could see the safety of residents threatened by longer response times.
4. Council assembly rejects the position of the Mayor of London and of Simon Hughes MP that the scale of the cuts are necessary and acceptable and calls on both to stand up for Southwark residents against the cuts being imposed by the Tory Liberal Democrat government to the emergency services on which we rely to keep Londoners safe.

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

2. **MOTION FROM COUNCILLOR GRAHAM NEALE** (Seconded by Councillor Rosie Shimell)

#### **DNA database**

1. Council notes that in a fair society it is simply not right that innocent people can have their DNA stored by the state.
2. Council also notes with concern that since 2004 the UK's national DNA database (NDNAD) has been permitted to hold DNA samples of any individual arrested of an offence, regardless of whether that individual was actually charged or convicted.
3. Council notes that over million people, who have never been given a conviction, caution or formal warning are estimated to be on the national DNA database and acknowledges that the European Court of Human Rights found indefinite DNA retention to be in violation of Article 8.

4. While council recognises that DNA evidence can be an important tool in criminal investigations, council believes that the indefinite retention of the DNA of innocent people constitutes a disproportionate intrusion by the state.
5. Council welcomes the government's announcement that all DNA samples held for innocent people will be destroyed by May 2013 and endorses the provisions within the Protection of Freedoms Act 2012 ending the illiberal policy of permanent DNA retention for individuals not charged or convicted of any crime.
6. Council supports the Metropolitan Police Service's early deletion request scheme and calls upon cabinet and council officers to ensure this is effectively publicised among Southwark residents.
7. In particular, council urges council officers to:
  - Work in partnership with the Metropolitan Police Service and youth services to ensure the early deletion request scheme is promoted in Southwark's schools, youth centres and community forums
  - Provide a link to the early deletion request scheme on Southwark Council's website and highlight the scheme in the next edition of Southwark Life.

#### **BACKGROUND DOCUMENTS**

| <b>Background Papers</b> | <b>Held At</b>   | <b>Contact</b>               |
|--------------------------|--|------------------------------|
| Member Motions           | Constitutional Team<br>160 Tooley Street<br>London SE1 2QH | Andrew Weir<br>020 7525 7222 |

#### **AUDIT TRAIL**

|                      |                                       |
|----------------------|---------------------------------------|
| <b>Lead Officer</b>  | Ian Millichap, Constitutional Manager |
| <b>Report Author</b> | Andrew Weir, Constitutional Officer   |
| <b>Version</b>       | Final                                 |
| <b>Dated</b>         | 9 January 2013                        |