

Item No. 18.	Classification: Open	Date: 20 September 2016	Meeting Name: Cabinet
Report title:		Motions Referred from Council Assembly	
Ward(s) or groups affected:		All	
From:		Council Assembly	

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 13 July 2016 agreed several 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 2.10.6, 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
Council agenda	Report on the council's website	Virginia Wynn-Jones Constitutional Team 020 7525 7055
Link: http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=132&MId=5431&Ver=4		

APPENDICES

Number	Title
Appendix 1	Tackling the housing crisis
Appendix 2	Motor neurone disease charter
Appendix 3	School funding in Southwark
Appendix 4	Tax compliance and procurement
Appendix 5	A Cinderella Line
Appendix 6	Condemning hate crime
Appendix 7	Rights of EU citizens
Appendix 8	Motor Neurone Disease Charter

AUDIT TRAIL

Lead Officer	Chidilim Agada, Constitutional Manager (Acting)	
Report Author	Virginia Wynn-Jones, Constitutional Officer	
Version	Final	
Dated	8 September 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Chief Executive	Yes	No
Strategic Director of Environment and Leisure	Yes	No
Strategic Director of Finance and Governance	No	No
Director of Law and Democracy	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	8 September 2016	

TACKLING THE HOUSING CRISIS

1. Council assembly recognises the role of local authorities in tackling the housing crisis, to ensure that there are enough decent affordable homes for all of our residents.
2. Council assembly welcomes the steps that this administration is taking to ensure Southwark plays its role in solving the housing crisis, including:
 - Building 11,000 new council homes, with the first 1,500 delivered by 2018
 - Ensuring that local residents benefit directly by reserving half of all the new council homes for residents on the housing waiting list who live in the local area
 - Ensuring the delivery of truly affordable homes by securing over 35% affordable homes in new developments last year, with over 50% of these for social rent
 - Improving the quality of 15,000 council homes, spending £480m to make every council home warm, dry and safe and ensuring every council tenant has a quality kitchen and bathroom
 - Introducing a private-rented sector licensing scheme to raise standards in private rented housing and protect the 1 in 4 families in Southwark who rent privately.
3. Council assembly recognises that at a time when the Conservative government has slashed funding for new affordable homes, it is more important than ever to hold developers to account and secure as many affordable homes as possible, and therefore welcomes the new rules introduced by this administration to make viability assessments public for all new developments.
4. Council assembly welcomes the new Mayor of London's bold plan to deliver the homes that Londoners need, including supporting councils to enforce clear, new rules to maximise the affordable housing in new developments and the option to set local affordable housing targets.
5. Council assembly condemns the government for pushing through its disastrous Housing and Planning Act despite fierce opposition by local councils including Southwark and for refusing to accept concessions to limit the impact of 'pay to stay' on council tenants and to ensure that any high value council homes sold are replaced in the same area.
6. Council assembly recognises that the government's 'Starter Homes' contained in this act will not be affordable for most Southwark residents, and calls on the cabinet to work with the Mayor of London to explore alternatives for low cost home ownership, to support residents who are struggling to buy their own home.
7. Council assembly recognises that the lack of detail in the legislation about the implementation of the act seriously limits the information and advice that the council can provide to residents, but calls on the cabinet to do everything it can to minimise the impact of this disastrous legislation on Southwark residents and particularly council tenants.
8. Council assembly calls on all councillors to continue to fight the Conservatives' attack on social housing.

MOTOR NEURONE DISEASE CHARTER

1. Council assembly notes that there is a 1 in 300 chance of developing Motor Neurone Disease (MND), a disease that has no cure and kills more than half those diagnosed within two years.
2. Council assembly supports the Motor Neurone Disease Charter, which sets out the care and support that people living with MND and their carers deserve and should expect. The charter identifies five rights for people living with MND and their carers:
 - People with MND have the right to an early diagnosis and information
 - People with MND have the right to high quality care and treatments
 - People with MND have the right to be treated as individuals and with dignity and respect
 - People with MND have the right to maximise their quality of life
 - Carers of people with MND have the right to be valued, respected, listened to and well supported.
3. By adopting the Motor Neurone Disease charter, Council assembly expects Southwark Council to promote the Charter and make it available to all councillors, council staff, partner organisations and health and social care professionals who deliver services for the council.
4. Council assembly calls on cabinet to adopt the Motor Neurone Disease Charter and raise awareness of MND and what good care looks like for those living with this devastating disease, as stated in the charter, and do everything we can as the council to positively influence the quality of life for local people with MND and their carers living in our community.

Note: The Motor Neurone Disease Charter is attached as Appendix 8.

APPENDIX 3

SCHOOL FUNDING IN SOUTHWARK

1. Council assembly expresses its grave concern about the new schools funding formula being proposed by the government, which could see funding for Southwark schools cut by 20%, which would have a devastating impact on schools in our borough.
2. Council assembly notes that Southwark schools have made dramatic improvements in raising standards and that these unprecedented cuts risk reversing these improvements.
3. Council assembly believes that the government should show a real commitment to the next generation and level up funding for schools outside of London, like the previous Labour government did within London.
4. Council assembly welcomes the government's u-turn on its plans to force all schools to become academies following pressure from local authorities and campaigners, but remains concerned about the government's proposals to forcibly convert 'coasting' or 'failing' schools, despite evidence that intensive support from a local authority can help a struggling school get back on track.
5. Council assembly notes that the government's forced academisation plan would have cost an estimated £1.3bn and calls on the government to instead use this money to provide fair and adequate funding to all schools in the country.
6. Council assembly calls on the cabinet to continue to work with Southwark schools through support and investment to drive improvements and to oppose proposals for any schools to be forced to convert to academy status without the support of local parents and the community.

TAX COMPLIANCE AND PROCUREMENT

1. Council assembly notes that:
 - corporate tax evasion and avoidance are having a damaging impact on the world's poorest countries and the UK's tax revenue that funds vital public services
 - as much as £30bn is lost to UK tax revenues annually through tax evasion and avoidance
 - this practice also has a negative effect on small- and medium-sized companies in Southwark which pay more tax proportionately.
2. Council assembly further notes that:
 - the UK government has taken steps to tackle the issue of tax compliance by issuing 'Procurement Policy Note 03/14' which applies to all central government contracts worth more than £5m
 - the availability of independent means of verifying tax compliance, such as the Fair Tax Mark
 - in early 2015, new regulations required public bodies, including local authorities, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts.
3. Council assembly welcomes the Corporate Tax Transparency Initiative that the Local Authority Pension Fund Forum is spearheading, which seeks to use the collective shareholder power of Local Authority Pension Funds to influence the companies we part own.
4. Council assembly believes that bidders for Southwark council contracts should be asked to account for their past tax record using the standards in PPN 03/14 rather than the lower standards in the recent regulations for public bodies.
5. Council assembly therefore calls on the cabinet to amend the borough's existing procurement procedures to require all companies bidding for council contracts to self-certify that they are fully tax-compliant in line with central government practice, using the standards in PPN 03/14 in all contracts of the amount specified above.
6. Council assembly also calls on the cabinet to publicise this policy and to report on its implementation annually.

Comments of the Director of Law and Democracy

- (1) The Public Contracts Regulations 2015 (PCR 2015) apply to services, supplies and works contracts within the following EU thresholds: £164,176 and over for the supply of services and supplies and £4,104,394 and over for works contracts.
- (2) Regulations 57 of the PCR 2015 enables the council to take account of a supplier's past tax records during the pre-qualification stage of the procurement exercise and it sets out the mandatory and the discretionary grounds for exclusion of suppliers. The regulation also contains a self cleaning provision mechanism whereby a supplier may provide evidence that despite the existence of mandatory or discretionary grounds, it can demonstrate its reliability and that it has taken compensatory measures to prevent the tax issue happening again.

- (3) The PCR 2015 stipulates that the council must have regard to any guidance issued by the Minister for the Cabinet Office regarding the qualitative selection of suppliers at the pre qualification stage and that any deviation from the guidance issued must be reported by the council to the Cabinet Office explaining the deviation.
- (4) A Crown Commercial Services (CCS) guidance note was published in early 2015 relating to the introduction of a new standard pre-qualification questionnaire (PQQ). The standard PQQ incorporated the tax avoidance measures contained in the PPN 03/14 which applies to central government contracts worth over £5 million. Local authorities if they wish, could apply the same tax measures to their contracts valued over £5 million. Given that Southwark Council would like to apply the PPN 03/14 more widely to all over EU threshold contracts (as opposed to only contracts over £5, million) this would represent a deviation from the CCS guidance and as such would need be reported to the Cabinet Office with an explanation as to the reason for the deviation.

A CINDERELLA LINE

1. Council assembly notes that commuters on the Catford loop stations are facing overcrowding and late running trains at Denmark Hill, Peckham Rye and Nunhead stations.
2. Council assembly further notes that London Bridge station is also facing overcrowding at peak times due to a combination of train service disruptions and ongoing construction work at the station, and that this is leading to further delays and passenger dissatisfaction.
3. Council assembly notes with concern that at peak times trains run at 130 per cent capacity and are only on time 55 per cent of the time.
4. Council assembly welcomes Network Rail's commitment to delivering more train services from 2018 when the works at London Bridge station are complete.
5. Council assembly recognises, however, that urgent improvements are needed before 2018, and calls on the cabinet to lobby Thameslink and Network Rail to take immediate action to deliver:
 - A reliable day to day service
 - All trains in the morning and evening peaks having eight carriages.
6. Council assembly also recognises that Govia Thameslink passengers are suffering currently from strike action and high levels of staff sickness, and supports calls for the company to resolve these issues as well as abandon the new revised timetable on its Southern Trains network meaning 341 fewer services each day and leading to Southwark stations such as East Dulwich having even fewer trains during the morning rush hour compared to the previous already crowded service.
7. Council assembly also calls on the cabinet to join forces with the Cinderella Line Campaign, Lewisham Council and other councils in responding to the forthcoming Department for Transport draft south London timetable for 2018 onwards to provide:
 - At least four trains per hour throughout the day on the Catford Loop with all trains running through to St Pancras, rather than some trains (mainly in the evening) running to Blackfriars only as presently
 - At least four trains per hour throughout the day to Victoria from Nunhead/Peckham Rye/Denmark Hill
 - For services to be evenly spread across the hour rather than bunched together
 - Station standards that match London Overground.
8. Council assembly further calls on the cabinet to supports calls for:
 - Southern Trains executives not to receive their bonuses
 - A new system of passenger refunds for journeys delayed more than 15 and 30 minutes
 - The company to lose their franchise as a result of their ongoing failure to provide a decent service to Southwark residents
 - Suburban rail services to be incorporated into the Transport for London network and for the Southern Trains franchise to be one of the first to be transferred given the ongoing service issues.

9. Council assembly notes that hundreds of Southwark rail services have been cut this week under a new timetable, which follows months of disruption, delays and cancellations for passengers on Southern services.
10. Council assembly notes that the new timetable has only 1-2 services an hour through Peckham Rye and Queens Road to London Bridge and vice versa, which will lead to massive delays, station overcrowding and huge disruption for our residents trying to get to work.
11. Council assembly notes its concern that the new timetable, which has 341 fewer daily services, will compromise passenger safety by leaving remaining trains dangerously overcrowded, and will leave an already unreliable service at breaking point.
12. Council assembly condemns Govia Thameslink Railway (GTR) for failing to provide an adequate and reliable service for passengers and believes that the government should strip GTR of its franchise and allow Transport for London to run the service.

CONDEMNING HATE CRIME

1. We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. Southwark Council condemns racism, xenophobia and hate crimes unequivocally. All people living in Southwark are valued members of our community and we will not allow hate to become acceptable.
2. Southwark Council works closely with the police and local bodies and organisations to support programmes to fight and prevent hate crimes, including hate crime training and awareness, services and support for victims and taking robust action against perpetrators.
3. Council assembly calls on the cabinet to continue to work with these organisations and take all necessary action to fight and prevent racism and xenophobia and all hate crimes.

RIGHTS OF EU CITIZENS

1. Council assembly notes the 52% rise in hate crime and racial abuse in London reported to the Metropolitan Police since the EU referendum and the need to reassure EU residents in Southwark that the council stands with them against such incidents.
2. Council assembly further notes the level of unease and insecurity expressed by many EU residents about the lack of information about their future residency and working rights in the United Kingdom following the referendum result and how this impacts on the 21,977 registered European Union voters in Southwark and council employees who are EU voters.
3. Council assembly believes the government has so far failed to provide any assurances to EU citizens resident in the United Kingdom that they will have the right to remain in this country and supports calls that this issue should not be used as a bargaining chip in the Government's negotiations on leaving the European Union.
4. Council assembly acknowledges the growing calls for action with over 50,000 people signing a petition nationally calling on the Prime Minister to guarantee the rights of EU citizens in the United Kingdom.
5. Council assembly calls on cabinet to urge the government and the borough's Members of Parliament to support all measures to secure the right to remain for EU citizens in Southwark.