

MINUTES OF THE COUNCIL

Wednesday, 29 June 2011 at 7.30 pm

PRESENT: Mayor Sir Steve Bullock (Mayor), Jackie Addison, Obajimi Adefiranye, Christine Allison, Abdeslam Amrani, Pauline Beck, Paul Bell, Chris Best, Kevin Bonavia, John Bowen, David Britton, Suzannah Clarke, Jenni Clutten, Liam Curran, Janet Daby, Amanda De Ryk, Alexander Feakes, Peggy Fitzsimmons, Julia Fletcher, Joseph Folorunso, Patsy Foreman, Vicky Foxcroft, Helen Gibson, Sven Griesenbeck, Alan Hall, Carl Handley, Michael Harris, Ami Ibitson, Stella Jeffrey, Darren Johnson, Helen Klier, Madeliene Long, Chris Maines, Jim Mallory, Paul Maslin, Joan Millbank, Pauline Morrison, John Muldoon, Marion Nisbet, Sam Owolabi-Oluyole, Crada Onuegbu, Jacq Paschoud, John Paschoud, Pete Pattison, Philip Peake, Eva Stamirowski, Alan Till, Dan Whittle and Susan Wise

Apologies for absence were received from Councillor Anne Affiku, Councillor Duwayne Brooks, Councillor Vincent Davis, Councillor Damien Egan and Councillor Alan Smith

21. Declarations of Interests

Councillor Long declared a personal interest as Chair of the South London & Maudsley NHS Trust.

Councillor Paschoud declared personal interests in Item 10 as a member of the Sydenham Society and in Item 15 as a member of the British Computer Society and other IT professional bodies.

Councillor Peake declared personal interests in Item 10 as a member of the Sydenham Society and the Forest Hill and Tewkesbury Lodge Residents Association and in Item 15 as a member of the NUJ.

Councillor Griesenbeck declared a personal interest in Item 10 as a member of the Lee Manor Society.

22. Minutes

The minutes of the Council held on 6 April 2011 were approved and signed as a true record.

23. Civic Adoption 1475 Squadron ATC

The formal civic adoption of ATC 1475 Squadron was proposed by the Mayor and seconded by the Council's Reserve Forces and Cadets Association representative, Councillor Pauline Morrison.

In response Squadron Leader Kevin Mehmet MBE RAFVR(T) delivered the following address:

"Your Worshipful the Mayor, Chairman of Council, Councillors and Members of the London Borough of Lewisham.

Thank you for inviting me here this evening to address you all. I know this is a privilege rarely granted and I am deeply honoured to be here representing my unit.

Mr Mayor, one of your predecessors, Alderman Henry Edwin Brown JP, with the full support of this chamber on Thursday 12 June 1941 constituted an air cadet unit to be known as No 1475 (3rd Lewisham) Squadron of the Air Training Corps. Since then over 6100 cadets have passed through the unit and today, exactly 70 years and 17 days later I stand before you as the commanding officer of that very unit which is currently, out of 930 Squadron's, the best in the United Kingdom having won the ATC's coveted Sir Alan Lees Trophy. From then to now, 1475 Squadron has proved itself to be a successful and effective unit and I assure this chamber that we have not forgotten where we came from. The Squadron Band leading the Lewisham's Remembrance Day parade is testimony to that.

Regrettably, we moved out of Lewisham in 1956 – albeit just 10 yards outside the boundary on Lordship Lane, but we have maintained our links with our founding Borough all these years. My first personal experience of that association, as the newly appointed CO, was when Cllr Peggy Fitzsimmons, then as Mayor paid us a visit to review our annual parade in 1986. [Cllr Fitzsimmons do you recall that visit?]

It is our priority to give our cadets opportunities to supplement their education in the hope that they will grow to be good citizens and make a valid contribution to their community. About two thirds of our cadets come from Lewisham. 1475 Squadron is proud to be able to serve this Borough through the young Lewisham citizens in its cadet ranks and in turn to encourage them to serve their community. All with the support of our parent service the Royal Air Force.

Lewisham has never let us go. You have nurtured a sense of belonging to the heart of the Borough. I am delighted to say that the association is firm and strong. In April 2010 when Cllrs Barrie Anderson, then Chairman, and Sylvia Scott came to our HQ to present me with a life time achievement award for service to young people, I asked Cllr Scott why does the Borough maintain such a support for us even though we are outside the borough - albeit just 10 yards. Cllr Scott replied "...because you're OURS, that's why. Well we are happy with that and honoured to be yours and this adoption will cement that relationship. I am grateful to you Mr Mayor for proposing this adoption Cllr Pauline Morrison for seconding it. I also thank Cllr Morrison for maintaining the liaison with the Squadron and providing us support on Council's behalf. I also thank Mr Derek Johnson for administering that support. Lastly, a very special thank you to the members of this chamber and the citizens of Lewisham for bestowing this tremendous honour of adoption on 1475 Squadron.

On behalf of the Trustees, Committee, Officers, Staff and Cadets, past and present of 1475 Squadron ATC, know that I am deeply honoured, touched and flattered by this adoption and the gesture behind it;

especially coming in this our 70th anniversary. I record my heart felt gratitude to you all. Thank you.”

24. Announcements or Communications

(1) Birthday Honours List

The Chair referred to the written report which recorded awards made to persons with a Lewisham connection in the Queen’s Birthday Honours List.

(2) Conservative Group

The Chair informed the Council that June 29 was Councillor David Britton’s last day as Conservative Group Leader. The Chair thanked Cllr Britton for his service over the last 5 years and wished his successor, Councillor Christine Allison, well, in her new role.

(3) Molly Stanbridge

The Chair reported the death in May at the age of 98 of former Borough Housing Officer Molly Stanbridge.

Molly had started work in 1946 with the Metropolitan Borough of Deptford as a Housing Superintendent and continued as an employee when it merged with Lewisham in 1965. She retired in 1978 as the Council’s Chief Housing Officer with, responsibility of 40,000 Council owned properties. She lived in North London and was given Freedom of the Borough of Enfield in 1988.

All present observed a minutes silence in memory of Molly Stanbridge.

(4) Catford Mews

The Mayor updated the Council on the regeneration of the Catford Centre and the closure of the Catford Mews. He reminded the Council CRPL had been established with a mandate to regenerate the town centre on a commercial basis that protected the Council’s very substantial investment. Current stallholders were on flexible short term leases and the Mews had significant numbers of vacant units and licensees who were in arrears, resulting in the facility not being commercially viable.

CRPL had identified a single tenant who would provide rental that would treble current income. Responsible current licensees were to receive compensation in the form of ex gratia payments as a gesture from CRPL.

The Mayor expressed optimism that the Council was promoting a long term regeneration of Catford on a sound commercial basis.

In answer to a question from Councillor Maines, the Mayor indicated officers were making efforts to identify potential alternative sites for traders who wished to continue in business in Catford.

25. Petitions

Councillor Jacq Paschoud presented a petition bearing 210 names calling on the Mayor to consider a permanent memorial to Henry Cooper on the Bellingham Estate.

Councillor Fletcher presented a petition bearing 174 names calling on the Council to extend doorstep recycling to include more plastic containers such as food trays and tetrapaks.

Councillor Daby presented a petition bearing more than 800 names calling for an extension of the 225 bus from Hither Green Station to Downham Leisure Centre.

Councillor Jeffrey presented a petition bearing 775 names calling on the Council to provide the public facility of 10 free half hour parking bays in the side streets off Hither Green Lane for the use of the community.

Councillor Best presented a petition bearing 764 names opposing the planned July 2011 closure of the Kirkdale Learning Institute.

26. Public questions

20 questions were received from the following members of the public which were answered by the Cabinet Member indicated. Copies of all questions and answers were circulated separately.

<u>Question</u>	<u>Questioner</u>	<u>Member to Reply</u>
1	Mr R Baptie	Councillor Maslin
2	Mr Woolford (on behalf of Deptford & New Cross People before Profit Campaign)	Mayor
3	Mr R Stocker	Mayor
4	Mr R Stocker	Mayor
5	Ms G Raggett	Councillor Best
6	Mr R Stocker	Mayor
7	Mr R Stocker	Mayor
8	Mrs P Richardson	Councillor Best
9	Mrs P Richardson	Councillor Best
10	Mr G Ambrose	Councillor Best
11	Mr G Ambrose	Councillor Best
12	Mr G Ambrose	Councillor Best
13	Mr G Thurley (on behalf of	Councillor Wise

	Friends of Brockley & Ladywell Cemeteries)	
14	Mr G Thurley “	Mayor
15	Mr D McKibbin	Councillor Wise
16	Ms U Michel	Mayor
17	Mr P Richardson	Councillor Best
18	Mr P Richardson	Councillor Best
19	Mr P Richardson	Councillor Best
20	Mr P Richardson	Councillor Best

27. Member questions

72 questions were asked from Members of the Council and written answers were provided by the Members indicated.

1	Councillor Harris	Councillor Maslin
2	Councillor Hall	Mayor
3	Councillor Whittle	Mayor
4	Councillor Johnson	Councillor Wise
5	Councillor Jacq Paschoud	Councillor Wise
6	Councillor Bonavia	Councillor Wise
7	Councillor Jeffrey	Mayor
8	Councillor Foxcroft	Councillor Maslin
9	Councillor Peake	Deputy Mayor
10	Councillor Clutten	Councillor Klier
11	Councillor Daby	Councillor Best
12	Councillor Folorunso	Councillor Onuegbu
13	Councillor Maines	Mayor
14	Councillor Curran	Mayor
15	Councillor De Ryk	Councillor Best
16	Councillor Fletcher	Councillor Klier
17	Councillor Brooks	Councillor Wise
18	Councillor Feakes	Councillor Best
19	Councillor Griesenbeck	Mayor
20	WITHDRAWN	
21	Councillor Harris	Councillor Maslin
22	Councillor Bonavia	Councillor Best
23	Councillor Whittle	Councillor Fitzsimmons
24	Councillor Foxcroft	Mayor
25	Councillor Johnson	Mayor
26	Councillor Jeffrey	Councillor Best
27	Councillor Clutten	Mayor
28	Councillor Maines	Councillor Best
29	Councillor Curran	Mayor
30	Councillor Fletcher	Mayor
31	Councillor Brooks	Councillor Wise
32	Councillor De Ryk	Councillor Maslin
33	Councillor Feakes	Councillor Klier
34	Councillor Harris	Councillor Maslin
35	Councillor Johnson	Councillor Best

36	Councillor Clutten	Mayor
37	Councillor Maines	Councillor Best
38	Councillor Curran	Deputy Mayor
39	Councillor Fletcher	Councillor Wise
40	Councillor Brooks	Councillor Klier
41	Councillor De Ryk	Councillor Maslin
42	Councillor Feakes	Mayor
43	Councillor Harris	Councillor Wise
44	Councillor Clutten	Mayor
45	Councillor Maines	Councillor Wise
46	Councillor Brooks	Councillor Klier
47	Councillor Feakes	Councillor Wise
48	Councillor Harris	Councillor Wise
49	Councillor Brooks	Mayor
50	Councillor Feakes	Mayor
51	Councillor Brooks	Mayor
52	Councillor Brooks	Councillor Wise
53	Councillor Whittle	Councillor Maslin
54	Councillor Whittle	Councillor Wise
55	Councillor Whittle	Councillor Wise
56	Councillor Whittle	Deputy Mayor
57	Councillor Whittle	Councillor Wise
58	Councillor Whittle	Deputy Mayor
59	Councillor Whittle	Councillor Maslin
60	Councillor Whittle	Councillor Wise
61	Councillor Whittle	Councillor Best
62	Councillor Whittle	Councillor Maslin
63	Councillor Whittle	Councillor Klier
64	Councillor Whittle	Councillor Wise
65	Councillor Maines	Deputy Mayor
66	Councillor Maines	Deputy Mayor
67	Councillor Maines	Deputy Mayor
68	Councillor Maines	Councillor Best
69	Councillor Feakes	Councillor Wise
70	Councillor Feakes	Councillor Maslin
71	Councillor Feakes	Councillor Maslin
72	Councillor Feakes	Councillor Klier

28. Safer Lewisham Strategy 2011 - 2014

The Cabinet Member for Community Safety, Councillor Crada Onuegbu moved that the recommendation be approved, and this was seconded by the Chair of the Safer and Stronger Communities Select Committee, Councillor Morrison.

Following contributions from Councillors Maines and Johnson and the Mayor, there was a reply by Councillor Onuegbu and it was unanimously:

RESOLVED that the 3 year strategy for the partnership to deal with crime and disorder in Lewisham be approved

29. Food Safety service plan 2011 2012

The Cabinet Member for Customer Services, Councillor Susan Wise, moved that the recommendation be approved, and this was seconded by the Chair of the Sustainable Development Select Committee, Councillor Curran and it was

RESOLVED that the Food Law Enforcement Plan for 20011-2012 be approved.

30. Core Strategy Adoption

The Chair of the Strategic Planning Committee, Councillor John Paschoud, moved that the recommendation be approved, and this was seconded by the Chair of the Sustainable Development Select Committee, Councillor Curran and it was:

RESOLVED that the Core Strategy be adopted as a statutory Development Plan Document with immediate effect.

31. Appointments

(a) SELCHP

RESOLVED that the following appointments made by the Mayor be noted:

Mr T Scott
Cllr M Long (Deputy)

(b) Scrutiny Select Committees

RESOLVED that the following appointments made by the Overview & Scrutiny Committee be noted:

Housing: Councillor Padmore to replace Councillor Long
Public Accounts: Councillor Long to replace Councillor Padmore

32. Action taken by the Chair of Council under Rule 15 of Section E of the Constitution

The Chair moved that his action to exempt two decisions, and the previous Chair's actions to exempt four decisions from the Scrutiny process be noted, and this was seconded by the Vice-Chair, Councillor Harris.

In answer to a query from Councillor Feakes, Councillor Adefiranye confirmed he had carefully considered the two decisions that he had

personally exempted and that going forward he would be happy to provide a summary of the questions he had raised.

RESOLVED that the action by the Chair of Council, under the urgency procedure set out in Rule 15 of Section E of the Constitution, not to subject three Executive Director decisions and three Mayoral decisions to scrutiny be noted.

33. Motion 1

The motion was moved by Councillor Bell and seconded by Councillor Curran.

Legal advice on the motion was tabled by the Head of Law as follows:

“Head of Law’s advice in relation to the following motion and the first proposed amendment to it (proposed by Councillors Maines and Griesenbeck)

“In the light of serious concerns regarding the care provided by some private providers, this Council calls on the Executive Directors for Community Services and CYP to immediately implement a programme of non-announced inspections of all care homes providing residential care facilities for people with disabilities and the elderly.”

When Council debates motions, my general approach is to advise that they be allowed in if possible to facilitate the fullness of debate. There are two types of motion – those that would commit the Council to take some action, and those that have more general applicability without commitment on the Council’s part.

Where a motion falls into the second category – for example a motion which condemns action by say British Rail or the Post Office, they are essentially political in nature, express political opinion and do not bind the Council to act. No specific analysis of corporate, legal or financial implications is necessary.

Where the Council would be committed to do something then a proper consideration of matters affecting the decision needs to be made. This motion and the first proposed amendment fall more closely into the second category and there are the following legal implications:-

(1) The Council has no statutory basis to carry out any inspections of residential homes generally. That function lies with the CQC and we have no power to intervene.

(2) We do have monitoring powers in relation to homes where we have commissioned the service, but these provisions are to be effected in accordance with the contractual provisions. They are not the same things as CQC inspections and the only powers we would have would be under the contract, save of course to report appropriate matters to the CQC where concerns arose.

(3) We do have social work powers of course but these relate to the assessment of individuals for social care purposes not for spot inspections of care homes.

(4) People resident in the homes have a right to privacy generally but especially where we are not commissioning their residency, and we have no right whatsoever to interfere in their private arrangements where we have no statutory function. Where we do not commission the places, the provider would not even have to give us access to the premises for the purpose of inspection.

(5) Our insurers are likely to have views about our potentially assuming liability where we have no role.

So if the motion, whether as originally drafted or as amended in accordance with the first proposed amendment, were passed, I would have to advise that it could not be implemented in any event.”

Following receipt of the legal advice, Councillor Maines expressed disappointment that he had not been briefed earlier and he withdrew the amendment he had submitted to the motion.

Councillor Hall then moved, and Councillor Daby seconded an amendment to delete all of the original text and substitute it with the text shown in the resolution below. Following contributions from Councillors Britton, Griesenbeck, Maines, Klier, Fitzsimmons, Muldoon, Best, Jacq Paschoud and the Mayor, the amendment and then the substantive motion was unanimously agreed.

RESOLVED that the following motion be agreed:

“In light of the serious concerns regarding the care provided by some private providers, this Council calls on the Executive Directors for Community Services and Children and Young People to advise on the measures being taken to ensure the quality of care provision in all care homes used by the borough and calls upon the Care Quality Commission and OFSTED to implement a programme of non-announced inspections of all care homes providing residential care facilities for people with disabilities and older people.

Furthermore, it calls upon the Healthier Communities Select Committee to undertake a review of Lewisham's commissioning, monitoring and the arrangements for the inspection of these services.”

34. Motion 2

The motion was formally moved by Councillor Fletcher and formally seconded seconded by Councillor Maines. The movers accepted an amendment proposed by Councillor Wise and seconded by Councillor Curran that deleted the words 'calls on the Mayor' and inserted 'notes that the Mayor intends'.

RESOLVED that the following motion be agreed:

“Council notes the importance of increasing recycling rates in Lewisham and notes that the Mayor intends to increase the range of plastic items that can be included in the kerbside collections and to investigate increasing the volume of tetra pak beverage cartons that can be recycled in Lewisham”.

35. Motion 3

This motion was not considered prior to the end of the meeting.