

Council Assembly

Wednesday 17 July 2019

7.00 pm

Council Offices, 160 Tooley Street, London SE1 2QH

Councillors are summoned to attend a meeting of the Council to consider the business contained herein

Eleanor Kelly
Chief Executive

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Virginia Wynn-Jones on 020 7525 7055 or Andrew Weir on 020 7525 7222 or email: virginia.wynn-jones@southwark.gov.uk; andrew.weir@southwark.gov.uk; constitutional.team@southwark.gov.uk

Date: 5 July 2019



Council Assembly

Wednesday 17 July 2019
7.00 pm
Council Offices, 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	PRELIMINARY BUSINESS	
1.1.	ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE	
	To receive any announcements from the Mayor, members of the cabinet or the chief executive.	
1.2.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT	
	In special circumstances an item of business may be added to an agenda within seven working days of the meeting.	
1.3.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
1.4.	APOLOGIES FOR ABSENCE	
	To receive any apologies for absence.	
1.5.	MINUTES	1 - 14
	To approve as a correct record the open minutes of the council assembly meeting held on 18 May 2019.	

Item No.	Title	Page No.
2.	ISSUES RAISED BY THE PUBLIC	
2.1.	PETITIONS	
	No petitions have been received.	
2.2.	PUBLIC QUESTION TIME	
	The deadline for public questions is 11.59pm, Thursday 11 July 2019. Questions can be emailed to constitutional.team@southwark.gov.uk .	
	Questions from the public will be distributed in a supplemental agenda.	
3.	THEMED DEBATE	
3.1.	COMMUNITY EVIDENCE	
	The deadline for community evidence on the theme is 11.59pm, Thursday 11 July 2019. Submissions can be emailed to constitutional.team@southwark.gov.uk .	
	Submissions from the public will be distributed in a supplemental agenda.	
3.2.	MOTION ON THE THEME	15 - 17
	The Cabinet Member for Growth, Development and Planning and Cabinet Member for Environment, Transport and the Climate Emergency to present the theme for the meeting.	
4.	DEPUTATIONS	
	The deadline for deputation requests is 11.59pm, Thursday 11 July 2019. Deputations can be emailed to constitutional.team@southwark.gov.uk .	
	Deputation requests will be distributed in a supplemental agenda.	
5.	ISSUES RAISED BY MEMBERS	
5.1.	MEMBERS' QUESTION TIME	18 - 22
	To receive any questions from members of the council.	

Item No.	Title	Page No.
5.2.	MEMBERS' MOTIONS	23 - 31

To consider the following motions:

- Promoting equality and valuing diversity
- Supporting the Rotherhithe to Canary Wharf Bridge
- A permanent memorial to remember the terrorist attacks in London Bridge and Borough Market
- Adult social care
- Monthly leave your car at home days

6. OTHER REPORTS

6.1.	YOUTH JUSTICE PLAN 2019/20	32 - 41
6.2.	LONDON BOROUGH OF SOUTHWARK - LATE NIGHT LEVY CONSULTATION	42 - 55
6.3.	ADOPTION OF NEW LIBRARY BYELAWS UNDER SECTION 19 OF THE PUBLIC LIBRARIES AND MUSEUMS ACT 1964	56 - 63
6.4.	TREASURY MANAGEMENT PERFORMANCE 2018-19 ANNUAL REPORT AND PRUDENTIAL INDICATORS FOR CAPITAL FINANCE AND TREASURY MANAGEMENT	64 - 72

7. AMENDMENTS

Any member of the council may submit an amendment to a report or motion on the agenda. The amendments will be circulated to all members in a supplemental agenda.

ANY OPEN ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING

EXCLUSION MOTION (IF NECESSARY)

The following motion should be moved, seconded and approved if the council wishes to exclude the press and public to deal with reports revealing exempt information:

“That under the access to information procedure rules of the Southwark constitution, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in section(s) 1 – 7 of paragraph 10.4 of the procedure rules.”

PART B – CLOSED BUSINESS

ANY CLOSED ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING

Item No.

Title

Page No.

Date: 5 July 2019



Council Assembly (Annual Meeting)

MINUTES of the Council Assembly (Annual Meeting) held on Saturday 18 May 2019
at 11.00 am at Southwark Cathedral, Montague Close, London Bridge SE1 9DA

PRESENT:

The Worshipful the Mayor for 2019-20, Councillor Sandra Rhule (Chair)

Councillor Evelyn Akoto	Councillor Rebecca Lury
Councillor Anood Al-Samerai	Councillor Alice Macdonald
Councillor Humaira Ali	Councillor Eliza Mann
Councillor Jasmine Ali	Councillor James McAsh
Councillor Peter Babudu	Councillor Hamish McCallum
Councillor Jack Buck	Councillor Darren Merrill
Councillor Radha Burgess	Councillor Victoria Mills
Councillor Sunil Chopra	Councillor Adele Morris
Councillor James Coldwell	Councillor Graham Neale
Councillor Stephanie Cryan	Councillor Margy Newens
Councillor Helen Dennis	Councillor David Noakes
Councillor Dora Dixon-Fyle MBE	Councillor Damian O'Brien
Councillor Nick Dolezal	Councillor Jason Ochere
Councillor Karl Eastham	Councillor Victoria Olisa
Councillor Tom Flynn	Councillor Leo Pollak
Councillor Renata Hamvas	Councillor Catherine Rose
Councillor Barrie Hargrove	Councillor Jane Salmon
Councillor Jon Hartley	Councillor Martin Seaton
Councillor William Hougbo	Councillor Andy Simmons
Councillor Sirajul Islam	Councillor Johnson Situ
Councillor Peter John OBE	Councillor Michael Situ
Councillor Nick Johnson	Councillor Charlie Smith
Councillor Eleanor Kerslake	Councillor Cleo Soanes
Councillor Sarah King	Councillor Leanne Werner
Councillor Sunny Lambe	Councillor Kath Whittam
Councillor Lorraine Lauder MBE	Councillor Kieron Williams
Councillor Richard Leeming	Councillor Bill Williams
Councillor Maria Linforth-Hall	Councillor Ian Wingfield
Councillor Richard Livingstone	

1. ELECTION OF THE MAYOR

The outgoing Mayor, Councillor Catherine Rose, welcomed everyone to the meeting.

The outgoing Mayor announced that the leaders of each political group wished to make a statement.

Thereafter, Councillors Peter John and Anood Al-Samerai paid tribute to the outgoing Mayor.

The outgoing Mayor asked for nominations for Mayor for the ensuing municipal year 2019-20.

Councillor Peter John, seconded by Councillor Stephanie Cryan, moved that Councillor Sandra Rhule be elected Mayor of the London Borough of Southwark for the municipal year 2019-20.

The nomination was put to the vote and it was:

RESOLVED: That Councillor Sandra Rhule be elected Mayor for the 2019-20 municipal year.

Councillor Sandra Rhule accepted the office of Mayor. The outgoing Mayor declared that Councillor Sandra Rhule was duly elected Mayor of Southwark for 2019-20.

The retiring Mayor, Councillor Catherine Rose, invested the new Mayor, Councillor Sandra Rhule, with the badge of office. The new Mayor signed the declaration of acceptance of office and took the chair.

Thereafter, the outgoing Mayor was presented with a replica of the Mayoral badge of the London Borough of Southwark.

The new Mayor stated that she appointed Councillor Lorraine Lauder MBE as the Mayor's consort. The new Mayor's consort was presented with a badge.

The new Mayor appointed Councillor Barrie Hargrove as Deputy Mayor. The Deputy Mayor was invested with the badge of office.

The outgoing Mayor, Councillor Catherine Rose, gave her outgoing speech.

The new Mayor gave her incoming speech and announced that her chosen charities would be the MumMum Foundation, Camberwell Choir School and Art Academy London.

2. PRELIMINARY BUSINESS

2.1 ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE

Councillors Peter John and David Noakes paid tribute to Marion Marples, a noted local teacher, community worker and recipient of the Honorary Liberty of the Old Metropolitan Borough of Southwark, who passed away suddenly on 30 April 2019.

At this point, the meeting agreed the programme motion.

RESOLVED:

The order of business and timings for the meeting will be as follows:

Time	Business
12:00 - 12:15	1. Preliminary business and announcements
12:15 – 13:30*	3. Reports
	3.1: Executive Functions
	3.2: Reform of Community Councils: Empowering Communities Programme
	3.3: Changes to Scrutiny Arrangements
	3.4: Member Allowances Scheme 2019-20 – Amendment to Special Responsibility Allowances
	3.5: Establishment of Committees, Panels and Related Matters
	3.6: Nominations to London Councils Committees, Greater London Employment Forum, Borough Lead members, London Local Government Pension Scheme (LGPS) Common Investment Vehicle (CIV) Ltd and London Councils Limited 2019-20

Note: Start time is approximate; the meeting will commence at the rise of the civic awards ceremony. Any time left remaining will be rolled into the next items.

* subject to the guillotine rule; maximum 15 minutes debate per item.

That the meeting be conducted as follows:

Item 3.5 Establishment of committees, panels and related matters

To seek the meeting's consent to suspend council assembly procedure rule 4.5.2 in relation to the number of reserve members on the planning committee and agree that the group whips may appoint additional reserve members as follows:

Planning Committee – 8 Places		
	Labour (6)	Liberal Democrat (2)
Reserves		
	Labour (6)	Liberal Democrat (2)

2.2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Maggie Browning, Victor Chamberlain, Gavin Edwards, Paul Fleming and Dan Whitehead.

2.3 NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT

There were none.

2.4 DISCLOSURE OF INTERESTS AND DISPENSATIONS

The Mayor announced that all councillors had been granted a dispensation by the monitoring officer to vote on Item 3.4: Member Allowances Scheme 2019-20 - Amendment to special responsibility allowances.

3. REPORTS

3.1 EXECUTIVE FUNCTIONS 2019-20

RESOLVED:

1. That council assembly received a report from the leader on the following executive issues for the coming municipal year 2019-20 and:
 - Noted the appointment by the leader of cabinet members
 - Noted the appointment of any deputy cabinet members
 - Noted the establishment and appointment of any cabinet committees
 - Noted the leader's report on the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and any other delegations.

Appointment of the cabinet

2. That the leader reported to council assembly on the appointment of members of the cabinet and determination of their executive functions.

Councillor Peter John – Leader of the Council

Councillor Rebecca Lury – Deputy Leader of the Council and Cabinet Member for Culture, Leisure, Equalities and Communities

Councillor Evelyn Akoto – Cabinet Member for Community Safety and Public Health

Councillor Jasmine Ali – Cabinet Member for Children, Schools and Adult Care

Councillor Kieron Williams – Cabinet Member for Housing Management and Modernisation

Councillor Richard Livingstone – Cabinet Member for Environment, Transport Management and the Climate Emergency

Councillor Victoria Mills – Cabinet Member for Finance, Performance and Brexit

Councillor Leo Pollak – Cabinet Member for Social Regeneration, Great Estates and New Council Homes

Councillor Johnson Situ – Cabinet Member for Growth, Development and Planning

Councillor Stephanie Cryan – Cabinet Member for Jobs, Business and Innovation

Appointment of deputy cabinet members

3. That the leader reported to council assembly on the appointment of deputy cabinet members and determination of their duties and responsibilities.

Deputy cabinet members:

Councillor Richard Leeming

Councillor Catherine Rose

Establishment and appointment of cabinet committees

4. That the leader reported on the establishment of the following cabinet committees.
 - Cabinet (Livesey Trust) Committee
 - Better Placed Joint Committee (Lambeth, Lewisham and Southwark)
 - Joint IT Committee (Brent, Lewisham and Southwark).

Delegation of executive functions

5. That the leader reported on the delegation of executive functions between full cabinet, individual decision makers, chief officers and any other delegations.
6. That council assembly noted the leader's report on any changes to the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and any other delegations.
7. That council assembly noted that as a consequence of recommendation 6, the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

3.2 REFORM OF COMMUNITY COUNCILS: EMPOWERING COMMUNITIES PROGRAMME

Councillor Rebecca Lury introduced the report.

Following debate (Councillor Anood Al-Samerai), the recommendations contained with the report were put to the vote and declared Carried.

RESOLVED:

1. That Council Assembly agreed the proposal to replace Community Councils (CCs) with a more flexible and devolved Empowering Communities Programme, that promotes:
 - Resident-led initiatives

- Strengthens the local leadership role of ward councillors
 - Cabinet accountability
 - Community Champion councillors
 - Transparency of funding.
2. That council assembly noted that there would still be opportunities to discuss Cleaner Greener Safer capital programmes (CGS), Devolved Highways, and Neighbourhoods Fund applications at ward meetings. Ward councillors will take the final decisions for their respective areas. This proposal retains the popular opportunity for residents to present funding proposals for their local area.
 3. That council assembly approved the creation of five Community Champions.
 4. That council assembly noted that the proposed changes will require changes to Article 8 and Part 3H of the Constitution and any other consequential constitutional changes.
 5. That council assembly noted that once the new structure is agreed, it would then be implemented for a year, during which time the effectiveness would be reviewed to ensure that any new model is as effective as possible in engaging the public. There will be an update on how the process is working presented to the Constitutional Steering Panel followed by a full annual review which will include feedback from residents. The purpose of these reviews is to ensure the changes are effective, inclusive and value for money. There will be evaluation of individual meetings as they take place.

That council assembly noted that the following recommendations will be considered by the Leader as an IDM:

6. To approve the creation of a Democracy Fund to allow communities to hold their own events/meetings to tackle local priorities.
7. To approve the introduction of a new Ward Fund for ward councillors to organise at least six ward based meetings a year.
8. To introduce the option for an Annual Residents' Conference.
9. The leader will be asked to delegate executive functions for Neighbourhoods Fund, CGS and Devolved Highways to ward councillors.

3.3 CHANGES TO SCRUTINY ARRANGEMENTS FOR 2019-20

The recommendations contained within the report were put to the vote and declared to be Carried.

RESOLVED:

1. That the constitutional changes to the scrutiny article and procedure rules as set out in appendices as agreed at Constitutional Steering Panel 1 May 2019 be agreed.
2. That the proposals at paragraph 7 of the report for the practical operation of scrutiny be

noted.

3.4 MEMBER ALLOWANCES SCHEME 2019-2020 - AMENDMENT TO SPECIAL RESPONSIBILITY ALLOWANCES

The recommendations contained within the report were put to the vote and declared to be Carried.

RESOLVED:

1. That council assembly approved an amendment to section 5 of the Member Allowances Scheme for 2019-2020 with effect from 18 May 2019 (see paragraphs 11 to 14 of the report), having regard to the update reports on community councils and overview and scrutiny committees being considered at this meeting.
2. That council assembly noted that a notice of motion signed by 16 councillors has been received, as per council assembly procedure rules 1.11.2.

3.5 ESTABLISHMENT OF COMMITTEES, PANELS AND RELATED MATTERS 2019-20

The nominations for chairs and vice chairs of committees and the nominations to the Local Government Association General Assembly were circulated.

There were three contested positions.

The position of chair of overview and scrutiny committee was put to the vote, and it was agreed that Councillor Ian Wingfield be appointed chair of overview and scrutiny committee.

The position of vice-chair of planning committee was put to the vote, and it was agreed that Councillor Kath Whittam be appointed vice-chair of planning committee.

The position of community champion for the north-east area was put to the vote, and it was agreed that Councillor Sunny Lambe be appointed community champion for the north-east area.

The substantive motion was carried.

RESOLVED:

1. That council assembly noted the appointment of political group leaders, deputies and whips.

LABOUR GROUP

Leader	Councillor Peter John
Deputy Leader	Councillor Rebecca Lury
Chief Whip	Councillor Sarah King

LIBERAL DEMOCRAT GROUP

Leader	Councillor Anood Al-Samerai
Deputy Leader	Councillor William Hougbo
Chief Whip	Councillor Hamish McCallum

- That council assembly noted the political balance of the council as set out in the report
- That council assembly noted that with one independent member on the council, there is no change to proportionality; the allocation of seats on committees and panels, as agreed by council assembly on 11 July 2018, remains the same as set out below.
- That council assembly established the following committees for the coming municipal year 2019-20:

Table 2: Ordinary Committees - Total number of seats 29

Committee	Total	Lab	Lib Dem
Committee 1 Appointments Committee	7	6	1
Committee 2 Planning Committee	8	6	2
Committee 3 Audit, Governance and Standards Committee	7	5	2
Committee 4 Corporate Parenting Committee	7	6	1
Total	29	23	6

Table 3: Other committees - Total number of seats 26

Committee	Total	Lab	Lib Dem
Overview and Scrutiny Committee	11	8	3
Licensing Committee	15	12	3
Total	26	20	6

Note: The political balance rules require that the political groups represented on council have proportionate representation on council committees. A political group must comprise at least two members, so the one Independent member does not constitute a political group. Councils can allocate seats on committees to members not aligned to a group, but are under no statutory obligation to do so.

Table 4: Multi-ward areas

1.	North-west
----	------------

2.	North-east
3.	West-central
4.	East-central
5.	South

Note: The composition of multi-ward areas will be set out in Article 8 of the constitution (see paragraphs 42 to 43 of the report).

Health and wellbeing board

5. That the health and wellbeing board be established as a committee of the council under the Health and Social Care Act 2012 with the membership set out in paragraph 39 of the report.
6. That it be noted that the local authority membership is nominated by the leader of the council. In accordance with committee procedure rules, the board is chaired by the leader.

Appointment of chairs and vice chairs

7. That council assembly appoint chairs and vice chairs for the following committees:

APPOINTMENTS COMMITTEE

Chair - Councillor Peter John
Vice chair – Vacant

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

Chair - Councillor James McAsh
Vice chair – Vacant

CORPORATE PARENTING COMMITTEE

Chair - Councillor Jasmine Ali (Appointment of cabinet member with the responsibility for children and schools formally noted)
Vice chair – Vacant

LICENSING COMMITTEE

Chair - Councillor Renata Hamvas
Vice chair - Councillor Adele Morris

OVERVIEW & SCRUTINY COMMITTEE

Chair - Councillor Ian Wingfield
Vice chair - Councillor Jane Salmon

PLANNING COMMITTEE

Chair - Councillor Martin Seaton

Vice Chair - Councillor Kath Whittam

All outstanding appointments will be referred to the first meeting of the respective committee in the 2019-20 municipal year.

Appointment of community champions

8. That council assembly appointed community champions for the following multi-ward areas:

	Councillor	Multi-ward area
1.	David Noakes	North-west
Deputy	Karl Eastham	North-west
2.	Sunny Lambe	North-east
Deputy	Leanne Werner	North-east
3.	Dora Dixon-Fyle	West Central
Deputy	Jason Ochere	West Central
4.	Sunil Chopra	East Central
Deputy	Vikki Mills	East Central
5.	Andy Simmons	South
Deputy	Margy Newens	South

Establishment of the council's panels

9. That council assembly established the following council panels (see paragraph 56 of the report):

Table 5: Panels - Total number of seats 16

Panel	Total	Lab	Lib Dem
Council assembly business panel	4	3	1
Constitutional steering panel	4	3	1
Pensions advisory panel	3	2	1
Voluntary bodies appointments panel	5	4	1
Total	16	12	4

Note: This table is based on the panels established in 2018-19.

Appointments of chair to constitutional steering panel and voluntary bodies appointments panel

10. That Councillor Sarah King be appointed chair of the Constitutional Steering Panel.

Note: That it be noted that the council assembly business panel is chaired by the Mayor.

Urgency committee

11. That the role of the urgency committee between a municipal election and the annual meeting of council assembly, as agreed by council assembly on 26 March 2014, be noted as set out in paragraphs 58 and 59 of the report.

Appointments to Local Government Association (LGA) General Assembly

12. That council assembly appointed up to three representatives and allocates the seven votes to representatives to attend the LGA General Assembly (see paragraphs 58 and 59 of the report).

Representative	No. of votes	Group
To be nominated by whip	3	Labour
To be nominated by whip	3	Labour
To be nominated by whip	1	Liberal Democrat

Other appointments to joint committees/outside bodies

13. That council assembly noted the cabinet and other committees will make appointments to all other outside committees and bodies for the municipal year 2019-20 as required by part 3Q of the constitution.

3.6 NOMINATIONS TO LONDON COUNCILS COMMITTEES, GREATER LONDON EMPLOYMENT FORUM, BOROUGH LEAD MEMBERS, LONDON LOCAL GOVERNMENT PENSION SCHEME (LGPS) COMMON INVESTMENT VEHICLE (CIV) LTD. AND LONDON COUNCILS LIMITED 2019/20

RESOLVED:

1. LONDON COUNCILS LEADERS' COMMITTEE (S101 JOINT COMMITTEE)

Note: Council Assembly may only nominate cabinet members as representatives or deputies to this joint committee.

1 representative and up to 2 deputies

Labour nomination Councillor Peter John

Deputies

Labour nominations Councillors Rebecca Lury, Victoria Mills

2. LONDON COUNCILS TRANSPORT AND ENVIRONMENT COMMITTEE (S101 ASSOCIATED JOINT COMMITTEE)

Note: Council Assembly may only nominate cabinet members as representatives or deputies to this joint committee.

1 representative and up to 4 deputies

Labour nomination Councillor Richard Livingstone

Deputies

Labour nominations Councillor Johnson Situ

3. LONDON COUNCILS GRANTS COMMITTEE (ASSOCIATED JOINT COMMITTEE)

Note: Council Assembly may only nominate cabinet members as representatives or deputies to this joint committee

1 representative and up to 4 deputies

Labour nomination Councillor Evelyn Akoto

Deputies

Labour nominations Councillor Rebecca Lury

4. LONDON LGBS COMMON INVESTMENT VEHICLE (CIV) LIMITED

1 representative and up to 2 deputies

Labour nomination Councillor Victoria Mills

Deputy

Labour nomination Councillor Peter John

5. GREATER LONDON EMPLOYMENT FORUM

1 representative and 1 deputy

Labour nomination Councillor Stephanie Cryan

Deputy

Labour nomination Councillor Leo Pollak

6. LONDON COUNCILS BOROUGH LEAD MEMBER – ARTS/CULTURE, TOURISM, SPORT AND LEISURE

Labour nomination Councillor Rebecca Lury

7. LONDON COUNCILS BOROUGH LEAD MEMBER – CHILDREN AND YOUNG PEOPLE/SAFEGUARDING AND SCHOOLS

Labour nomination Councillor Jasmine Ali

8. LONDON COUNCILS BOROUGH LEAD MEMBER – CRIME AND PUBLIC

PROTECTION

Labour nomination Councillor Evelyn Akoto

9. LONDON COUNCILS BOROUGH LEAD MEMBER – ECONOMIC DEVELOPMENT/BUSINESS

Labour nomination Councillor Stephanie Cryan

10. LONDON COUNCILS BOROUGH LEAD MEMBER – FINANCE AND CORPORATE SERVICES

Labour nomination Councillor Victoria Mills

11. LONDON COUNCILS BOROUGH LEAD MEMBER – HEALTH AND SOCIAL CARE INCLUDING ADULT SERVICES

Labour nomination Councillor Jasmine Ali

12. LONDON COUNCILS BOROUGH LEAD MEMBER – HOUSING AND REGENERATION

Labour nomination Councillor Kieron Williams

13. LONDON COUNCILS BOROUGH LEAD MEMBER – PLANNING/ INFRASTRUCTURE/DEVELOPMENT

Labour nomination Councillor Johnson Situ

14. LONDON COUNCILS BOROUGH LEAD MEMBER – SKILLS AND EMPLOYMENT

Labour nomination Councillor Stephanie Cryan

15. LONDON COUNCILS LIMITED

1 representative

Labour nomination Councillor Peter John

4. AMENDMENTS

There were none.

The meeting closed at 12.45 pm.

CHAIR:

DATED:

Item No. 3.2	Classification: Open	Date: 17 July 2019	Meeting Name: Council Assembly
Report title:		Motion on the Theme: Delivering the transport infrastructure for Southwark's future	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

The theme for this meeting is Delivering the transport infrastructure for Southwark's future.

The relevant cabinet member shall submit a motion on the theme. All other political groups on the council are allowed to submit one amendment to the motion. The cabinet member's motion and the amendments do not need to be seconded. The cabinet member will present the motion to the meeting, followed by the lead opposition spokesperson's response and moving of their amendment, if any. Following this, the subject matter of the theme will be open to debate. Amendment(s) from other opposition groups on the council can be moved during this part of the meeting.

Motion from Councillors Johnson Situ, Cabinet Member for Growth, Development and Planning, and Richard Livingstone, Cabinet Member for Environment, Transport and the Climate Emergency

Delivering the transport infrastructure for Southwark's future

1. Council assembly notes:
 - a. The Southwark Labour manifesto and council plan commitment to creating a fairer future for Southwark, where every resident has the chance to thrive, and make the most of the opportunities being created in the borough.
 - b. That we want a borough where growth works for all, with high quality employment, healthcare, schools, park and libraries for residents.
 - c. That in order for our residents to be able to access these opportunities being created in Southwark, there needs to be an accessible, sustainable transport network, right across the whole borough.
 - d. That the Southwark Labour manifesto committed to delivering the transport infrastructure needed for Southwark's future by pledging to:
 - i) Campaign to re-open Camberwell train station
 - ii) Make cycling accessible for all, increase cycle hangers where people want them, boost access to cycle hire and double the proportion of journeys in Southwark done by bike
 - iii) Campaign for three new tube stations on the Old Kent Road, including one at the Bricklayers Arms
 - iv) Work with the Mayor of London to build a new pedestrian and cycling bridge from Canada Water to Canary Wharf
 - v) Develop a green walking network
 - vi) Adapt lamp posts to charge electric cars so that every home is within waking distance of a charging point
 - vii) Campaign to reinstate the frequency of the RV1 bus service.

- e. The progress made against these commitments, including:
 - i) Making cycling safer and easier by delivering 7.8 kilometres of cycle ways, and providing bikeability training to 3,484 children and 1,359 adults
 - ii) Creating the 'Back the Bakerloo' campaign, in partnership with Lewisham Council, to which nearly 17,500 local residents and businesses have pledged their support
 - iii) Improving accessibility at Peckham Rye station, as, thanks to the council's lobbying, the government has committed funds to installing a lift in the station
 - iv) Adapting 81 lamp posts into electric charging points, with many more in the pipeline, enabling residents to move away from greenhouse gas emitting petrol or diesel cars
 - v) Working with Network Rail to redevelop London Bridge station, making it a station fit for the future and accessible to all.
2. Council assembly further notes:
- a. That at the March 2019 council assembly, council assembly declared a climate emergency.
 - b. That for the council to play its part in addressing the recently announced climate emergency, it will need to continue to promote the shift from driving to walking, cycling and public transport.
 - c. That in April cabinet agreed the Movement Plan, committing the council to transport policies that promote walking and cycling, improve air quality and safety, and reduce carbon.
 - d. That wherever possible, the council has worked closely with Transport for London (TfL) to enable them to deliver schemes that benefit the borough.
 - e. That thanks to Conservative austerity, TfL's budget has been dramatically reduced by £700m a year.
 - f. That despite the council's close partnership working with TfL, they have made a number of disappointing decisions, such as the withdrawal of the RV1 bus service, the decision not to include a third station at Bricklayers Arms in their proposals for the Bakerloo line extension, and the recent decision to halt work on the Rotherhithe to Canary Wharf pedestrian bridge, despite widespread community and cross-party support for each of these.
 - g. That TfL's decisions make it harder for the council to promote walking, cycling and public transport, improve air quality, and tackle the climate emergency.
 - h. That although TfL's decisions are understandably based on their reduced budget, council assembly remains disappointed that they have not done more to work with the council to deliver the transport infrastructure needed for Southwark's future.
3. Council assembly resolves to call on cabinet to:
- a. Campaign for better transport links in Southwark's transport 'not spots', where residents are not within a short walk of a train, overground or tube station (see map).
 - b. Campaign for better accessibility to Southwark's transport, including:
 - i) Calling on the government to continue the work that will be done at Denmark Hill and Peckham Rye stations and ensure lifts and step free access in all stations in the borough
 - ii) Support the improvement of the Canada Water station interchange
 - iii) Calling on TfL to ensure accessible, step free access along bus routes and reinstate the RV1 bus

- iv) Call on TfL to ensure adequate support available at underground and overground stations for those who need it by keeping ticket offices open.
- c. Continue to work to ensure that transport in the borough is sustainable, including promoting active travel, in particular, walking and cycling, and continue to work with TfL to deliver the extension of the Santander Cycle scheme in Southwark.
- d. Continue to lobby TfL to rethink their decision to pause work on the Rotherhithe to Canary Wharf bridge.
- e. Review planning policy in the light of the climate emergency to ensure the planning process promotes sustainable, environmentally friendly transport options for the borough.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet members motion	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer
Version	Final
Dated	4 July 2019

Item No. 5.1	Classification: Open	Date: 17 July 2019	Meeting Name: Council Assembly
Report title:		Members' Question Time	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

Members' question time shall not exceed 30 minutes. During this time, members may not question any one cabinet member or committee chair for longer than fifteen minutes.

Members are limited to one question at each meeting. One councillor from each community council will be able to submit a question on behalf of their community council.

Questions to the leader will be taken first, followed by question from community council councillors followed by questions to other cabinet members. The order in which the different political groups ask questions of the leader will be rotated. Questions to cabinet members will also be rotated. The order of portfolios will be rotated at each meeting such that the cabinet member answering questions immediately after the leader will be the last cabinet member to answer any questions at the next meeting of council assembly. The rotation is in line with decisions of council assembly in July 2014 and rotations circulated by the proper constitutional officer in April 2015.

Cabinet members and committee chairs have discretion to refer a question to another cabinet member.

Responses to members' questions will be circulated on yellow paper around the council chamber on the evening of the meeting.

The Mayor will ask the member asking the question if they wish to ask one supplemental question to the member to whom the question was asked. The supplemental question must arise directly out of the original question or the reply. Therefore, supplemental questions to the leader or other cabinet members are not free ranging.

No question shall be asked on a matter concerning a planning or licensing application.

Notes:

1. The procedures on members' questions are set out in council assembly procedure rule 2.9 in the Southwark Constitution.
2. In accordance with council assembly procedure rule 2.9 (12) & (13) (prioritisation and rotation by the political groups) the order in which questions to the leader appear in this report may not necessarily be the order in which they are considered at the meeting.
3. A question from a community council must have been previously considered and noted by the relevant community council (CAPR 2.9.2).

1. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR IAN WINGFIELD

Two weeks ago I joined with residents at a service to remember those who tragically died in the Lakanal fire. Ten years after the fire, can the Leader tell me what the council has done to improve fire safety and ensure that our residents are safe?

2. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR DAVID NOAKES

Can the leader of the council detail what representations and support Southwark Council (both cabinet members and officers) have given to XXL club, one of the last LGBT venues left in Southwark, over the last two years, and more specifically what support they are providing now since XXL received a three month eviction notice on Monday 24 June 2019 from the developers?

3. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR LEANNE WERNER

Can the leader provide an update on the outcome of the first round of the Positive Futures Fund?

4. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR ANOOD AL-SAMERAI

Was it the crushing defeat at the European elections which prompted Southwark Labour party to finally back a People's Vote, three years too late?

5. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR TOM FLYNN

With local Camberwell resident Boris Johnson taking on Jeremy Hunt for number 10, who does the leader think would be best for Southwark?

6. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR NICK JOHNSON

Given the recent cancellation of the Rotherhithe Bridge and ever increasing overcrowding at Canada Water tube station, what can the leader do to reassure members that the Canada Water Masterplan is still viable?

7. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR JAMES MCASH

What is being done to deliver sustainable transport infrastructure in the south of the borough, in particular cycle hangars and electric charging points?

8. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR ADELE MORRIS

Following on from our declaration of a Climate Emergency at the last council assembly, can the leader say what steps have been taken to increase the pressure on developers to meet our carbon reduction targets? Can he also tell us when the

planning committee will receive the report on how the money paid into the Carbon Offset Fund, collected when developers fail to meet the targets, will be spent?

9. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR LORRAINE LAUDER

Can the leader tell us how many visits there have been to Southwark libraries in the last year?

10. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR WILLIAM HOUNGBO

Persistent disruptive behaviours are still the main reason for permanent exclusions from schools in Southwark. Can the leader agree that these educational challenges could also be solved by a public health approach and outline what proactive actions the council has taken on these issues?

11. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR RICHARD LEEMING

What steps is the council taking to make walking and cycling accessible for all, as per our manifesto pledge?

12. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR HAMISH MCCALLUM

For each of the last five years, how many council homes have been (a) sold or demolished in Southwark; and (b) built by the council's own development and rented to families on Southwark's housing waiting list?

13. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR DAN WHITEHEAD

Following the extremely disappointing decision by the Mayor of London to cancel the Rotherhithe Bridge, can the leader outline what steps he is taking to improve transport on the Rotherhithe peninsula?

14. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR GRAHAM NEALE

How many scrutiny commission meetings were held in 2018/2019, broken down by commission area?

15. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR ELIZA MANN

Parents have raised concerns about diesel powered ice cream vans polluting the air around schools and parks. Does the council have any plans to work with ice cream sellers to help them switch to electric vehicles and refrigeration systems, particularly for use around schools and parks?

16. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR JANE SALMON

At the last Council Budget, Liberal Democrats demonstrated that making better use of office space in Tooley Street would provide the council with £392,000 in savings. Given there are working spaces in the Tooley Street office which lie empty all day, can the Leader outline what steps the administration is taking to capture these efficiency savings?

17. QUESTION TO THE CABINET MEMBER FOR JOBS, BUSINESS AND INNOVATION FROM COUNCILLOR PETER BABUDU

What are the next steps for the Pioneer Fund following its launch on 18 June 2019?

18. QUESTION TO THE CABINET MEMBER FOR JOBS, BUSINESS AND INNOVATION FROM COUNCILLOR KATH WHITTAM

What has the cabinet member done to ensure that Rotherhithe residents have high speed broadband?

19. QUESTION TO THE CABINET MEMBER FOR JOBS, BUSINESS AND INNOVATION FROM COUNCILLOR CATHERINE ROSE

Can the cabinet member tell us what plans there are for creating affordable workspaces for the creative and technological industries?

20. QUESTION TO THE CABINET MEMBER FOR JOBS, BUSINESS AND INNOVATION FROM COUNCILLOR DAMIAN O'BRIEN

How does the cabinet member think jobs and business will be impacted by the recent decisions by the Labour Mayor of London to terminate the RV1 service, reject Southwark residents' calls for a tube station at the Bricklayers Arms and break his promise to build the Rotherhithe to Canary Wharf bridge?

21. QUESTION TO THE CABINET MEMBER FOR JOBS, BUSINESS AND INNOVATION FROM COUNCILLOR VICTOR CHAMBERLAIN

What is the cabinet member doing to protect and promote LGBTQ+ businesses in the borough?

22. QUESTION TO THE CABINET MEMBER FOR JOBS, BUSINESS AND INNOVATION FROM COUNCILLOR DARREN MERRILL

Many Elephant and Castle traders feel concerned about the uncertainty of their future given the upcoming judicial review. What is the cabinet member doing to support traders and secure them a long term sustainable future?

23. QUESTION TO THE CABINET MEMBER FOR JOBS, BUSINESS AND INNOVATION FROM COUNCILLOR RADHA BURGESS

In our manifesto, we promised that we would help 500 young people from low income backgrounds get paid internships with London's best employers. Can the cabinet member tell us when our paid internship scheme will launch?

24. QUESTION TO THE CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES FROM COUNCILLOR JASON OCHERE

Can the cabinet member update us on the rooftop principles and best practice guide, and explain the rationale for it?

25. QUESTION TO THE CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES FROM COUNCILLOR DORA DIXON-FYLE

Does the cabinet member agree that Southwark Council should adopt a construction charter, and if so, what steps will he take to ensure the council signs up to one like the one suggested by Unite the Union?

26. QUESTION TO THE CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES FROM COUNCILLOR ELEANOR KERSLAKE

The Great Estates programme has the potential to change the lives of many of my constituents who live on our estates. How many groups have applied since its launch in May?

27. QUESTION TO THE CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES FROM COUNCILLOR MARIA LINFORTH-HALL

Can the cabinet member tell us the time frame and consultation methods for the Social Regeneration Charters in each area, and can he also give us details on what process is going to be used to define each geographical area?

28. QUESTION TO THE CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES FROM COUNCILLOR MARTIN SEATON

What is the cabinet member doing to campaign for land law reform?

29. QUESTION TO THE CABINET MEMBER FOR SOCIAL REGENERATION, GREAT ESTATES AND NEW COUNCIL HOMES FROM COUNCILLOR MICHAEL SITU

Can the cabinet member update us on what work has been done to ensure the integration of existing and new residents on sites with new housing?

30. QUESTION TO THE CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE FROM COUNCILLOR GAVIN EDWARDS

Does the cabinet member agree that sleep-in shifts carried out by care workers on behalf of Southwark should be treated as "working time" for the purpose of calculating compliance with national minimum wage and, if so, could the cabinet member provide assurances that this is the practice being followed by all relevant providers?

31. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT, TRANSPORT AND THE CLIMATE EMERGENCY FROM COUNCILLOR HUMAIRA ALI

Has an environmental and traffic impact assessment been performed for the CS4 works on Tooley Street? As traffic is already filtering down side-streets, thereby increasing poor air quality, what measures will the cabinet member be investing in to reduce the impact on residents along Jamaica Road and Tooley Street?

Item No. 5.2	Classification: Open	Date: 17 July 2019	Meeting Name: Council Assembly
Report title:		Members' Motions	
Ward(s) or groups affected:		All	
From:		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 minutes¹.

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.

¹ Council assembly procedure rule 1.14 (9)

1. **MOTION FROM COUNCILLOR HUMAIRA ALI** (Seconded by Councillor Alice Macdonald)

Promoting Equality and Valuing Diversity

1. Council assembly:
 - a. Asserts its pride in Southwark as one of the most diverse and vibrant parts of London, the UK and indeed Europe.
 - b. Recognises the contributions that all communities, classes and cultures have made to Southwark in the past and will continue to make in future.
 - c. Welcomes the promotion and integration of equality and diversity in all that the council undertakes; and in its work undertaken with partners.
 - d. Welcomes its community leadership role and commits to working towards being a borough where all feel safe, included, valued and respected, as well as helping to promote good community relations in the borough so that all feel a common sense of belonging to one Southwark – a borough that welcomes and celebrates its great diversity.

2. Council assembly acknowledges that:
 - a. The level of hate crime in Southwark is still too high, with 788 incidents in 2018.
 - b. The levels of hate crime and hate incidents in Southwark and across London have risen in recent years. Race-hate crime across London has increased from 8,000 incidents a year in 2012 to almost 18,000 this year. Sexual orientation hate crime across London has almost doubled in five years, from 1,092 incidents in 2014 to 2,048 incidents this year
 - c. People from minority groups feel less safe as verbal and physical attacks driven by misogyny, homophobia and racism have become more frequent.
 - d. A complacent assumption that hateful attitudes and discrimination will inevitably decline over time has been disproved and needs to be rejected.

3. Council assembly notes:
 - a. That in November 2017, council assembly voted unanimously to adopt the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism.
 - b. That both the Liberal Democrats and the Labour party have accepted the All-Party Parliamentary Group working definition of Islamophobia, defined as being ‘rooted in racism and [is] a type of racism that targets expressions of Muslimness or perceived Muslimness.’
 - c. The recent acceptance of Conservative party leadership candidates to support an independent inquiry into Islamophobia within the Conservative party, and hopes that the independent inquiry will take place promptly rather than being postponed to an unspecified date.

4. Council assembly also notes the work that the council already does to promote diversity and tackle hate crime, including:
 - a. Promoting and taking part in National Hate Crime Awareness Week.
 - b. Providing Hate Crime Awareness materials and resources to community, voluntary, and faith groups across the borough.
 - c. Engaging more than 1,400 young people across over 30 primary and secondary schools with in-school workshops on diversity, tolerance, equalities and tackling prejudice.
 - d. Funding interactive Hate Crime awareness raising workshops in five primary schools in the borough for over 400 primary school children, and

- securing funding for the “Free to Be” programme which will help 1,900 young people across four schools to tackle homophobic and transphobic bullying and hatred.
- e. Supporting celebrations of diversity, including Black History Month, the annual interfaith walk, council staff equality forums and networks, as well as community and voluntary organisations in Southwark that promote diversity.
5. Council assembly asserts that:
 - a. Discrimination, harassment and abuse in all its forms and manifestations is not only wrong in itself but also corrodes the core pillars of society and undermines attempts to build a secure, prosperous, and decent society that we all want to live in.
 - b. There has been a lack of leadership across Parliament in developing effective strategies to confront discrimination and the causes of these prejudices.
 - c. There has been a generational failure to clearly acknowledge and celebrate the rewards we have reaped from people who have moved to the UK to build their lives here and contribute to our societies and communities as well as those rewards we will reap from people who will choose to move to the UK in the future.
 - d. Southwark should be a leader and serve as a beacon to others in demonstrating how to create the tolerant, open and mutually supportive society we want to see.
 6. Council assembly:
 - a. Adopts the All-Party Parliamentary Group working definition of Islamophobia.
 - b. Affirms its previous adoption of the IHRA definition on antisemitism.
 - c. Commits to standing up against hate and to challenging Islamophobia, antisemitism and all other forms of racism and discrimination, in our own organisations and parties as well as outside them.
 - d. Calls on the civic awards sub committee to create a specific award for those who have made an outstanding contribution to making Southwark a more integrated, plural and tolerant place for us all, as part of the borough’s Civic Awards.
 7. Council assembly calls on cabinet to:
 - a. Actively ensure that activities and events in Southwark acknowledge and reflect the diversity of life and society in our borough.
 - b. Continue to work with schools to:
 - i. celebrate diversity
 - ii. ensure that young people are educated about hate crime, including how to tackle the spread of hate speech online
 - iii. make all Southwark schools inclusive places for all children and young people.
 - c. Call on the government to make misogyny-driven attacks a hate crime and to commit additional resources to tackling the spread of hate crime.
 - d. Establish diversity champions, drawn on a cross-party or non-party basis, to act as additional focal points for enabling greater integration and strengthening community bonds of belonging, solidarity, tolerance and mutual support.
 - e. Launch an updated equality and diversity standard for Southwark Council.

- f. Specifically and additionally include those who have made an outstanding contribution to making Southwark a more integrated, plural and tolerant place for us all in the borough's Civic Awards.
- g. Work with Transport for London on how to make public transport a safe place for all users.
- h. Promote and protect spaces in the Borough where people from minority groups feel safe, particularly LGBT+ spaces that have declined by 60% in Southwark over the last decade.
- i. Commit to making Southwark a borough that stands out for its integration, tolerance and mutual cross-community support, which can serve as a model for others to follow.

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

2. MOTION FROM COUNCILLOR KATH WHITTAM (Seconded by Councillor Bill Williams)

Supporting the Rotherhithe to Canary Wharf Bridge

- 1. Council assembly notes:
 - a. The 2016 transport motion, in which council assembly called on Transport for London (TfL) to bring forward plans for a bridge linking Rotherhithe to Canary Wharf.
 - b. That since then the Rotherhithe Bridge proposal has received widespread support, with over 90% of local residents backing the plans.
 - c. That local councillors have led the push for the bridge, and that the council has recognised the importance of delivering the bridge in the most recent Council Plan.
 - d. The Southwark Labour manifesto pledge to work with the Mayor of London to build a new pedestrian and cycling bridge from Canada Water to Canary Wharf.
 - e. The Mayor of London's 2016 commitment to "work to break down some of the city's physical barriers, such as by backing the Rotherhithe-Canary Wharf cycle and pedestrian bridge".
 - f. That the Mayor of London had previously expressed his support for the bridge, including by filming a video with local councillors supporting its construction.
 - g. That current river crossings in the area are seriously overcrowded, with serious traffic issues in the approach to the Rotherhithe Tunnel, and Canada Water station having to be closed during rush hour as a result of safety concerns.
 - h. That the current ferry service across the river is both expensive and has a very low capacity.
 - i. That if the cost of ferry tickets were to be subsidised by TfL, or even made free, its limited capacity would not solve the overcrowding issues which the bridge would address.
 - j. That there is no segregated cycle lane across Tower Bridge, making it harder for cyclists to safely cross the river.
 - k. The council's plans to clean up the air and help people make healthy choices of walking and cycling are much more challenging if the bridge is cancelled.
 - l. That the whole of east and southeast London stand to gain from this bridge being built.

2. Council assembly further recognises:
 - a. That the significant growth planned in the Canada Water area, including an increase in new homes and job opportunities, will require a significant investment in transport infrastructure.
 - b. That the current plans for the area anticipate the bridge being built.
 - c. That TfL's budget has been cut as a result of Conservative austerity, and that the decision to pause work on the bridge has been made as a result of financial pressures, rather than because TfL consider the bridge to be unnecessary.
 - d. That TfL are continuing to press ahead with the Silvertown Tunnel scheme, despite the significant cost of this scheme, and the concerns that have been raised about its negative impact on the local area and environment.
 - e. That the council has previously publicly stated its support for the bridge, including financial support through the Community Infrastructure Levy.

3. Council assembly believes:
 - a. That the recent TfL decision to 'pause' progress on plans to deliver the Rotherhithe to Canary Wharf Bridge is the wrong one and condemns the decision.

4. Council assembly therefore calls on cabinet to:
 - a. Continue to lobby TfL to reconsider their decision not to progress with plans for the bridge.
 - b. To ask TfL to share details of the increase in cost with the council and commit to jointly review the cost for the bridge.
 - c. Seek an urgent meeting with Heidi Alexander, Deputy Mayor of London for Transport to relay the strength of feeling within the local community and urge TfL to reconsider, as well as seek assurances on other major transport infrastructure commitments in the borough, including committing to extending Santander Cycles to Canada Water.
 - d. Call on TfL to address in a full and proper manner the concerns and recommendations raised by the council in relation to the proposals for the new Silvertown Tunnel, which will impact negatively on the quality of life of a vast number of people who live and work in the borough.

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

3. **MOTION FROM COUNCILLOR VICTOR CHAMBERLAIN** (Seconded by Councillor William Hougbo)

A permanent memorial to remember the terrorist attacks in London Bridge and Borough Market

1. Council assembly notes that:
 - a. 3 June 2019 marks the second anniversary of the horrific terrorist attacks which took place on London Bridge and in Borough Market.
 - b. Eight people lost their lives and a further forty-eight people were injured in the attacks.
 - c. In addition to those directly involved, many in the local communities in Borough, Bankside and London Bridge are still affected by the traumatic events.

2. Council assembly praises:

- a. The swiftness of those who responded to the attack, who in their speed and bravery saved the lives of many.
 - b. The spirit of solidarity and social cohesion that flourished following the attacks, showing to the world that Southwark stood together against hate.
 - c. The continued support that has been offered to victims, witnesses and those affected.
3. Council assembly calls for:
- a. A permanent memorial to be established to commemorate those who were killed and injured, recognise the impact the attacks had on the local community and the strength of the community response, and praise the support of all those who responded and have helped the community to recover.
 - b. Survivors, families of the victims, community representatives and elected representatives from the affected communities, representatives from local religious communities and professionals involved in responding to the attacks as well as those who have supported the recovery of the area to decide on the design, location and nature of the permanent memorial.

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

4. MOTION FROM COUNCILLOR DARREN MERRILL (Seconded by Councillor Jason Ochere)

Adult Social Care

1. Council assembly notes:
 - a. That social care is in crisis, which puts at risk tens of thousands of older and disabled people who could end up being denied even the most basic personal support such as help with washing or dressing. Yet despite this, the Conservative government has no strategy or plan to deal with this.
 - b. Southwark Council continues to do the very best for our residents by delivering our commitments for a fairer future for all. The council is doing this despite the malign neglect of central government.
 - c. Southwark is having to continually find new ways to ensure that we support people with profound and increasingly complex needs as well as work to transform lives for the better.
 - d. That the coalition government and now the Conservative government have no sustainable plan and are failing to deliver adequate funds to local authorities which risks putting Southwark's current high standard of social care under threat.
2. Council assembly further notes:
 - a. That across the country local council spending on social care has dropped in real terms and is now £700 million below what it was in 2010/11. That this is despite an ageing population and a 2 per cent rise in new requests for adult social care since 2015/16, which reached 1.84 million requests in 2018.
 - b. That a recent study from the King's Fund warns that fewer people are receiving care, with almost 13,000 fewer granted help over the same period
 - c. That the study found it is not just older people who are requesting help, with a rise in the number of adults of working age seeking support as levels of disability rise. Since 2015/16, there has been a rise from 1.31 million to

- 1.32 million older people requesting help, while among working-age people requests have gone up from just over 500,000 to nearly 524,000.
- d. That more than 7,000 working-age people are receiving long-term support compared with 2015/16, but there more than 20,000 fewer older people receiving it.
 - e. That failure to address a systematic undervaluing of autistic people, dementia sufferers and disabled people in general make the sort of abuse uncovered by Panorama at Whorlton Hall more likely to occur again in the future.
3. Council assembly recognises:
- a. That in Southwark, members of our community can access high quality information, advice and coordinated community services that prevent, reduce and delay their needs for social care support.
 - b. That adults with eligible support needs and their carers have access to services which maximise independence and choice, and enable them to live healthy, safe and fulfilling lives in their community.
 - c. That the council's vision and priorities for the period April 2018 to March 2020 flows from the council's vision first developed in 2015. This vision and priorities are driven by the belief that the council should be "*Empowering and enabling people to live fulfilled and independent lives with dignity and respect*".
 - d. That Southwark council has put these values into practice, and taken a number of important steps to improve adult social care services, including by:
 - i) Implementing the Southwark Ethical Care Charter, which has significantly increased satisfaction rates in the service, meaning the satisfaction rates are now well above the national average
 - ii) Establishing a Reablement Service that works with the NHS to successfully support 82% of adult care service users in their own homes following hospital discharge
 - iii) Protecting funding for adult mental health services.
 - iv) Agreeing plans to open two new nursing homes, one in Burgess Park and one in Camberwell
 - v) Making it easier for people to access mental health services, disability services and older people services through our hub and satellite
 - vi) Working with the NHS, the voluntary sector to create a sustainable, high quality integrated care system locally
 - vii) Developing a Residential Care Charter that will recognise the importance of demonstrating the value of workers in the care system.
4. Council assembly resolves to call on cabinet to:
- a. Condemn this Conservative government for shamefully abandoning older people and young adults with care needs.
 - b. Call on the government to publish a 10 year social care plan, in line with the 10 year NHS plan, publish a Green Paper on adult social care, and reverse cuts to adult social care funding and expand provision by restoring local government funding.

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

5. **MOTION FROM COUNCILLOR SUNNY LAMBE** (Seconded by Councillor Radha Burgess)

Monthly Leave Your Car At Home Days

1. Council assembly welcomes:
 - a. The Mayor of London's and the council's commitment to take part in international car free day on Sunday 22 September 2019.
 - b. Southwark's role in the Mayor's centrepiece of this year's event with the closure to traffic of Tower Bridge and most of Tooley Street on that day, along with non-bus traffic across London Bridge, as part of a car free zone that also includes much of the City of London.
2. Council assembly recognises:
 - a. That in addition to the impact on air quality in cities like London, cars are a major contributor to carbon emissions and long term climate change.
 - b. The role that the Fizz Free Feb campaign has had in highlighting the public health risk posed by sugar and to encourage people to make personal pledges to change their behaviour.
3. Council assembly believes that a similar public health approach to car use is important in changing behaviour.
4. Council assembly reaffirms its commitment to take action to tackle the climate emergency and welcomes international car free day as a positive step towards this.
5. Council assembly therefore calls on cabinet to:
 - a. Develop proposals to introduce a Leave Your Car At Home day every month on all Southwark roads, where the council will encourage road users to leave their car at home, and use alternative ways to travel.
 - b. Work with community groups, schools, businesses and our residents to build support across the borough which change habits and get more people out of their cars.
 - c. Work with councils across London and the Mayor of London to follow Southwark's lead to build support for a monthly Leave Your Car At Home days across London.
 - d. Encourage more people to make use of the council's play streets scheme so that more streets are enjoyed by local children and communities.

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Member Motions	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer
Version	Final
Dated	5 July 2019

Item No. 6.1	Classification: Open	Date: 17 July 2019	Meeting Name: Council Assembly
Report title:		Youth Justice Plan 2019/20	
Ward(s) or groups affected:		All	
From:		Director of Children and Families, Alasdair Smith	

RECOMMENDATIONS

1. That council assembly agree Southwark’s Youth Justice Plan 2019/20 as detailed in Appendix A of the report, in accordance to Part 3A of the Council’s Constitution.
2. That the Council Assembly notes the progress of the Youth Offending Service and the 2019/20 priorities which have been developed through engagement of multi-agency partners including young people and led by the Youth Crime Management Board (YCMB).

BACKGROUND INFORMATION

3. Southwark Council Plan 2018-2022, in its aspiration for a fairer future for all, states:

“we want to empower people, particularly young people, with the opportunities that they need to make positive choices and to stay away from crime and violence”.
4. The work of Southwark’s Youth Offending Service (YOS) is integral to this strategic ambition and promotes our approach of ‘child first, offender second’.
5. All agencies need to work together to improve outcomes for children and the Crime & Disorder Act 1998 (s.40) places a statutory duty on each local authority, after consultation with the partner agencies, to formulate and implement an annual Youth Justice Plan, setting out:
 - a. how youth justice services in their area are to be provided and funded; and
 - b. how the youth offending team or equivalent service will be composed and funded, how it will operate, and what functions it will carry out.
6. Southwark’s Youth Justice Plan 2018/2019 identified the following key areas to maximise the likelihood of achieving reductions in re-offending, and to support young people taking actions that would improve their lifestyles and avoid committing crime:
 - a. Engaging young people and their families in their Orders and being explicit in the aim to reduce reoffending.
 - b. Reducing serious youth violence through assessing and addressing health needs and increasing the impact of a restorative justice approach.
 - c. Preparing young people for employment.

- d. Improve data quality and performance information and ensuring the infrastructure is in place to resource service recording needs.
 - e. Reducing the number of young people entering the criminal justice system.
 - f. Reducing the number of young people receiving a custodial sentence.
 - g. Reducing the reoffending rate of those subject to supervision from Southwark YOS.
7. A detailed review of progress against these key areas is provided in the full Youth Justice Plan in Appendix A of the report. The Youth Crime Management Board have agreed these will remain the focus for activity in 2019/20 with a renewed action plan for implementation (please see Appendix A).

KEY ISSUES FOR CONSIDERATION

Key Performance Indicators

- 8. The performance of the council's response with partners to youth crime is measured in three ways.
- 9. **First time entrants** (FTE) to the criminal justice system. The latest data for May 2019, shows a decrease in the rate of first time entrants to the criminal justice system although Southwark remains above the regional and national average. This equates to 109 young people entering the youth justice system for the first time in Southwark every year. The number of first time entrants is influenced by police activity including increased "stop and search" within the borough. The YOS and police have good processes in place to ensure as far as possible young people are diverted from prosecution.
- 10. **Use of custody** for young people who have committed serious offences. This continues to reduce, and rates remain below the London average with nine young people receiving a custodial sentence between April 2018 and March 2019. This low rate is achieved by offering robust alternative sentencing options and ensuring the judiciary is confident in the capacity of Southwark's Youth Offending Service, with multi-agency partners, to deliver and manage risk within the community.
- 11. **Reoffending** by young people who have previously committed an offence. This remains a major challenge. Southwark is ninth highest in London and ranked third highest of authorities with similar characteristics. This rate relates to the 240 young people that started on orders between July 2016 – June 2017, of whom 119 offended again within a year and committed on average three further offences. This measure is similar to the first time entrant rate as it is influenced by police activity including increased "stop and search" within the borough.
- 12. Detailed statistics comparing national and local rates can be found in the Youth Justice Plan at Appendix A of this report.

Partnerships

- 13. The Crime & Disorder Act 1998 requires partner agencies (Police, Health, Children's Services, National Probation Service and Education) to provide a nominated person

to the Youth Offending Service. This recognises the joint responsibilities of key agencies to respond to the needs of young people and Southwark has a service with a co-located police team, National Probation Service secondee, a Child and Adolescent Mental Health Service (CAMHS) team, Health & Wellbeing worker and Speech & Language therapists.

14. The service also employs additional specialist staff including clinical practitioners, an Education Training and Employment Officer, Victim and Restorative Justice Officers and a Reparation Officer who also manages a team of approximately 90 volunteers.
15. YOS Officers are variously qualified but there is a strong focus on the social work model and implementing systemic practice alongside colleagues within the Children & Families Division.
16. Young people who have been involved with the criminal justice system (Peer Navigators), have been trained and supported to deliver interventions directly and co-deliver group work programmes with YOS staff or partners. These Peer Navigators influence how everyone in the YOS can work more effectively with young people and has helped strengthen routes to education, training and employment, dealing with stress and mental health issues, responding to individual learning needs effectively, and different venues for service delivery that young people are safe to travel to.
17. Being located within the Family Early Help and Youth Justice (FEHYJ) area of Children's and Adults Department enables a continuum of prevention, diversion and statutory interventions to reduce and prevent crime and harm. This enables pathways to prevention work through Family Early Help referrals and as members of the Multi-Agency Safeguarding Hub (MASH).
18. Strategic delivery of FEHYJ includes Children's Centres and Under 5s work, and partnership working with Primary and Secondary Schools to promote attendance and avoid exclusions. This whole family approach recognises the impact of childhood adversity on future risk of offending.

Core Youth Offending Service work with young people and their families

19. The YOS adheres to the National Standards for Youth Justice Services and is inspected by Her Majesties Inspectorate of Probation (HMIP).
20. The service promotes the importance of building relationships, taking a restorative approach to work with young people and families ensuring we work with families (rather than do things 'to' them or 'for' them) whether on a statutory order or a voluntary intervention.
21. Engaging young people in change is promoted through the Peer Navigator programme delivered by Youthink, a key voluntary sector partner as described above. Peer Navigators are central to the service ethos and delivery.
22. Developing core communication skills and positive relationship building is a key element of all work at the YOS and can be seen within the variety of programmes delivered. Motivating change through positive feedback and encouraging a growth mindset with hope for the future is central to the direct work with young people.
23. These underlying skills are essential to desistance from offending with the aim to

prepare young people for work and make them employable. Activities to develop these skills are promoted within all the creative group work programmes delivered with third sector partners such as Bubble theatre, Goldseal, Wipers and Leap Confronting conflict.

24. Management of risk and vulnerability is a key feature of the service given the significant concerns about serious youth violence. YOS staff assess these factors in all work with young people in liaison with the police and partners to ensure direct work delivery considers the safety of all.
25. Southwark has developed a Youth Integrated Offender Management (IOM) with the police to provide a strong monitoring process and high support to a high risk of reoffending cohort. This is in addition to the multi-agency Risk Management Panel which supports caseworkers by providing oversight and additional partnership resources for managing high risk of harm to others.
26. Specific knife crime interventions have been developed by the YOS over many years and staff deliver Trauma Informed Weapons Awareness Programmes (TIWAP) on a regular basis, differentiating content dependent on participant risks and ages. Funding to deliver this as a preventative programme in Secondary Schools has enabled the YOS to work with targeted groups in 5 schools over the last year which was funded by the Home Office and the Greater London Authority.
27. Young people's transition to adult probation services at 18 is a risk for reoffending and the YOS has worked with the National Probation Service and Community Rehabilitation Company partners to ensure there is an enhanced offer to our young people.

Health and wellbeing support

28. Young people referred by the police, court or partners are engaged in an assessment of their needs which considers emotional well being, physical health, communication, substance misuse, education or training issues and family experience. This assessment recognises the importance of lived experience to current behaviours and the impact of adverse childhood events.
29. YOS staff are trained in trauma informed practice to recognise the impact of life experiences such as neglect, abuse, knife assaults and criminal activity such as county lines involvement. Our majority male client group are encouraged to discuss and express their feelings through direct contact with the Peer Navigators and groupwork programmes such as Creative Voices and the music workshops delivered by Goldseal.
30. The YOS Health and Wellbeing worker (funded through NHS England) triages all young people and will promote physical exercise and connection with our local gym or linked psychological projects at London Community Boxing for example (delivered by In Your Corner).
31. The YOS clinical practitioners are part of the Clinical Service in the Children and Families Division and ensure systemic practice is consistently applied across the YOS and provide expertise in working with family dynamics strengthening our approach to reducing crime and harm by taking a whole family approach.
32. The level of specialist mental health provision to the YOS has improved over the

year and the YOS now has a full complement of CAMHS staff. This enables a more proactive approach to specialist support, which can be mediated by the Peer Navigators.

Key new developments identified for 2019/20

33. Increased capacity for data analysis and use of resources such as the reoffending toolkit has been identified as an area for development. This will include further work on exclusions to ensure those at risk of permanent exclusion (and thereby increased risk of offending) are identified at the earliest opportunity.
34. Analysis of reoffending has highlighted the issue of cannabis possession and the need to develop better interventions to the normalisation of cannabis use by young people involved with the YOS. This aligns with the development of a Community Resolution Plus intervention with public health colleagues.
35. Interventions to address knife possession as a second offence need to be reviewed to ensure they address the correct risk factors rather than repeat the core programme.
36. Evidence based interventions to address Adolescent to Parent Violence and Aggression will be explored to provide an effective response and alternative to prosecution.
37. Consultation with young people identified the following areas to strengthen: routes to education, training and employment; dealing with stress and mental health issues; responding to their learning needs effectively and different venues for service delivery that they are safe to travel to.
38. A collaborative bid led by Bubble Theatre has funded evaluation of 2 groupwork programmes plus the new Playing Safe intervention for Year 6 children to prepare them for transition which will be delivered in 9 Primary Schools during the next year.
39. A joint project with the police on diversion from custody is being piloted with a YOS Officer based in Walworth custody suite to engage and support young people and parents/carers to offer early routes out of offending.

Policy implications

40. The Crime & Disorder Act s.40 places a statutory duty on Local Authorities to produce a Youth Justice Plan. By agreeing to the Youth Justice Plan 2019/20 the Youth Offending Service will be able to continue their commitment towards delivering upon the council's fairer future values and priorities as set out in the Council's Plan 2018-19 – 2021-22.
41. The Council's priority theme 7 of Southwark Council's Fairer Future Commitments is *'to empower people, particularly young people, with the opportunities that they need to make positive choices and to stay away from crime and violence'*.
42. The Council's priority theme 6 *'A great start in Life'* is a commitment to *continue to support vulnerable and looked-after children, improving mental health services and investing in early intervention'*.

43. An early help approach of “**Keeping Families Strong**” was launched by the Children and Families Division at an event in February 2019, with the ambition to increase the capacity of families and communities to provide support early and avoid the need for statutory intervention. This ambition links to other council initiatives such as the Empowering Communities Programme and work with Community Safety to engage with families in hotspot areas and estate based support.
44. The borough’s Knife Crime Action Plan is a key driver for partners to coordinate interventions and refers to YOS activities in the Youth Justice Plan.
45. A recent Extended Learning Review by the Home Office Violence and Vulnerability Reduction Unit commissioned by Southwark Safeguarding Children’s Board executive has recommendations that align with work identified in the Youth Justice Plan.
46. The YOS presented evidence to the recent cross-party Serious Youth Violence Panel and any subsequent recommendations supported by the Council may need additional actions within the Youth Justice Plan.

Community impact statement

47. The impact on communities of the issues and recommendation within the Youth Justice Plan has been considered in line with Southwark’s Approach to Equality. Please refer to Appendix B for the equality analysis. Generally the recommendations will have a positive impact on communities through the commitment to meeting the demand for delivering a Youth Offending Service and continuing to drive up standards across borough.
48. Comparison of the local 10-17 year old population ethnicity and the YOS caseload shows a disproportionate number of BAME young people are involved in offending (75% compared to 66%, and this rises for the custodial cohort (78%)). This disproportionality is historic and the YOS continues to develop its work on masculinity and identity to ensure BAME young people’s needs are recognised.
49. 12% of YOS clients are young women so to ensure their needs are met the YOS runs a ‘Phenomenal Young Women’ group with female staff with activities, and staff can delivery targeted work to respond to need.
50. The Peer Navigator programme provides an excellent model of skilling up young people who have been through the YOS to influence their peers. The Ether program and recent Black heroes project are additional focused interventions. It remains crucial for all work with young people to positively promote race, ethnicity and culture given the importance of adolescence in developing identity.
51. Local analysis has identified the Latin-American community within Southwark as potentially requiring additional support. As a group who have arrived in the borough relatively recently, and often either one or both parents do not speak English, many of their children are appearing to become very vulnerable to exploitation from others and are disproportionately involved in becoming subject to YOS interventions. The YOS has linked with the Children’s Society to pilot a supportive service to Latin-American parents in summer 2019.

52. Institutional racism has been considered by the YOS working directly with sentencers to ensure that unconscious bias is minimised at the court setting, and hope to undertake similar work with local police in 2019/20.
53. Analysis of data also identifies the significant number of young people with Special Educational Needs and Disability (SEND) within the YOS cohort. Practice and strategy at the YOS ensures the needs of these young people are recognised in the design and delivery of services.
54. There is a positive equalities impact as a result of the implementation of these proposals. Southwark will give due consideration to the Public Sector Equality Duty (PSED) as a positive duty to consider the promotion of equality throughout the work of the Youth Offending Service.
55. There will be an impact on residents who possess one or more of the protected characteristics as defined by the Equality Act 2010, the YOS will exercise of all its functions, and have due regard (section 149 Equality Act 2010) to the need to (a) eliminate discrimination, harassment, victimisation or other prohibited conduct, (b) to advance equality of opportunity and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

Resource implications

56. The purpose of the Youth Justice Board grant has been revised through *The Youth Justice Board for England and Wales (Amendment of Functions) Order 2015, article 2c*. The monies are now given expressly “to make grants to local authorities and other persons *for the purposes of the operation of the youth justice system and the provision of youth justice services*” with a view to achieving the following outcomes:
 - a) Reduction in youth re-offending;
 - b) Reduction in the numbers of first time entrants to the justice system;
 - c) Reduction in the use of youth custody;
 - d) Effective public protection;
 - e) Effective safeguarding; and
 - f) Improving the safety, wellbeing and outcomes of children in the system.
57. Regular meetings with the Police, National Probation Service, NHS Southwark and CAMHS ensure the resources the YOS receives from these agencies are adequate for their needs. Adequately resourcing the YOS will continue to be a challenge for all partner agencies going forward and will be an issue for the Youth Crime Management Board to monitor.
58. The YOS and police Integrated Offender Management (IOM) scheme has continued to thrive. This scheme ensure high levels of resources are jointly allocated to a small cohort of young people (12-14) whose risk of harm or likelihood of reoffending is identified as being very high.
59. This scheme is working very effectively and positive results are achieved; young people know that they are of particular attention to both agencies and frequently amend their behaviour as a result, so far, over 50% of the cohort have been removed from the scheme due to good progress. The scheme has also been characterised by high quality joint work being undertaken by YOS and police staff across the borough. Due to its success, this scheme will be replicated in Lambeth in 2019/20.

Legal implications

60. Please see concurrent from Director of Law and Democracy at paragraphs 67 to 73 of the report.

Financial implications

61. We have broadly agreed the financials contained within table 15 to the revised budget and also to the grant allocation letters for 2019-20, with the qualification that the payment in kind figures are in some cases difficult to verify.
62. We note that there has been a reduction in the main YJB grant by 1% between 2018-19 and 2019-20 and also the continued risk in terms of the costs and funding for both secure and remand which is primarily a demand driven area where the budget may come under pressure should activity increase. As the local authority is the primary funder and the other contributions are capped the financial risk is primarily with the local authority.
63. There is a requirement to comply with the terms and conditions of the main YJB grant. Whilst this is not subject to an external audit the S151 officer is required to certify this by 30 June following the end of the preceding financial year.

Consultation

64. Formulation of this plan was undertaken by the YCMB which includes representation from partner agencies including the voluntary sector. The Divisional Management Team of Children and Families also attended a workshop to review progress and planned actions.
65. The YOS has continued to seek feedback from young people about their experiences of interventions delivered by the YOS and in the fourth quarter the Peer Navigators undertook a survey of young people (see Appendix A for more details).
66. Parents and carers of YOS clients are engaged with the service and offered opportunities to influence practice. In summer 2018 a group for parents directly affected by serious youth violence was facilitated by YOS staff and met regularly with invitation to local councillors and specialist agencies invited to listen to their concerns. YOS parents also attended the Keeping Families Strong event in February 2019 and are influencing that strategic ambition.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

67. Local authorities have a statutory duty to submit an annual youth justice plan relating to their provision of youth justice services. Section 40 of the Crime and Disorder Act 1998 sets out the youth offending partnership's responsibilities in producing a plan. It states that it is the duty of each local authority, after consultation with the partner agencies, to formulate and implement an annual youth justice plan, setting out:
- How youth justice services in their area are to be provided and funded; and

- How the youth offending team (YOT) or equivalent service will be composed and funded, how it will operate, and what functions it will carry out.
68. The youth justice plan must be submitted to the Youth Justice Board for England and Wales (YJB) and published in accordance with the directions of the Secretary of State and reinforced within YJB Terms and Conditions of Grant 2019.
 69. Standards for children in the youth justice system 2019 are to be implemented this year. Self-assessments against these are required at the end of this year (April 2020) in order that each service can baseline their performance.
 70. The Youth Justice Plan is included in the council's policy framework and has to be agreed by the Council Assembly in accordance with statutory requirements arising from the Local Government Act 2000, and the council's constitution in Part 3A.
 71. Under section 149 of the Equality Act 2010, in making this decision, the council assembly must comply with the public sector equality duty (PSED) which requires it to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
 72. The community impact statement in the report refers to the PSED and indicates some specific issues of concern that have been identified relating to some young people with particular protected characteristics. Some proposals to alleviate these concerns have been identified and as part of the Plan it is noted that these are likely to have a positive impact on those young people. These are all relevant matters that the council should give due regard to, in considering this report.
 73. There is a statutory requirement to consult with the partner agencies when producing the plan and the consultation section above sets out how this duty has been met.

Strategic Director of Finance and Governance

74. The key financial implications and observations are noted within the financial implications.

Other officers

75. None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Youth Justice Plans: practice note for youth offending partnerships	Youth Justice Board for England and Wales	https://www.gov.uk/government/organisations/youth-justice-board-for-england-and-wales
Link: https://www.gov.uk/government/publications/youth-justice-plans-practice-note-for-youth-offending-partnerships		

APPENDICES

No.	Title
Appendix A	Youth Justice Plan
Appendix B	Equalities Analysis for Southwark's Youth Justice Plan 2019/20
Please note that all of the above appendices have been circulated separately in the appendices pack.	

AUDIT TRAIL

Lead Officer	David Quirke-Thornton, Strategic Director for Children's and Adults' Services	
Report Author	Jenny Brennan, Assistant Director Family Early Help & Youth Justice, Children's and Adults' Services	
Version	Final	
Dated	2 July 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	4 July 2019	

Item No. 6.2	Classification: Open	Date: 17 July 2019	Meeting Name: Council Assembly
Report title:		London Borough of Southwark – Late Night Levy Consultation	
Ward(s) or groups affected:		All wards	
From:		Licensing Committee	

RECOMMENDATION

1. That council assembly considers the results of the public and statutory consultation conducted on the possible implementation of a late night levy (LNL) within the Borough and agree the following:
 - a) that Council Assembly approves a late night levy across the whole Borough
 - b) the commencement date should be 1 September 2019
 - c) the levy shall apply from 00:01 to 06:00 hours
 - d) Net monies raised by the levy after the payment of administration shall be used as follows:
 - to pay for the full costs of the police night time economy team
 - to pay for the Council resources within the night time economy team
 - surplus to be decided by a board made up of representatives for the Council, Police, licensed trade and residents.
 - e) No 30% reductions are to be applied
 - f) Exemptions to the levy are to be applied to the following categories:
 - i. a hotel or guest house, lodging house or hostel at which the supply of alcohol between midnight and 6am on any day may only be made to a person:
 - 1) who is staying at the premises, and
 - 2) for consumption on the premises;
 - ii. a theatre at which the supply of alcohol between midnight and 6am on any day may only be made to a person for consumption on the premises who is:
 - 1) a ticket holder in relation to a relevant production at the premises,
 - 2) concerned in the performance, organisation or management of the relevant production, or
 - 3) invited to the premises as a guest to attend an event to which the public do not have access;
 - iii. a cinema at which the supply of alcohol between midnight and 6am

on any day may only be made to a person for consumption on the premises who is:

- 1) a ticket holder in relation to the exhibition of a film at the premises, or
 - 2) invited to the premises as a guest to attend an event to which the public do not have access;
- iv. a club which is registered as a community amateur sports club by virtue of section 658 of the Corporation Tax Act 2010(2); and
- v. a licensed premises which is authorised to be used to supply alcohol for consumption on the premises between midnight and 6am on 1st January in every year (but are not so authorised at those times on any other day in any year).

2. A full list of reduction and exemption categories are listed in Appendix A.

BACKGROUND INFORMATION

3. The meeting of the licensing committee held on 25 June 2019 made the following recommendations:
- Having considered the results of the public and statutory consultation into a late night levy, the Licensing Committee recommends approving the levy across the whole Borough. The Committee therefore recommends to Council Assembly to adopt the introduction of the levy.
 - The Committee recommends that the commencement date should be 01 September 2019.
 - The Committee recommends that the following premises be exempt from the Levy:
 - premises with overnight accommodation that serve alcohol to their bona fide residents for consumption on the premises only (i.e. hotels);
 - theatres that serve alcohol to ticket holders, participants in the production and invited guests to a private function only;
 - cinemas that serve alcohol to ticket holders, and invited guests to a private function only;
 - registered community amateur sports clubs;
 - premises that supply alcohol in the late night supply period on New Year's Day only.
4. In making their decision the Licensing Committee considered information that follows.
5. Under the Police Reform and Social Responsibility Act 2011, Licensing Authorities can charge late night levy (LNL) on persons who operate premises that sell alcohol between 00:00 (midnight) and 06:00.
6. Should the local authority decide to proceed with the LNL, it is required to use its portion of the levy on activities, which must be related to mitigating the impact of the supply of alcohol and associated activity, within the specified hours, namely the:

- reduction or prevention of crime and disorder,
 - promotion of public safety,
 - reduction or prevention of public nuisance,
 - cleaning of any relevant highway or relevant land in its area.
7. Before introducing a LNL the authority must consider the desirability of introducing the scheme and must be able to demonstrate that levels of crime and disorder exist or will rise from licensed premises selling alcohol during the LNL hours.
 8. Crime data has been mapped and reveals hotspots during the night time economy. Therefore the principal of 'polluter pays' demonstrates that premises should bear the cost of managing that environment. Current service demand against available financial resource could lead to a diminishing service delivery.
 9. Before the consultation took place, the council confirmed with the Borough Commander of Lambeth and Southwark that the police considered it to be appropriate to introduce the levy in Southwark.
 10. Under the 2011 Act the funds raised from the LNL must be split between the police and the council. However, the levy in its entirety may be combined and administered by a joint administrator under the crime partnership tasking team.
 11. Under Home Office guidance issued in March 2015 it is recommended that local authorities use existing partnership arrangements with the police to apply for 100% of the revenue raised with a minimum of 70% of the levy going to police. The Metropolitan Police Borough Commander and Mayor's Office for Policing and Crime (MOPAC) have both agreed to this administrative arrangement.
 12. The council has funded night time economy team (NTET) consisting of police and council officers from its baseline budget for the Police and using overtime for the Council staff. The teams work jointly to visit and inspect licensed premises and to deal with incidents and complaints arising from licensed premises operating within the night time economy.
 13. The costs of the policing element have increased considerably to approximately £298,500 per annum. This is due to the termination of MetPatrolPlus arrangements. This was a scheme that allowed the Local Authorities to buy in extra police officers on a 'buy one get one free' basis. Therefore the council previously paid for 50% of the police element. This scheme has been replaced by the Police Partnership Plus scheme.
 14. The council officers working on Night Time Economy duties are paid on an overtime costing approximately £40,000 per annum. This is not currently funded.
 15. Unless alternative funding is found there is a real likelihood that the services provided by the Police and Council night time economy teams will be reduced or lost.
 16. A LNL would be used to fund the partnership work of the night time economy team (and its associated administration). Any surplus can be used to fund other initiatives that work towards providing a safer, supported late night environment in Southwark.

17. The spending of any surplus would be administered by a board made up of representatives from the council, the police and other relevant interested parties (e.g. residents associations and representatives from the night time economy industry, such as a representative from a Southwark Business Improvement District).
18. The LNL is payable in addition to the annual maintenance fee for the premises licence. LNL revenue raised by Southwark must be used to reduce or prevent late night alcohol-related crime and disorder, and, having regard to the late night supply of alcohol, for services connected to the management of public safety, public nuisance and street cleaning.
19. The Policing and Crime Act 2017 schedule 18 adds a legal provision for;
 - the LNL to apply across the whole or any part of the Borough;
 - multiple LNL areas, each of which may have different late night supply periods;
 - a Police power to require Local Authorities to consider implementation of a LNL.

KEY ISSUES FOR CONSIDERATION

20. The Late Night Supply Period (LNSP) is set by the licensing authority and may include any consecutive hours between 00:00 (midnight) and 06:00. The LNSP must be the same every day of the week.
21. Holders of premises licenses that license the supply of alcohol during the LNSP are liable to pay the LNL, whether or not the licence is actually used to supply alcohol during the LNSP:
 - a LNL may apply to the whole of the Borough, or to any part of it;
 - all premises licensed for the supply of alcohol in the LNL area are included for both on and off sales;
 - the LNL includes boats and mobile bars where these are authorised under a premises licence;
 - temporary event notice ('TENS') authorisations are not included;
 - the LNL amount is set nationally and depends on the non-domestic rateable value ('NDRV') band of the licensed premises.
22. The NDRV bands, and the LNL amount payable by holders in respect of licensed premises in these bands, are set out in Appendix B.
23. Members were also asked to consider whether the authority needs to apply any exemptions or discounts to the LNL and how it will apportion net levy revenue between the police and the authority.
24. The authority needs to consider whether the introduction of a Borough-wide levy is proportionate. Whilst part-coverage is an option that has been considered the Licensing Committee have decided that the levy should be applied Borough wide. Large scale exemptions risk the levy becoming un-economic to deliver and may result in significant complaints from areas not exempted.

Maps

25. Appended are four maps in Appendix C:

- **Map 1:** Maps of premises that would be affected by the LNL and those that would be unaffected. Existing Cumulative Impact Zones (CIZs) within the Borough are highlighted;
- **Map 2:** Map showing all 439 premises within the Borough that may be affected by the LNL. Again, the numbers of premises within existing CIZs are highlighted;
- **Map 3:** Map depicting the location of premises receiving Small Business Rate Relief which may potentially benefit from a 30% reduction in LNL fees;
- **Map 4:** Map showing Southwark BIDs and the premises that would be affected by the LNL.

Potential reductions in maximum revenue

26. The Act allows premises with late night authorisations to which the LNL would apply, to reduce their licensed hours by way of a free minor variation application, so that the LNL will not apply to their premises. The number of premises likely to do this is uncertain, but it is likely that a number of premises will take up this option, thus reducing the actual levy raised; therefore income is likely to be lower than the potential maximum illustrated.
27. The numbers of premises in Southwark, open after midnight, in each NDRV Band are in the table below.

Band	No. of LNL Premises in Southwark	Potential LNL Fees
A	40	£11,960
B	224	£172,032
C	97	£122,123
D	26	£35,490
E	52	£77,636
Total	439	£419,241

Variations to the late night levy charge

28. The licensing authority may decide to give reductions to eligible categories of premises, or to exempt them altogether. These categories are listed in Appendix A.
29. The Licensing Committee considered and debated each category in turn as follows.

Exemptions

30. Hotels – The likelihood of hotel guests drinking in the hotel after midnight and leaving the hotel causing crime and disorder issues in the night time period

seemed low. Therefore it is recommended to allow hotels the exemption where the bar closes to non-residents between midnight and 06:00 and an additional condition is placed on the premises licence that alcohol purchased during this period is paid for via the room.

31. Theatres – to promote alternative activities in the night time period to pubs and clubs, theatres that met the criteria this exemption is recommended.
32. Cinemas – to promote alternative activities in the night time period to pubs and clubs theatres that met the criteria this exemption is recommended.
33. Bingo premises – the provision of bingo is restricted to between 09:00 and midnight, it was considered therefore that to allow the use of the premises for the sale of alcohol after midnight is not likely to be provided as ancillary to the playing of bingo. There is currently one bingo premises in Southwark situated in Surrey Quays. It was decided not to recommend this exemption.
34. Amateur sports clubs – this exemption would only apply to clubs registered under Section 658 to be open to the whole community, organised on an amateur basis and provision of facilities for, and the promotion of participation in, one or more eligible sports. Members decided to recommend this exemption.
35. Community premises – it was recognised that the majority of community premises were situated in residential areas and estates and have a closing time under the lease of 23:00 hours. Community premises opening after midnight on a regular basis are likely to have a significant impact on the residents in close proximity to the premises. Any one off events after midnight which include the sale of alcohol will require a temporary event notice which would not trigger the levy. Therefore members decided not to recommend this exemption.
36. Country village pub – it was not felt that this exemption was appropriate for an inner city area and this exemption was not recommended.
37. Business Improvement Districts (BIDs) – Members read an additional submission from Better Bankside BID and allowed London Bridge BID to make a verbal submission. It was not considered that the BID police and warden service that finish prior to midnight made a significant contribution to the promoting of the prevention of crime and disorder during the levy hours. Licensing committee also considered the contribution of the business crime reduction partnership (BCRP) arrangements, which act as an aid for BIDs by way of radio links. However, the BCRP service is available to all premises, not just BID areas and it was not considered in itself to fulfil the criteria for an exemption to be applied. The BCRP had also submitted comments during the consultation phase. Members recognised the work BIDs to promote the reduction of crime and disorder, mainly around theft on licensed premises. They did not consider that this was significant enough to allow for the reduction during the levy period.
38. New Year's Eve – the committee recommended the exemption for licensed premises which is authorised to be used to supply alcohol for consumption on the premises between midnight and 6am on 1st January in every year but are not so authorised at those times on any other day in any year.

Reductions to the levy

39. There are only two circumstances where the council may offer a reduction of 30% to the levy as follows:
40. Best practice scheme – Members were supportive of a best practice scheme across the Borough and recognised that a suitable scheme could have a positive role in promoting the reduction of crime and disorder within the levy period. It was considered that the current arrangements within the BID areas and BCRP did not qualify for this reduction and there was no qualifying best practice scheme operating within Southwark. It was decided not to recommend this reduction at this time, but to reconsider this when a suitable arrangement for a best practice scheme is proposed.
41. Small on-licensed premises – the committee felt that to give only a small number of premises a reduction when there were struggling pub businesses in higher rate classes was not fair and equal and decided not to recommend this as a reduction to the levy.

Options for spending the LNL

42. The office of the Deputy Mayor for Policing and Crime recently reported on arrangements with local authorities on joint spending of LNL revenues, setting out the basis on which these arrangements may be approved. The options for spending the net funds after administration and the funding of the Police and Council night time economy teams will be at the discretion of a board.
43. The London Borough of Islington has a good practice example where they secured commitment for the LNL funds allotted to the police to be committed within the borough and to be pooled with the council's share. A reference board has been formed with police, local authority, members and trade representation. The board reviews the allocation of the LNL, as well as having responsibility of the small surplus proportion of the revenue for project funding in the next year.
44. Other local authorities have spent contributions from LNL receipts on:
 - additional policing or private security
 - street marshals
 - a 'departure lounge' is a temporary venue for people dispersing from a late night economy area, giving information and assistance
 - town link radio systems
 - 'uri-lifts' (pop-up urinals for use late at night only)
 - taxi marshalls
 - street cleaning
 - enforcement (e.g. night time enforcement officers)
 - personal safety initiatives
 - health care facilities
 - financial support to assist schemes that promote improvement in the management of licensed premises, such as Best Bar None.
45. Section 135 of the Police Reform and Social Responsibility Act 2011 has been amended by the Policing and Crime Act 2017 in that receipts from a LNL that includes late night refreshment premises can also be spent on additional street cleaning, where there is evidence of additional littering near takeaway food

premises open late at night. Late night refreshment premises are not yet liable to the LNL; we await a commencement date for this.

Policy implications

46. The proposal to introduce the LNL supports the aim of Southwark's licensing policy, which is to uphold the licensing objectives by creating further opportunities to reduce crime and disorder, public nuisance and the public safety risks that are created by the supply of alcohol and late night refreshment in the late night economy.

Resource implications

47. There are no additional resource implications arising from this report at this stage. The late night levy is designed to be self-financing, with council administration and collection expenses deducted from gross receipts before the remaining funds are allocated.

Financial implications

48. The late night levy (LNL) is a power that enables licensing authorities to charge a levy on persons who operate premises that sell alcohol between 00:00 (midnight) and 06:00. The amount payable is determined by the rateable value of the premises and is set nationally.
49. The potential maximum income that might be generated based on the number of relevant premises in the different rateable value bands is £419,000. All income raised by the levy must be spent on activities which benefit the night time economy.
50. The implementation of exemptions or reductions to the LNL will decrease the potential maximum income the levy could generate. Application of discounts in Southwark BID areas could reduce income by £46,700, whereas a 30% reduction to on-licensed premises who have a NDRV of £12,000 or less and in receipt of small business rate relief could result in a reduction of £8,400. Other variations based on the outcome of recommendations in this report would require calculation to ascertain their impact on revenues.
51. Any impact on revenues from the levy will have a significant impact on service provision, resulting in reduction of night time Police and Council services currently in place and decreasing the number of nights the teams are available.
52. The implementation of the LNL has been agreed with MOPAC that Southwark is to keep 100% of the net revenue raised with 70% of the net after administration costs going towards policing within the Borough.

Consultation

53. Under the Police Reform and Social Responsibility Act 2011, the local authority is required to undertake a public and statutory consultation. The consultation ran from 25 February for a period of 12 weeks to 19 May 2019.
54. The consultation was introduced by email and circular letter and sent to:

- all Premises Licence holders
- all Personal Alcohol Licence holders
- representatives of businesses and residents
- amenity groups
- community associations
- ethnic group associations
- faith groups
- traders' associations
- people and parties who responded to previous consultations on the policy statement and the cumulative impact policy areas
- neighbouring licensing authorities
- responsible authorities.

55. The consultation was displayed on the council web site and was conducted via an online questionnaire. Links to previous reports to the licensing committee on taking the decision to initiate the consultation were appended. The consultation was advertised in the local press and council buildings. Representative of the licensing authority attended meetings with Southwark's Business Improvement Districts and local PubWatches.

Consultation results

56. The consultation consisted of 8 questions on the potential implementation of the levy (the first question was to establish who they are). The questions and results are in Appendix G.

57. 217 individual online responses were received.

58. The groups answering the online consultation can be categorised as follows:

A licensed business with a licence potentially affected by the LNL	44
Any other licensed business	29
A non-licensed business	3
A member of the public	111
Other	38
Total responses (see paragraph 59)	225

59. Some consultees have ticked multiple boxes stating that they are both a business and a member of the public, thus the above figures add to 225.

60. Respondents were split over the introduction of the Levy, but the majority are in favour of its implementation. When asked if the Levy was appropriate to fund the work of the Night Time Economy Team the following percentages came out:

Agree/strongly agree	50.23
Disagree/strongly disagree	42.39

61. Respondents were invited to submit comments on each question. The comments and officer responses are detailed in Appendix H. Members should note that responses have been presented un-amended in their original form ([sic]).

62. Written responses were also received from:

- Better Bankside BID
- Team London Bridge BID
- WeAreWaterloo BID
- Southwark Safe Business Crime Reduction Partnership
- Amy Lane, the Night Czar
- Thomas and Thomas Solicitors
- Gavin Blackburn, Southwark Planning

63. These Responses and officer comments are available in Appendix I along with copies of their original correspondence.

Themes from the Responses

64. The following themes from the responses of those agreeing with the introduction of the levy are as follows:

- the nature of Southwark's nightlife is continually changing
- licensed premises that add to late night anti-social behaviour should be made to pay to regulate it
- the joint relationship between the police and council enforcement is essential
- 100% of the money from the LNL should come to the council with money being spent on local policing
- no discounts should be given

65. The following themes were apparent from those respondents disagreeing with the introduction of the LNL:

- Licensed premises within the borough have already experienced increases in business rates and rents – this will add an additional expense.
- Compliant businesses will be paying to enforce non-compliant premises
- The joint relationship between the police and council enforcement is essential
- Some premises will likely apply to vary their premises licences to reduce their hours, which may lead to fewer late-night venues
- Premises in BID areas should be exempt from the LNL

66. Based on the results of the consultation, recommendations to the licensing committee from the licensing authority are listed in the earlier Appendix A.

67. Some objectors to the introduction of a Levy have quoted recommendations from the House of Lords that they should not be adopted. This is not consistent with the government's approach. For members' information, the latest House of Commons briefing paper on late night levies is available in Appendix J.

Community impact statement

68. The consultation set out the council's aims at introducing a LNL and how revenue gained will be spent. The expenditure of the income will have a positive impact on the wider community by reducing the potential for alcohol-related crime and anti-social behaviour. The consultation allowed a wide variety of stakeholders, including residents and local businesses, to highlight how the LNL

may affect them.

69. Furthermore, Southwark's statement of licensing policy sets out to achieve a necessary balance between providing a platform upon which responsible business operators may contribute toward a thriving business and late night economy while ensuring that the quality of life of those who live and work in the Borough is protected and enhanced through the licensing system.
70. Central to this, is a licensing process which aims to be inclusive and ensures that local community concerns are understood, debated and resolved. This is supported by offering broad support to licensees, through the range of involved authorities, to establish best practice management, and by a strong directed enforcement resource.

Equality analysis in relation to the consultation

71. Alcohol-related crime and anti-social behaviour has the potential to affect all groups of people. It is acknowledged that the cost of the levy will primarily affect owners of businesses that provide alcohol during the late-night economy. The additional revenue raised however, has the potential to assist residents from all communities.
72. Southwark has a wide range of licensed premises, many which contribute to the late-night economy. As the levy would be applied equally to all premises selling alcohol after midnight, there is no data to suggest that this would negatively impact any community group in particular.
73. An Equality analysis was conducted in August 2018 regarding the consultation. Since the consultation has been completed, a detailed, updated equality analysis is available in Appendix K.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

74. The Police Reform and Social Responsibility Act 2011 ("the 2011 Act") allows the council to raise revenue on alcohol licensed premises by way of a late night levy (the "LNL"). The powers to introduce the LNL come specifically from within the 2011 Act and not by way of an amendment to the Licensing Act 2003.
75. In considering whether to introduce a LNL, the council must first consider whether it is worth having the Levy having regard to the current cost of tackling the problems of crime and disorder that are caused by the night time economy from those premises that are licensed for alcohol sales between midnight and 6.00 am.
76. Any LNL imposed can apply to the whole borough and will only apply to those who hold a licence for the hours that the LNL will operate from. Local authorities do have discretion as to the hours when the LNL can start and finish, although it must be within those hours specified above.
77. The 2011 Act does not prohibit the local authority and police agreeing a separate agreement as to the use of the funds raised for the police.

78. Before the LNL can be introduced the council must comply with procedural requirements namely:
- Consult with the police and those licensees that will be affected by the proposed levy
 - Placing a notice of the relevant details for the proposed levy on the website and in the local newspaper with a copy of the notice also being sent to police and affected licensees
79. The consultation must:
- Be at a time when proposals are still at a formative stage;
 - Have sufficient reasons for the proposal to enable intelligent consideration and response;
 - Give adequate time for such consideration and response; and
 - The product of the consultation must be conscientiously taken into account in finalising any proposals.
80. Following the consultation should council assembly decide to adopting the LNL this must be approved by full council pursuant to Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended in 2013.

Strategic Director of Finance and Governance

81. This report is requesting the licensing committee to consider the results of the public and statutory consultation conducted on the implementation of a late night levy (LNL) and for council assembly to approve or otherwise, the adoption of the levy.
82. The strategic director of finance and governance notes the potential revenue from the introduction of a late night levy and the options for spending the LNL revenues in partnership with the Office of the Deputy Mayor for Policing and Crime contained within the main body of the report.
83. Officer time to effect recommendations will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
<p>Police Reform and Social Responsibility Act</p> <p>Licensing Act 2003 Home Office revised guidance to the Act</p> <p>Amended Guidance on the Late Night Levy, Home Office, March 2015</p> <p>House of Lords Select Committee on the Licensing Act 2003 , 'The Licensing Act 2003: post-legislative scrutiny, November 2017</p> <p>House of Commons Library, Briefing Paper, Late Night Levy, March 2019 Secondary Regulations: The Late Night Levy (Application and Administration) Regulations 2012</p> <p>The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012</p> <p>Southwark's Statement of Licensing Licensing Committee Report and minutes – 7 November 2018</p>	<p>The Licensing Service, C/O 160 Tooley Street, London, SE1</p>	<p>Kirty Read Phone number: 020 7525 5748</p>

APPENDICES

No.	Title
Appendix A	Recommendations of the licensing authority
Appendix B	Non-domestic rateable value late night levy amount payable by holders
Appendix C	Maps of premises affected by the LNL
Appendix D	Potential changes to the expected monies from the Levy if MOPAC demand 70%
Appendix E	Premises in Southwark's BID areas
Appendix F	Premises the licensing authority advise should be exempt from the levy
Appendix G	Consultation questions and results
Appendix H	Consultee comments and officer responses from online consultation
Appendix I	Written consultee comments and officer responses and copies of the original correspondence
Appendix J	House of Lords Briefing Paper: The Late Night Levy, March 2019
Appendix K	Equality analysis
Please note that all of the above appendices have been circulated separately in the appendices pack.	

AUDIT TRAIL

Lead Officer	Mick Lucas, Director of Environment	
Report Author	David Franklin, Team Leader Licensing	
Version	Final	
Dated	4 July 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	4 July 2019	

Item No. 6.3	Classification: Open	Date: 17 July 2019	Meeting Name: Council Assembly
Report title:		Adoption of new library byelaws under Section 19 of the Public Libraries and Museums Act 1964	
Ward(s) or groups affected:		All	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATIONS

1. That council assembly agrees to the adoption of new library byelaws under Section 19 of the Public Libraries and Museums Act 1964.

BACKGROUND INFORMATION

2. The current library byelaws were made by the London Borough of Southwark on 1 April 1998 and were confirmed by the Secretary of State for Culture, Media and Sport on 18 June 1998.
3. On 24 August 2017 the Department for Digital, Culture, Media and Sport (DCMS) published new model byelaws that authorities were encouraged to adopt.

KEY ISSUES FOR CONSIDERATION

4. Libraries Connected (formerly the Society of Chief Librarians) revised the existing model library byelaws for England to reflect changes in how people use libraries whilst maintaining suitable protections. The Secretary of State for Digital, Culture, Media and Sport (DCMS) has approved this new set of model library byelaws. There is no requirement from DCMS for local authorities to amend their existing library byelaws. However, it is recommended that any local authority wishing to do so should adopt the DCMS model.
5. Southwark libraries wish to adopt the new 2017 DCMS model byelaws with no changes made except to reflect gender neutrality. These are shown at Appendix 1 of the report.
6. Southwark libraries have informed DCMS that they wish to adopt the new model byelaws and a period of public consultation has been completed in line with Southwark Council procedures.
7. DCMS has authorised the proposed new byelaws subject to confirmation by Council Assembly. This authorisation from DCMS is required because authorities are welcome to make any amendments that they feel necessary to the model byelaws. The byelaws will be fully confirmed by DCMS only after being approved by Council Assembly and after a further period of public inspection has taken place. This is in addition to public consultation that was completed before Council Assembly.
8. The table below sets out the full process:

	Action	Date
1	Authority informs DCMS they would like to adopt new model byelaws and provides a copy of the byelaws to DCMS.	Completed November 2017
2	DCMS provides initial authorisation for the authority to proceed with the adoption of the new byelaws.	Completed November 2017
3	Period of consultation with residents and library users (including joint equality and health analysis). As per Southwark procedures.	Completed December 2017
4	Report deadline for the Council Assembly.	4 July 2019
5	Report to council assembly.	17 July 2019
6	Byelaws approved and sealed.	August 2019
7	Period of public inspection launched by advertisement in local newspaper.	August 2019
8	DCMS provided with a certified copy of the sealed byelaws and a copy of the newspaper advertisement.	September 2019
9	DCMS confirms byelaws.	September 2019

Policy implications

9. The library byelaws are intended to help libraries in England deliver their service within a safe and comfortable environment, to safeguard library property and to make libraries pleasant places for everyone. They assist the library workforce in their daily role, they can be used when necessary to deal with the more extreme cases of behaviour experienced, and they allow for flexibility in dealing with local concerns. They only apply to statutory libraries operated by or on behalf of local authorities, of which Southwark council has 12.
10. The existing byelaws were last reviewed in 1998 and are in need of updating primarily to reflect the increased and changing use of technology and the different ways in which people interact in and use libraries. For example the existing byelaws prohibit use of mobile phones and audible conversation in libraries. Clearly these regulations are no longer relevant or practical in a modern public library setting.
11. The library byelaws provide the basis for the library service to deliver the fairer future principles and promises:
 - treating residents as if they were a valued member of our own family
 - being open, honest and accountable
 - spending money as if it were from our own pocket
 - working for everyone to realise their own potential
 - making Southwark a place to be proud of.
12. The byelaws are also relevant to the new Connecting Communities Library and Heritage Strategy 2019-22. These specify the aims and objectives for Southwark libraries as follows:

- Becoming a leader in digital access and usage for residents
- Supporting the health and well-being of residents
- Supporting educational achievement of residents through engagement with reading, literacy and learning
- Improving access to the cultural riches that Southwark has to offer
- Delivering social inclusion, economic development & libraries as community spaces
- Celebrating Southwark as a place through engagement with its local history and rich heritage.

Community impact statement

13. The revised byelaws will benefit all areas of the community by ensuring library services can be delivered safely and efficiently. With over two million visitors annually, and over one and a half million item loans, the council's libraries are popular and valued by residents. Libraries provide a welcoming space, and free at the point of use services which are available to all in the community. An equality and health and analysis had indicated there will be no negative impact to any community groups as a result of the new byelaws.

Resource implications

14. There are no additional resource requirements other than additional legal advice if these byelaws are approved for implementation.

Legal/Financial implications

15. Comments by the Director of Law and Democracy and the Strategic Director of Finance and Governance are set out below. There are no financial implications.

Consultation

16. Consultation was undertaken with residents and library users, with the proposed new byelaws advertised in all libraries and on the council website. No comments were received from residents, and a joint equality and health analysis indicated no negative impacts on any specific community groups.
17. A further period of public inspection will take place once the byelaws have been sealed. This will be announced in local newspapers with a sealed copy of the byelaws deposited for public inspection at the offices of the council for one month from the date of the newspaper announcement. After this period has passed the byelaws will be passed to the DCMS to be confirmed.
18. All local authorities must display copies of all their public library byelaws in any library building maintained by them and used by the public

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance

19. There are no financial implications associated with this report.

Director of Law and Democracy

20. Section 19 of the Public Libraries and Museums Act 1964 permits a local authority to make byelaws regulating the use of facilities provided by the

authority under this Act and the conduct of persons in premises where those facilities are provided.

21. The decision to approve the making of byelaws is reserved to the full Council assembly in accordance with the council constitution.
22. The Council has carried out a period of consultation in relation to the new byelaws but no comments have been received in relation to them.
23. The public sector equality duty applies to this decision. This is set out in section 149 of the Equality Act 2010. In accordance with this duty the council has to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their functions, including their decision-making function. An equalities analysis has been carried out and has not found any negative impact on people with protected characteristics as a result of the proposed changes.
24. If approved by the council the new byelaws will then be published for further consultation and then go to the DCMS for confirmation.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Current byelaws	160 Tooley Street London SE1 2QH	Brian Cape 0207 525 1575
Draft proposal for new byelaws	160 Tooley Street London SE1 2QH	Brian Cape 0207 525 1575
Equality and health analysis	160 Tooley Street London SE1 2QH	Brian Cape 0207 525 1575

APPENDICES

No.	Title
1	Draft Byelaws

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Praveen Manghani, Libraries and Heritage Manager	
Version	Final	
Dated	30 April 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
	Officer Title	Comments Sought
	Comments included	
	Strategic Director of Finance and Governance	N/A
	Director of Law and Democracy	Yes
	Date final report sent to Constitutional Team	1 May 2019

APPENDIX 1

Draft byelaws

London Borough of Southwark Public Library Byelaws

Made under Section 19 of the Public Libraries and Museums Act 1964

1. In these byelaws, unless the context otherwise requires:
 - a. "the Act" means the *Public Libraries and Museums Act 1964*;
 - b. "charge" means any charge imposed in accordance with the Regulations;
 - c. "child" means a person under the age of 8 years;
 - d. "emergency situation" includes situations where a library or part of a library is required to be evacuated for security reasons or because of threat from fire or other hazard and practices and false alarms in relation thereto;
 - e. "last known address" means the last address held on the library authority's records;
 - f. "the library authority" means the London Borough of Southwark;
 - g. "library" means:
 - i) any premises which are occupied by a library authority and are premises where library facilities are made available by the authority, in the course of their provision of a public library service, to members of the public;
 - ii) any vehicle which is used by the library authority for the purpose of providing a public library service to members of the public and is a vehicle in which facilities are made available; and includes any part of such premises or vehicle;
 - h. "the library officer" means any officer employed by the library authority in connection with its functions under the Act;
 - i. "library property" includes property owned by or provided for the use of the library authority whether or not it is made available by the library authority for use by the public and property obtained by the library authority for the loan to or use of the public;
 - j. "the Regulations" means *The Library Charges (England and Wales) Regulations 1991* S.I.1991/2712;
 - k. words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular;

- I. expressions used, unless the contrary intention appears, have the meaning which they bear in the Act and Regulations.
2. An act necessary for the proper execution of his duty by a library officer shall not be a contravention of these byelaws.
3. A person shall not supply an age, name, address or other means of identification which is false or misleading for the purpose of entering any part of the library premises or for the purpose of using any library facility.
4. No person who in the reasonable opinion of a library officer is offensively unclean in person or clothing or both shall remain in the library, after having been asked by a library officer to leave the library.
5. Except with the consent of a library officer, no person shall:
 - a. cause or allow any dog (other than an assistance dog) or other animal belonging to them or under their control to enter or remain in the library;
 - b. bring into any part of the library a wheeled vehicle or conveyance [other than those necessary for the assistance of people with limited mobility];
 - c. enter or remain in any part of the library which a reasonable person would or should know is prohibited to the public; or
 - d. access or remain in the library outside of the times fixed for its opening.
6. No person shall remain in the library after an emergency situation has been made known to them.
7. No person shall, unless specifically permitted by a library officer, take or attempt to take any library property from the library or past a check out or security point.
8. No person shall, without lawful excuse, destroy or damage any library property intending to destroy or damage such property or being reckless as to whether such property should be destroyed or damaged or act with intent or recklessness that such property should be destroyed or damaged.
9. No person shall behave in a violent, disorderly or indecent manner in the library, use violent, abusive, offensive, insulting or obscene language therein, or intentionally or recklessly cause or do anything likely to cause injury to any other person.
10. No person shall remain in a library without making proper use of the library's facilities after having been advised or requested, by a library officer, to make such proper use of the facilities.
11. No person shall intentionally or recklessly obstruct any library officer in the execution of their duty or intentionally or recklessly disturb, obstruct, interrupt, abuse or annoy any other person properly using the library.

12. No person shall, without the consent of a library officer, intentionally display, distribute, or leave any bill, placard, notice or other document on library premises.
13. No person shall, without the consent of a library officer, offer anything for sale or seek donations on library premises or canvass or seek signatures for petitions.
14. No person having charge of a child shall without the consent of a library officer leave them unsupervised in the library.
15. No person shall bring into or light any flame on library premises.
16. No person in any part of the library shall supply, take or be under the influence of alcohol or any toxic substance for the purpose of causing intoxication; or supply, take or be under the influence of any controlled drug as defined by Schedule 2 of the *Misuse of Drugs Act 1971* other than drugs dispensed for and pursuant to prescription issued for them by a doctor under and in accordance with the aforesaid Act.
17. No person shall, except with the consent of a library officer, partake of refreshment in the library.
18. No person who
 - a. borrows library property which is returned late or if returned would be returned late, or
 - b. fails to pay any chargeshall, unless with the specific consent of a library officer, borrow any other library property.
19. Any person who has borrowed library property which if returned would be returned late and who has been served with a notice by the library authority demanding return of the library property shall return the library property or pay the appropriate replacement cost and charges to a library provided by the London Borough of Southwark within 14 days from the date the notice was served.
20. Any library user whose personal details change must notify a library officer as soon as reasonably possible or take responsibility for updating their own customer account.
21. A person shall use online resources in a way consistent with any Conditions of Use Policy or similar rules of the library, as advertised or notified by the authority. Breach of any such policy shall, without prejudice to any other legal sanction or remedy available to the library authority, lead to the barring of the use of such online resources.
22. Any person who contravenes any of these byelaws shall, without prejudice to any other legal sanction or remedy, be liable to prosecution by the library authority for contravention of the byelaws, and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale in respect of each offence.

23. A library officer may exclude any person who contravenes any of the foregoing byelaws from any library maintained by the library authority under the Act.
24. On the coming into operation of these byelaws, the byelaws relating to libraries which were made by the London Borough of Southwark on the 1 April 1998 and were confirmed by the Secretary of State for Culture, Media and Sport on the 18 June 1998 shall be revoked.

[Official seal of local authority]

The Common Seal of [] was hereunto affixed in the presence of [].

The foregoing Byelaws are confirmed on behalf of the Secretary of State for Digital, Culture, Media and Sport by the Deputy Director, Culture Directorate, Department for Digital, Culture, Media and Sport and shall come into force on [].

[Signature]

[Print Name] [Date]
Deputy Director, Culture Directorate
Department for Digital, Culture, Media and Sport

The date of coming into force is one month after date of signature.

The following is an optional note at the end of the Byelaws.

This note is not part of the byelaws.

Users of the library and library facilities are reminded that the provisions of the general law apply at all times. In particular as regards the activities referred to in byelaws 8 and 18 the library authority draws attention to the existence of the *Criminal Damage Act 1971* and the *Misuse of Drugs Act 1971*.

Something to this effect should also be displayed on or in the vicinity of the photocopy machines.

People who intend to make copies of works are advised that they may only do so in accordance with the provisions of the *Copyright Designs and Patents Act 1988* and are liable to prosecution under that Act if they fail to observe its provisions.

Item No: 6.4	Classification: Open	Date: 17 July 2019	Meeting Name: Council Assembly
Report title:		Treasury Management Performance 2018-19 Annual Report and Prudential Indicators for Capital Finance and Treasury Management	
Wards or Groups affected:		All	
From:		Strategic Director of Finance and Governance	

RECOMMENDATION

1. That council assembly notes the 2018-19 outturn for the council's treasury management and that:
 - All treasury management activity was undertaken in compliance with the approved treasury management strategy and with the council's prudential indicators, as Appendix A.
 - The balance remaining on all external loans at 31 March 2019 was £677m, with £117m of new long term borrowing drawn during financial year.

BACKGROUND INFORMATION

2. In compliance with the Local Government Act 2003, the council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice (the Code). The Code requires local authorities to determine an annual treasury management strategy and, as a minimum, formally report on their treasury activities and arrangements to Council Assembly mid-year and after the year-end.
3. The code provides the following objective with regard to treasury management:
 - "It is important that treasury management policies adequately reflect risk and in particular security, liquidity and yield, in that order of importance. No treasury management transaction is without risk and management of risks is the key purpose of the treasury management strategy."
4. The 2018-19 treasury management strategy was approved by Council Assembly in February 2018. Under financial delegation, all executive, managerial and operational decisions are the responsibility of the strategic director of finance and governance.
5. The 2017 Prudential Code included a requirement for local authorities to produce a Capital Strategy, a summary document approved by Council Assembly covering capital expenditure, financing and non-treasury investments. The 2019-20 capital strategy was approved by Council Assembly in February 2019.
6. The council is exposed to financial risks from short term investments, existing external debt, as well as future borrowing requirements arising from the council's capital programme. The risks include potential losses from investments and increased borrowing costs from changing interest rates.

7. The key issues covered in this report are:
- Prudential indicators for 2018-19
 - The council's borrowing strategy and debt management position
 - Investment performance and activity

KEY ISSUES FOR CONSIDERATION

Prudential Indicators - Actuals

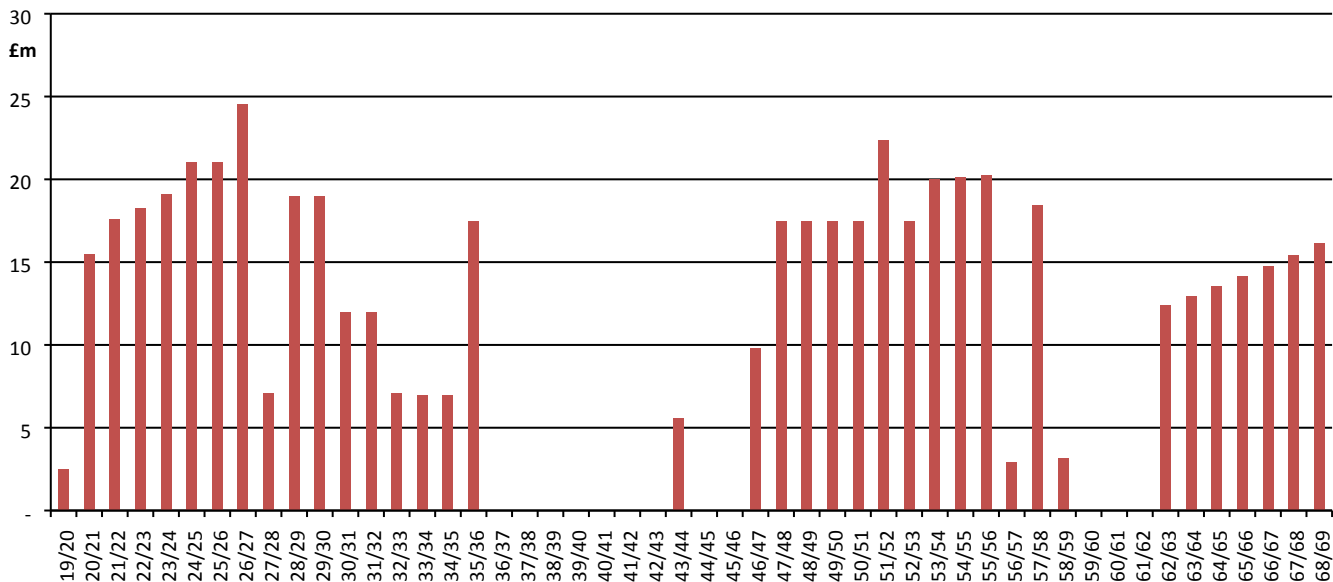
8. Local authority borrowing, investment and capital finance activity is supported by the Prudential Code for Capital Finance, the Treasury Management in the Public Services Code of Practice and related guidance published by CIPFA. The codes require councils to set a series of indicators and limits each year. The 2018-19 indicators were agreed in February 2018, before the start of the financial year and enabled the strategic director of finance and governance to carry out his responsibilities in this area. The 2018-19 Prudential Indicator outturn details are included at Appendix A.
9. The council has complied with its prudential indicators throughout 2018-19.

Borrowing strategy and debt management activity and position

10. As at 31 March 2019 the outstanding debt held by the council was £677m an increase from £563m as at 31 March 2018.
11. The council's debt management strategy since 2011-12 has been to pursue a policy of internal borrowing, which is the use of existing reserves and balances to fund capital expenditure rather than the use of external borrowing.
12. The use of internal borrowing allows the council to minimise unnecessary external borrowing costs by only borrowing when needed for liquidity, or to benefit from advantageous borrowing rates. Borrowing in advance of need from a cash flow perspective creates a 'cost of carry' which is the difference between the short term investment income earned through holding cash balances compared against longer term external debt financing costs.
13. Efficient use of existing council resources to fund capital expenditure through internal borrowing also reduces the council's counterparty risk inherent in the investment of cash balances.
14. During 2017-18, it became necessary to undertake new borrowing in order to finance prior internal borrowing from the capital programme and to maintain target cash balances. During the course of the financial year 2017-18 the council elected to borrow £110m in short term loans from other local authorities.
15. The extent of the council's capital financing requirement necessitated the use of long term debt financing during 2018-19, to secure long term financial stability.
16. During the financial year to 31 March 2019 the council borrowed £117m from the Public Works Loans Board, as part of HM Treasury, in 13 separate loans, with maturity terms ranging from 35 to 49 years at an average interest rate of 2.49%.
17. The £117m borrowed in long term debt was lower than the £150m originally forecast at the beginning of 2018-19. The re-profiling of capital expenditure into future years

allowed the council to defer external borrowing. This had the impact of reducing the interest cost associated with debt financing to the revenue budget.

18. Drawing of long term borrowing has been supplemented by a continuation of short term borrowing from other local authorities to reduce the overall debt interest expense for the council. The level of short term borrowing from other local authorities as at 31 March 2019 was £120m.
19. Projections for approved capital expenditure and cash flows indicate that the council may need to draw further long term loans of up to £130m for 2019-20 bringing the total of new long term borrowing up to £250m by March 2020.
20. The weighted average rate of interest for the council's overall debt portfolio is 4.2% as at 31 March 2019. This reflects the largely historical nature of the debt, the majority of which was drawn prior to 2008.
21. The maturity profile of outstanding long term debt as at 31 March 2019 is shown in the chart below:



Provisions for repayment of debt

22. Each year, the general fund sets aside sums, known as the minimum revenue provision (MRP), to reduce its borrowing liabilities. In 2018-19 £8m (£6m during 2017-18) was set aside to reduce the capital financing requirement. The HRA can also set aside sums to reduce borrowing liabilities. During 2018-19 no additional sums were set aside for repayment of debt.
23. The overall level of internal borrowing at 31 March 2019 was £228m. The decrease in internal borrowing from 31 March 2018 reflects the additional borrowing drawn during the financial year after taking account of new capital spend not funded by existing resources. The council's capital spending programme is set out in more detail in the capital monitoring outturn report to Cabinet in June 2019.
24. Officers regularly monitor current and forecast interest rates to determine the appropriateness of the internal borrowing strategy, so that the reduction in current borrowing costs from use of internal balances, is not offset by higher borrowing costs

in the future.

25. The PWLB continues to operate a spread of approximately 1% between “premature repayment rates” and “new loan” rates so the premium charge for early repayment of PWLB debt remained expensive for the council’s portfolio and therefore unattractive for debt rescheduling activity.
26. The short term debt drawn during 2018-19 will mature in 2019-20 and there will be a requirement to refinance this by drawing down further borrowing. The council will consider a number of borrowing sources, both long and short term. Decisions on the most optimal and value for money source and duration of the borrowing will be made in the context of any changes in interest rates and the longer term cash flow requirements of the council. It is expected that further borrowing will be required in 2020-21.

Investment strategy and investment activity and position

27. The council has significant invested funds, representing income received in advance of expenditure plus balances and reserves held. Council cash that is not immediately required for current expenditure is invested in money market instruments in accordance with the MHCLG Guidance on Local Authority Investments and the investment strategy as approved by Council Assembly for each financial year.
28. In accordance with MHCLG guidance, the council gives priority to the security and liquidity of any investments made and then to seek an investment return commensurate with these principles.
29. In the year to 31 March 2019 the average daily investment balance was £132m (£127m for 2017-18) and the value at 31 March 2019 stood at £126m (£126m 31 March 2018).
30. Council investments are managed both in-house and delegated to two external fund managers: Alliance Bernstein and Aberdeen Standard Investments. The focus for in-house investment is to meet variable near term cash liquidity requirements.
31. The external fund managers invest over a longer term across a range of investment instruments including UK government gilts, supranational bank bonds, and certificates of deposits and covered bonds issued by major banks/ building societies. The use of fund managers has the advantage of diversification of investment risk, coupled with the services of professional fund managers, which over the longer-term, provides enhanced returns within the council’s risk appetite. Although investments can be redeemed from the fund managers at short notice, the intention is to hold them for the medium term. Their performance and suitability in meeting the council's investment objectives are regularly monitored.
32. The rate of return for council treasury management assets for the 2018-19 financial year was 0.81%. Uncertainty surrounding the UK planned exit from the EU alongside mixed economic data for the UK led to a fall in short term market interest rates.
33. To assess the treasury management portfolio performance, the council measures the return against a composite investment benchmark of three month LIBID and one to three year gilt index. For the equivalent period of the financial year the benchmark index annualised return was 0.77% indicating a small outperformance of the council portfolio versus the benchmark.

34. The rate of investment return generated by the treasury management portfolio is a consequence of the council's prudent, low risk approach to treasury management investing. This is in line with the requirements of the statutory guidance for local government treasury investment issued by MHCLG.
35. The distribution of investments by maturity and credit rating as at 31 March 2019 is set out in the table below:

Maturity Profile and Credit	A	AA	AAA	Grand Total
Less than 1 year	1%	12%	73%	86%
1-2 Years	0%	4%	1%	5%
2-5 Years	0%	0%	9%	9%
Grand Total	1%	16%	83%	100%

AAA represents the highest credit quality, AA represents very high credit quality and A represents high credit quality.

SUPPLEMENTAL ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

36. The constitution determines that agreeing the treasury management strategy is a function of the council assembly and that review and scrutiny of strategies and policies is the responsibility of the audit, governance and standards committee.
37. Financial standing orders require the strategic director of finance and governance to set out the treasury management strategy for consideration and decision by council assembly, and report on activity on a regular basis to cabinet and at mid and year-end to council assembly. Furthermore all executive and operational decisions are delegated to the strategic director of finance and governance.
38. The Local Government Act 2003 ("the 2003 Act") and supporting regulations require local authorities to determine annual borrowing limits and have regard to the Prudential Code for Capital Finance, and the Treasury Management in the Public Services Code of Practice and Guidance, published by the Chartered Institute of Public Finance and Accountancy, when considering borrowing and investment strategies, determining or changing borrowing limits or prudential indicators.
39. Section 15(1) of the 2003 Act requires a local authority "to have regard (a) to such guidance as the Secretary of State may issue". This guidance is found in the Ministry of Housing, Communities and Local Government Guidance on Local Authority Investments updated February 2018 and there is statutory guidance on the Minimum Revenue Provision (MRP) made under section 21(1A) of the 2003 Act.
40. Section 12 of the 2003 Act grants local authorities the powers to invest for any purpose relevant to its functions or for the purposes of the prudent management of its financial affairs.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
None		

APPENDICES

No.	Title
Appendix A	Prudential Indicators – 2018-19 Actuals

AUDIT TRAIL

Lead Officer	Duncan Whitfield, Strategic Director of Finance and Governance	
Report Author	Rob Woollatt, Interim Departmental Finance Manager	
Version	Final	
Version Date	5 July 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Not applicable	Not applicable
Cabinet Member	Yes	Yes
Final Report Sent to Constitutional Team		5 July 2019

APPENDIX A

PRUDENTIAL INDICATORS: 2018-19 ACTUALS

BACKGROUND

1. Capital finance, borrowing and investment arrangements are supported by a series of prudential indicators, drawn from the Prudential Code on Capital Finance for Local Authorities and the Treasury Management in the Public Services Code of Practice plus Guidance, published by CIPFA. The Local Government Act 2003 requires that councils have regard to these codes. The indicators were approved by Council Assembly in February 2018. This appendix updates 2018-19 indicators as per the un-audited statement of accounts for 2018-19.
2. The indicators are grouped into three broad areas: affordability and prudence, capital finance and treasury management. The indicators are of a technical nature and existing budgets take account of capital finance and treasury activities. The indicators themselves have no effect on those budgets.

INDICATORS ON AFFORDABILITY AND PRUDENCE

3. The indicators below are for affordability and prudence.

2017-18	2018-19	
		Ratio of Financing Cost to Net Revenue Stream A measure of the cost of borrowing and long term liabilities (e.g. PFI) net of interest income and set-asides, as a percentage of revenue.
9%	9%	HRA
4%	4%	General fund

		Capital Financing Requirements (CFR) and Gross Debt The CFR is the balance remaining on past capital expenditure financed through debt and long term liabilities (e.g. PFI). The level of gross debt should not exceed the CFR unless prudent over the short term. Actual gross debt remained below the CFR throughout 2017-18 on account of cash balances, internal borrowing and PFI transactions.
£956m	£1,001m	CFR
£563m	£677m	Maximum Gross Debt in the Year

INDICATORS ON CAPITAL FINANCE

4. The indicators below are for capital finance.

2017-18	2018-19	
		Capital Expenditure Capital expenditure includes PFI funded spend.
£168m	£123m	HRA
£233m	£216m	General fund
£401m	£339m	Total

		Capital Financing Requirement (CFR) The CFR is the balance on past capital expenditure financed through borrowing and long term liabilities (e.g. PFI).
£430m	£430m	HRA
£526m	£571m	General fund
£956m	£1,001m	Total

INDICATORS ON TREASURY MANAGEMENT

5. The indicators below are for treasury management.

2017-18 Outturn	2018-19 Limit	2018-19 Outturn	
			Operational Boundary on Debt and Authorised Limits for External Debt These are limits the council determines to accommodate borrowing and long term liabilities. The lower limit is the operational boundary and takes account of existing positions and ordinary activity and the higher limit is the authorised limit, enabling additional borrowing to be taken for very short periods, in the interest of prudence, within a risk controlled framework.
			Operational Boundary
£563m	£791m	£677m	Borrowing (maximum outstanding in year)
£101m	£110m	£96m	Other Long Term Liabilities
£664m	£901m	£773m	Total

			Authorised Limit
£563m	£1,207m	£677m	Borrowing (maximum outstanding in year)
£101m	£130m	£96m	Other Long Term Liabilities
£664m	£1,337m	£773m	Total

2017-18 Outturn	2018-19 Limit	2018-19 Outturn	
78%	100%	84%	Gross and Net Debt An upper limit on net debt as a percentage of gross debt. The net debt has remained below gross on account of investments held to meet spend.
			Fixed and Variable Rate Upper Limits Limits recognising existing positions with flexibility to vary exposure within a risk controlled framework should it be prudent.
100%	100%	100%	Fixed rate debt
0%	20%	0%	Variable rate debt

			Maturity Structure of Borrowing Limits accommodating existing positions with flexibility to vary exposure within a risk controlled framework.
22%	25%	18%	Under 1 year
1%	25%	0%	1 year and within 2 years
9%	50%	9%	2 years and within 5 years
17%	75%	15%	5 years and within 10 years
52%	100%	58%	10 years and over
			Limits on Investments Greater than One Year Caps on the maximum exposure to longer investments, while recognising benefits from prudent exposure within a risk controlled framework.
23%	50%	19%	Percentage longer than one year
7 months	2 years	8 months	Overall maximum average maturity

**COUNCIL ASSEMBLY AGENDA DISTRIBUTION LIST (OPEN) (FULL LIST)
MUNICIPAL YEAR 2019/20**

NOTE: Original held by Constitutional Team; all amendments/queries to
Virginia Wynn-Jones Tel: 020 7525 7055

ONE COPY TO ALL UNLESS OTHERWISE STATED	Copies	To	Copies
<p>Councillors (1 each) Councillor Jasmine Ali Councillor Radha Burgess Councillor Sunil Chopra Councillor Nick Dolezal Councillor Tom Flynn Councillor Renata Hamvas Councillor Peter John Councillor Lorraine Lauder Councillor Maria Linforth-Hall Councillor Eliza Mann Councillor Darren Merrill Councillor David Noakes Councillor Damian O'Brien Councillor Leo Pollak Councillor Sandra Rhule Councillor Martin Seaton Councillor Andy Simmons Councillor Cleo Soanes Councillor Kath Whittam</p> <p>Electronic Versions (No hard copy) All other councillors</p>	<p>19</p>	<p>Press</p> <p>Southwark News 1 South London Press 1</p> <p>Group Offices</p> <p>Eleanor Law, Labour Group Office 1 Steffan John, Liberal Democrat Group Office 1</p> <p>Officers</p> <p>Eleanor Kelly 1 Duncan Whitfield 1 Doreen Forrester-Brown 1 Chidilim Agada 1 Caroline Bruce by email David Quirke-Thornton by email Michael Scorer by email Kevin Fenton by email</p> <p>Constitutional Team 16</p> <p>(Copies to Virginia Wynn-Jones, 2nd Floor, Hub 2, Tooley Street)</p> <p>Others</p> <p>Matt Dean, Grant Thornton 1 Ground floor audit office, Tooley Street</p> <p>Total: 44</p> <p>Last updated: 4 July 2019</p>	