

Council Assembly Annual Meeting

Wednesday 16 September 2020
7.00 pm

Online. This meeting will be livestreamed on Southwark Council's YouTube channel here <https://www.youtube.com/user/southwarkcouncil>

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

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Contact

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Date: 8 September 2020



Council Assembly

Annual Meeting

Wednesday 16 September 2020
7.00 pm

Online. This meeting will be livestreamed on Southwark Council's YouTube channel
here: <https://www.youtube.com/user/southwarkcouncil>

Order of Business

Item No.	Title	Page No.
1.	ELECTION OF THE MAYOR OF SOUTHWARK 2020-21	
	PART A - OPEN BUSINESS	
2.	PRELIMINARY BUSINESS	
	2.1. APOLOGIES FOR ABSENCE	
	To receive any apologies for absence.	
	2.2. 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.	
	2.3. 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.	
	2.4. 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.	
	2.5. MINUTES	1 - 11

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To approve as a correct record the open minutes of the council assembly meeting held on 15 July 2020.

3. REPORTS

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Council assembly is asked to appoint a leader of the council.

3.2. EXECUTIVE FUNCTIONS 2020-21	14 - 17
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To note the appointment by the leader of cabinet members, any deputy cabinet members, the establishment of any cabinet committees and the leader's report on the delegation of executive functions.

3.3. CONSTITUTIONAL CHANGES 2020	18 - 22
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To consider the proposed changes to the constitution.

3.4. ESTABLISHMENT OF COMMITTEES, PANELS AND RELATED MATTERS 2020-21	23 - 34
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Council assembly is asked to establish committees and panels for the coming municipal year 2020-21 and to appoint up to three representatives to attend the Local Government Association General Assembly.

3.5. 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 2020-21	35 - 37
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3.6. OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2019/20	38 - 54
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4. 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)

Item No.

Title

Page No.

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

Date: 8 September 2020



Council Assembly (Ordinary Meeting)

MINUTES of the Council Assembly (ordinary meeting) held on Wednesday 15 July 2020 at 7.00 pm.

Themes: Southwark Together: Council Response to COVID-19 pandemic/Southwark Stands Together: Southwark's commitment to tackle racial inequalities

PRESENT:

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

Councillor Evelyn Akoto	Councillor Richard Livingstone
Councillor Anood Al-Samerai	Councillor Rebecca Lury
Councillor Humaira Ali	Councillor Alice Macdonald
Councillor Jasmine Ali	Councillor Eliza Mann
Councillor Peter Babudu	Councillor James McAsh
Councillor Maggie Browning	Councillor Hamish McCallum
Councillor Radha Burgess	Councillor Darren Merrill
Councillor Victor Chamberlain	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 Leo Pollak
Councillor Gavin Edwards	Councillor Catherine Rose
Councillor Paul Fleming	Councillor Jane Salmon
Councillor Tom Flynn	Councillor Martin Seaton
Councillor Renata Hamvas	Councillor Andy Simmons
Councillor Barrie Hargrove	Councillor Michael Situ
Councillor Jon Hartley	Councillor Johnson Situ
Councillor William Hounbo	Councillor Charlie Smith
Councillor Peter John OBE	Councillor Cleo Soanes
Councillor Nick Johnson	Councillor Leanne Werner
Councillor Sarah King	Councillor Dan Whitehead
Councillor Sunny Lambe	Councillor Kath Whittam
Councillor Lorraine Lauder MBE	Councillor Bill Williams
Councillor Richard Leeming	Councillor Kieron Williams
Councillor Maria Linforth-Hall	Councillor Ian Wingfield

1. PRELIMINARY BUSINESS

1.1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jack Buck, Sirajul Islam, Eleanor Kerslake and Victoria Olisa.

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

The Mayor congratulated Councillor Nick Johnson on his appointment as leader of the Liberal Democrat group.

Councillor Nick Johnson thanked Councillor Anood Al-Samerai, the outgoing leader of the Liberal Democrat group, and Councillor John, the outgoing leader of the council.

Councillor Peter John, leader of the council, welcomed Councillor Johnson to the leadership and thanked Councillor Al-Samerai for her efforts on behalf of Southwark.

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

At this point the programme motion was agreed:

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

Time	Business
19:00 - 19:15	1. Preliminary business and announcements
19:15 - 20:20 (15 minutes)	Themed debate Southwark Together: Council Response to COVID-19 pandemic
3.1 Community Evidence	<ul style="list-style-type: none"> • Alhaji Tajudeen Salami, Chief Imam of Old Kent Road Mosque • Felicia Boshorin, Central Southwark Community Hub • Chris Price, Pecan • Eloise Dickens, Anima Youth
(7 minutes)	3.2 Motion on the Theme
(5 minutes)	1. Councillor Peter John
(35 minutes)	2. Councillor Nick Johnson, opposition spokesperson, to speak on the motion and move Amendment A
(3 minutes)	3. Themed debate open to all other councillors
	4. Cabinet member's right of reply to the debate
Five minute break	
20:25 - 21:30	Themed debate Southwark Stands Together: Southwark's commitment to tackle racial inequalities
(15 minutes)	3.1 Community Evidence

(7 minutes) (5 minutes) (35 minutes) (3 minutes)	<ul style="list-style-type: none"> • Nicholas Okwulu • Ebenezer Mensah • Dr Victor Olisa QPM • Ayesha Ahmad, Southwark Scholars • Oliur Rahman, Active Communities Network <p>3.2 Motion on the Theme</p> <ol style="list-style-type: none"> 1. Councillor Johnson Situ 2. Councillor William Hougbo, opposition spokesperson, to speak on the motion and move Amendment A 3. Themed debate open to all other councillors 4. Cabinet member's right of reply to the debate
21:30 – 21:40	5.1 Members' Question Time (two questions, one supplemental each) <ul style="list-style-type: none"> • Members' questions to the leader
21:40*	6. Reports
	<ul style="list-style-type: none"> • South Bank and Waterloo Neighbourhood Plan Area • Pay Policy Statement • Member Allowances Scheme 2020-21 • Calendar of meetings • Annual Special Urgency report • Treasury Management Performance - 2019-20 annual report and prudential indicators

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

Note: Any time left remaining on any item will be rolled into the next items.

That the meeting be conducted as follows:

Item 3 - Themed debate

Community Evidence Submissions

To receive submissions from the groups listed in the themed section of the agenda:

Southwark Together: Council Response to COVID-19 pandemic

- Alhaji Tajudeen Salami, Chief Imam of Old Kent Road Mosque
- Felicia Boshorin, Central Southwark Community Hub
- Chris Price, Pecan
- Eloise Dickens, Anima Youth

Southwark Stands Together: Southwark's commitment to tackle racial inequalities

- Nicholas Okwulu
- Ebenezer Mensah
- Dr Victor Olisa QPM

- Ayesha Ahmad, Southwark Scholars
- Oliur Rahman, Active Communities Network

And to note the written representation listed as point 10 at item 3.1.

Format

A three minute presentation from the community evidence presenter; if the presenter would like to ask a question, they will receive a written response from the cabinet member after the meeting.

Themed debate

To run as listed in the timings above.

Amendment B

To delete the words "the objectives of" as set out below:

"b. Places on record the support of Southwark Council for ~~the objectives of~~ the Black Lives Matter movement and for all similar initiatives."

Voting

For all decisions not agreed by acclaim, voting will proceed as follows:

The chair will ask all councillors in favour of a motion or amendment to click on the "Yes" button in Zoom; and all those against to click on the "No" button.

Any councillor not voting in good time will be called on individually to declare their vote.

These will be tallied and the clerk will announce the number of votes in favour and the number of votes against.

The chair will then ask all councillors who are abstaining from voting to click on the "Yes" button in Zoom, and the number of abstentions will then be tallied.

The chair will then announce the outcome of the vote.

1.4 DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor William Hougbo, non-pecuniary interest in item 3.1, as he is a trustee of the Active Community Network. He has no financial interest in this organisation.

Councillor Dan Whitehead, pecuniary interest in item 3.2, "Southwark Stands Together", as his partner is an employee of an NHS Trust. Councillor Whitehead was not present during the consideration and voting on this item.

Councillor Richard Leeming, pecuniary interest in item 3.2, "Southwark Stands Together", as his partner is an employee of an NHS Trust. Councillor Leeming was not present during the consideration and voting on this item.

1.5 MINUTES

The minutes of 26 February 2020 were agreed as a correct record.

2. ISSUES RAISED BY THE PUBLIC

2.1 PETITIONS

There were no petitions.

3. THEMED DEBATE

3.1 COMMUNITY EVIDENCE

The meeting received submissions from the following:

Southwark Together: Council Response to COVID-19 pandemic

- Felicia Boshorin, Central Southwark Community Hub
- Chris Price, Pecan
- Eloise Dickens, Anima Youth

Southwark Stands Together: Southwark's commitment to tackle racial inequalities

- Nicholas Okwulu
- Ebenezer Mensah
- Dr Victor Olisa QPM
- Ayesha Ahmad, Joshua Moses, Dominique Manshadi, Umu Lamina, Anita Iyi; Southwark Scholars
- Oliur Rahman, Active Communities Network

They each spoke to the meeting for three minutes. Cabinet members committed to respond to questions in writing following the meeting.

3.2 MOTIONS ON THE THEME

The leader of the council, Councillor Peter John, presented the first motion in the themed debate.

Councillor Nick Johnson, the majority opposition group spokesperson, responded to the cabinet member's motion and proposed Amendment A.

Following debate (Councillor Kieron Williams, Councillor Lorraine Lauder, Councillor David Noakes, Councillor Stephanie Cryan, Councillor Catherine Rose, Councillor Victor Chamberlain, Councillor Vicki Mills, Councillor James McAsh, Councillor Anood Al-Samerai, Councillor Jasmine Ali), Councillor Peter John, responded to the debate.

Amendment A was put to the vote and declared to be Lost.

The motion was put to the vote and declared to be Carried.

RESOLVED:

Southwark Together: Council Response to COVID-19 pandemic

1. Council assembly notes:
 - a. That coronavirus has caused a period of unprecedented crisis in our borough, with over 1,200 reported cases in the borough.
 - b. That the council has risen to meet the challenge created by this crisis, working with the borough's voluntary and community sectors to help those in need.
 - c. That, as of 19 June 2020, the council had:
 - i) Contacted over 20,000 shielded and vulnerable residents to offer them support and ask what help they need.
 - ii) Responded to over 1,400 helpline requests for food or other support.
 - iii) Delivered over 13,000 emergency food packages to prevent local residents from going hungry.
 - iv) Carried out over 600 door to door welfare checks with vulnerable residents.
 - v) Distributed over £500,000 through community support grants.
 - vi) Provided over £1.1m of emergency financial support to help residents pay for essentials such as food and fuel.
 - vii) Helped 16,000 council tax payers with hardship support funds for Council Tax, at a cost of £2.4m.
 - viii) Supported businesses across the borough with over £59.5m of business grants.
 - ix) Housed 323 people who were at imminent risk of sleeping rough or actually sleeping rough, with 187 already supported to move to a long-term home, and responded to an average of 138 people per day contacting the council for help with housing solutions.

2. Council assembly believes:
 - a. That providing this high level of support for our borough's residents, businesses and voluntary sector was the right thing to do, despite the financial pressure that this now puts the council under.
 - b. That the financial burden of coronavirus should not fall solely on the council: the Government should support councils financially both now and during the period of economic recovery.
 - c. That unlike the council, the government has responded inadequately to the crisis, and should have taken steps sooner to protect care homes, introduce test and trace, and adequately plan for the re-opening of schools.

3. Council assembly expresses:
 - a. The condolences of all councillors to all the families of those who have lost loved ones as a result of this virus.
 - b. The thanks of all councillors to the NHS, council workers, mutual aid groups and volunteers for their hard work, and all who have played their part in controlling the spread of the virus by following social distancing guidance.

4. Council assembly resolves to call on cabinet:

- a. To continue to work with the voluntary and community sector and NHS in the borough through the council's community hub to support our residents, businesses and community through this period of crisis, and into the longer period of economic recovery.
- b. To continue to provide support to vulnerable residents who are being let down by this Government's apparent plans to cut off their support after 31 July 2020.
- c. To lobby the government to fully resource and fund councils during this period of crisis and the ensuing financial recovery period.
- d. To hold a service of remembrance to commemorate all council staff and residents who have passed away during this time.
- e. To reaffirm that Southwark remains United to Serve.

Councillor Johnson Situ, Cabinet Member for Growth, Development and Planning, presented the second motion in the themed debate.

Councillor William Hougbo, the majority opposition group spokesperson, responded to the cabinet member's motion and proposed Amendment B.

Following debate (Councillor Cleo Soanes, Councillor Sunny Lambe, Councillor Humaira Ali, Councillor Evelyn Akoto, Councillor Alice Macdonald, Councillor Peter Babudu, Councillor Maria Linforth-Hall, Councillor Martin Seaton, Councillor Jon Hartley, Councillor Graham Neale, Councillor Leo Pollak), Councillor Johnson Situ responded to the debate.

Amendment B was put to the vote and declared to be Carried.

The motion was put to the vote and declared to be Carried.

RESOLVED:

Southwark Stands Together: Southwark's commitment to tackle racial inequalities

1. Council assembly:
 - a. Stands united against racism, injustice and racial inequalities, alongside and in solidarity with the Black Community, following the murder of George Floyd and recent events.
 - b. Places on record the support of Southwark Council for the Black Lives Matter movement and for all similar initiatives.
 - c. Recognises the contributions that all communities, races and cultures have made to Southwark in the past and will continue to make in future.
 - d. Welcomes the commitment to integrate equality and diversity in all that the council undertakes, and in the work undertaken with the council's partners, through the 'fairer future for all' commitments.
 - e. Welcomes recent council policies to address inequalities including access to higher education through the Southwark Scholars initiative, and access to training, apprenticeships and employment through the Southwark Construction Skills Centre.
2. Council assembly acknowledges:
 - a. Despite recent advancements there are still deep structural inequalities within society. According to a 2018 study by the Equality and Human Rights Commission, 35.7 per cent of ethnic minorities were living in poverty.

- b. According to the government's own statistics, Black people are almost 10 times more likely to be stopped and searched over all, and 40 times more likely to be stopped and searched under section 60 powers.
 - c. Black Caribbean and Mixed White/Black Caribbean children have rates of permanent exclusion about three times that of the pupil population as a whole.
 - d. That a recent Office for National Statistics report found that the BAME community have been disproportionately impacted by COVID-19, with those from BAME communities almost twice as likely to die as white people.
3. Council assembly notes:
- a. Southwark Council's steps to address racial inequalities and injustices through a new initiative Southwark Stands Together.
 - b. That on 17 July 2019 Council Assembly agreed a cross-party motion which called upon Cabinet to implement 9 recommendations aimed at promoting equality and valuing diversity in Southwark¹.
 - c. the Prime Minister's recent announcement of a commission to look into racial disparities and inequality
 - d. the unimplemented recommendations from previous reviews
4. Council assembly believes that now more than ever action is needed that goes beyond warm words.
5. Therefore, council assembly resolves to call on cabinet to:
- a. Bring forward the recommendations from Southwark Stands Together work to be considered and adopted at the earliest opportunity once it has been concluded in the autumn.
 - b. Direct the Southwark Stands Together working group to review the recommendations from the motion "Promoting Equality and Valuing Diversity" agreed on 17 July 2019 and to report back to Cabinet as soon as possible with an action plan to take forward those which have not yet been implemented.
 - c. Call on the Prime Minister to implement the recommendations from the:
 - i) Lammy report
 - ii) Angiolini review
 - iii) Home Office Windrush review
 - iv) McGregor-Smith review
 - v) Macpherson report.
 and introduce a Race Equality Strategy to tackle racial injustice across the UK.
 - d. Use relevant recommendations from the reviews listed above to feed into the council's current work on Southwark Stands Together.
 - e. Call on employers and other public agencies such as the Metropolitan Police Service and the NHS to also join the council in carrying out similar reviews in to racial and health inequalities and anti-racist audits.
 - f. Call on the government to implement the recommendation from the review of Public Health England into the disproportionate impact of COVID19 on the BAME community.

¹ <http://moderngov.southwark.gov.uk/mgAi.aspx?!D=54249>

4. ISSUES RAISED BY MEMBERS

4.1 MEMBERS' QUESTION TIME

There were two members' questions, the written responses to which were circulated at the meeting. As the guillotine had fallen, there were no supplemental questions.

5. REPORT(S) FOR DECISION

5.1 NEIGHBOURHOOD PLANNING - PLAN TO BE MADE A MATERIAL CONSIDERATION IN PLANNING DECISIONS RELATING TO THE SOUTH BANK AND WATERLOO NEIGHBOURHOOD AREA

Councillors Adele Morris and Martin Seaton spoke on the report.

RESOLVED:

1. That council assembly endorsed the recommendation of cabinet to make the South Bank and Waterloo Neighbourhood Plan so that it becomes part of the council's development plan and is a significant consideration in all planning decisions relating to the designated Neighbourhood Area.

5.2 PAY POLICY STATEMENT

RESOLVED:

1. That the council's pay policy statement, as set out in Appendix 1 of the report, be agreed.

5.3 MEMBER ALLOWANCES SCHEME 2020-2021

RESOLVED:

1. That council assembly approved the Member Allowances Scheme for 2020-2021 with effect from 1 April 2020, having regard to the advice of the London Councils Independent Remuneration Panel Report 2018 (see Appendix 1 of the report).

5.4 COUNCIL ASSEMBLY DATES AND CALENDAR OF MEETINGS 2020-21

RESOLVED:

1. That council assembly agreed the following dates for meetings of council assembly be fixed in the council calendar for the 2020-21 municipal year:

Council Assembly	Type of Meeting
Wednesday 16 September 2020	Annual Meeting
Wednesday 25 November 2020	Ordinary meeting

Wednesday 24 February 2021	Budget and council tax setting
Wednesday 24 March 2021	Ordinary meeting
Saturday 8 May 2021 <i>Note: Alternative dates are Monday 17 May 2021 or Monday 24 May 2021</i>	Annual meeting <i>Note: To be held jointly with Civic Awards Ceremony</i>

2. That council assembly noted the calendar of council meetings for the 2020-21 municipal year as shown at Appendix 1 of the report.

5.5 SPECIAL URGENCY AND URGENT IMPLEMENTATION DECISIONS - ANNUAL REPORT

RESOLVED:

1. That council assembly noted the schedule of special urgency and urgent implementation decisions (set out in Appendix 1 of the report) taken in accordance with access to information procedure rules 19 and 20.

5.6 TREASURY MANAGEMENT PERFORMANCE - 2019-20 ANNUAL REPORT AND PRUDENTIAL INDICATORS

RESOLVED:

1. That Council Assembly noted the 2019-20 outturn for the council's treasury management activity 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 of the report;
 - the balance remaining on all external loans at 31 March 2020 was £810m, with £81m of new long-term borrowing drawn during financial year, all long-term borrowing is to support the growth in capital investment.

6. AMENDMENTS

Amendments are set out in supplemental agenda no. 2.

The meeting closed at 10.15 pm.

CHAIR:

DATED:

Agenda Item 3.1

Item No. 3.1	Classification: Open	Date: 16 September 2020	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Election of Leader of the Council	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

Appointment of leader of the council

1. That council assembly appoint a leader of the council.
2. That council assembly notes that the leader's term of office shall commence immediately, and end at the start of the first annual meeting of the council following the next ordinary election (May 2022), unless as otherwise specified in Article 6.3 of the constitution (see paragraph 7).

BACKGROUND INFORMATION

3. Councillor Peter John was first elected as leader of the council in 2010. He was re-elected for a four-year period at the annual council meeting held on 21 May 2018. On 26 February 2020, the leader informed council assembly that at the council assembly meeting on 25 March 2020, he would be stepping down as leader. Following the Covid-19 pandemic in March 2020, the leader delayed his departure and this will now take effect at this annual meeting.
4. Officers will seek nominations for the position of leader from the political groups and the independent member and these will be reported to this council assembly meeting.
5. The new Leader would be elected for a period of one year and eight months to make the term of office coterminous with the electoral cycle i.e. up to the next local election in May 2022 (see paragraph 7).

KEY ISSUES FOR CONSIDERATION

Appointment of leader of the council

6. The Local Government Act 2000 provisions on executive arrangements were updated by the Localism Act 2011 and the new provision for electing a leader and agreeing the term of office is less prescriptive. It states that a council operating leader and cabinet executive arrangements must make provision for the election of a leader, but it may make provision with respect to their term of office. So, the council no longer has to make provision for a four year term, or indeed any defined term. Under the new provisions, the constitution will retain the clause that allows for the leader to be removed by a resolution of the council assembly.

7. Council Constitution Article 6.3 states:

Leader

The leader will be a councillor elected to the position of leader by the council assembly. The leader will hold office until:

- a) he/she resigns from the office by giving notice in writing to the monitoring officer
- b) he/she is suspended from being a councillor under part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension)
- c) he/she is no longer a councillor
- d) he/she is removed from office by resolution of the council assembly.
- e) his/her term of office ends.

The leader's term of office shall commence from the day of his/her election, which will be held at the first annual meeting of the council following the ordinary elections or if a vacancy occurs, the next meeting of the council and will end at the start of the first annual meeting of the council following the next ordinary elections.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Council's Constitutional	160 Tooley Street, London, SE1 2TZ	Virginia Wynn-Jones 020 7525 7055

APPENDICES

Appendix	Title
None.	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Chidilim Agada, Head of Constitutional Services	
Version	Final	
Dated	7 September 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	7 September 2020	

Item No. 3.2	Classification: Open	Date: 16 September 2020	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Executive Functions 2020-21	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly receives a report from the leader on the following executive issues for the coming municipal year 2020-21:
 - Notes the appointment by the leader of cabinet members
 - Notes the appointment of any deputy cabinet members
 - Notes the establishment and appointment of any cabinet committees
 - Notes the leader’s report on the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, multi-ward forums, chief officers and any other delegations.

Appointment of the cabinet

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

- Note:
1. The leader will report on appointments to the cabinet and on individual portfolios.
 2. The leader can appoint between two and nine members to form a cabinet.
 3. The leader must appoint a deputy leader.

Appointment of deputy cabinet members

3. That the leader reports to council assembly on the appointment of deputy cabinet members, if any, and determination of their duties and responsibilities.

- Note:
- The leader will report on any changes to deputy cabinet members and on individual responsibility for specific tasks designated by the leader, following consultation with the monitoring officer.

Establishment and appointment of cabinet committees

4. That the leader reports on the establishment of any cabinet committees.

- Note:
1. The leader to establish any cabinet committees, set terms of reference and nominate cabinet members to serve on the committees, including appointing a chair and vice-chair.
 2. There are currently three cabinet committees: Cabinet (Livesey Trust) Committee, Better Placed Joint Committee and Joint IT Committee (Brent, Lewisham and Southwark).

Multi-ward forums

5. That the leader delegates executive functions for Neighbourhoods Fund, Cleaner Greener Safer (CGS) and Devolved Highways programmes to multi-ward forums. This will be limited to one round of multi-ward forum meetings per municipal year except in exceptional circumstances, whereby a decision can be taken at an additional meeting.

Delegation of executive functions

6. That the leader reports on the delegation of executive functions between full cabinet, individual decision makers, multi-ward forums, chief officers and any other delegations.
7. That council assembly notes 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.
8. That council assembly notes 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.

BACKGROUND INFORMATION

9. The constitution is updated as and when changes are required. The recommendations in this report are based on the current constitution.

KEY ISSUES FOR CONSIDERATION

Leader and cabinet

10. The Local Government and Public Involvement in Health Act 2007 required the council to make changes to its governance and decision making arrangements. At an extraordinary meeting of council assembly on 4 November 2009, the council agreed that the current executive leader and cabinet model be adopted. The new arrangements commenced immediately after the elections in May 2010.
11. Under the executive "leader and cabinet" model, there is a leader of the council and a cabinet of at least two but no more than nine other councillors. The leader is responsible for all executive functions, and decides which of these functions are going to be delegated to other cabinet members, local committees or council officers. The leader appoints the cabinet.
12. On 18 May 2019, council assembly appointed Councillor Peter John as leader of the council and his term of office commenced from that date and shall end at the start of the first annual meeting of the council following the next ordinary election or he resigns from the office by giving notice in writing to the monitoring officer¹. The leader has informed the monitoring officer that he will be stepping down as leader at this meeting, a new leader therefore will be appointed.

Report of the leader of the council and delegation of executive functions

13. Each year the elected leader must appoint their cabinet. In accordance with the constitution, this can consist of a minimum of two and up to a maximum of nine

¹ Article 6.3 of the Constitution

nominated members, whose portfolios are determined and allocated by the leader. The leader must appoint a deputy leader.

14. The leader will be invited to report on the delegation of executive functions, appoint a deputy leader and appoint other cabinet members and determine their portfolios.
15. The leader will report on any further delegations including:
 - The extent of any authority delegated to cabinet members individually, including details of the limitation on their authority
 - The terms of reference and membership of any cabinet committees
 - The nature and extent of any delegation of executive functions, any other authority or joint arrangement
 - The nature and extent of any delegation to officers with details of any limitation on that delegation.
16. The leader may also decide to delegate executive functions to the health and wellbeing board. During the year the leader may vary the executive scheme of delegation by giving notice to the monitoring officer. A variation may be permanent or relate to a particular decision.

Deputy cabinet members

17. The leader will report on the appointment of any deputy cabinet members and determine their roles. Deputy cabinet members may hold responsibility for specific tasks designated by the leader, in consultation with the monitoring officer. Deputy cabinet members cannot take part in any formal decision making.
18. Whilst a deputy cabinet member may be a member of a committee, scrutiny committee or scrutiny sub-committee, he or she will not be permitted to take decisions or scrutinise any of their own deputy cabinet member tasks or duties. Deputy cabinet members shall not be the chair or vice-chair of a committee or sub-committee which takes decisions or scrutinises matters relating to their tasks or duties. The chairs of the licensing and planning committees shall not be deputies.
19. The duties and responsibilities of deputy cabinet members will be:
 - To assist cabinet members with specific aspects of their portfolio
 - To contribute to the process of setting policy direction, development and review by assisting cabinet members to develop specific aspects of their individual portfolio
 - To represent the relevant cabinet member at non-decision making meetings
 - To assist cabinet members in the drafting and preparation of reports, responses to questions and other work related to the cabinet deputy's duties
 - To promote the core values, corporate priorities and objectives of the council.

Multi-ward forums

20. In January 2020, the Council's constitution was amended to allow each of the five multi-ward forums to act as an area committee, allowing each area to have decision-making powers over devolved budgets.

Role of council assembly

21. Following receipt of the leader's report, council assembly will note as a consequence that the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

Appointments to panels, boards and forums

22. The cabinet will consider appointments to panels, boards and forums where the function falls within the responsibility of the executive (e.g. housing, education, social services, regeneration, etc.).

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive Functions 2019-20 Council Assembly 18 May 2019 report.	160 Tooley Street, London, SE1 2QH	Virginia Wynn-Jones 020 7525 7055
The Council's Constitution (link below)		
http://moderngov.southwark.gov.uk/ieListMeetings.aspx?CommitteId=425&Info=1&bcr=1		

APPENDICES

Appendix	Title
None	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Chidilim Agada, Head of Constitutional Services	
Version	Final	
Dated	7 September 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	7 September 2020	

Item No. 3.3	Classification: Open	Date: 16 September 2020	Meeting Name: Council Assembly
Report title:		Constitutional Changes: Updates 2020	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATION

1. That council assembly agree that the constitution contain a protocol outlining how virtual meetings will be run (Appendix 1).

BACKGROUND INFORMATION

2. This report outlines one constitutional change. The constitutional steering panel recommends it to council assembly.

Reasons for proposing a change to the process: virtual meetings

3. With the changes in legislation and support from central government for virtual decision-making meetings, it is appropriate to set out clearly how virtual meetings will be run, to ensure accessible and understandable decision-making to the public. This will be presented as an addendum to the Committee Procedure Rules.

KEY ISSUES FOR CONSIDERATION

4. The context for this report is the on-going review of efficient democracy, the Covid-19 pandemic and associated updates in legislation and government guidance.

Community impact statement

5. The proposal in this report provides additional benefits to the public and the local community and enhance the council’s commitment to diversity and fairness.

Resource implications

6. The constitution is published on the council’s website and is available for viewing online. Limited numbers of the constitution are produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. It is anticipated that the cost can be contained within existing budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution	160 Tooley Street London SE1 5LX	Constitutional Team 020 7525 7228

APPENDICES

No.	Title
Appendix 1	New Addendum to Committee procedure rules

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Team	
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer	
Version	Final	
Dated	7 September 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes (Included in the body of the report)
Strategic Director of Finance and Governance	No	Not applicable
Date final report sent to Constitutional Team		7 September 2020

APPENDIX 2**Addendum: Remote meetings in the context of Covid-19**

The Coronavirus Act 2020 made provisions to allow council business to continue in the context of the Covid-19 pandemic in which personal attendance at meetings risked the spread of the virus. The following provisions in this section apply where the council is legally permitted to hold remote meetings. They override any other provisions in this constitution which would in other circumstances have prevented remote meetings.

1. No requirement to hold an annual meeting

The requirement to hold an annual meeting is to be disregarded and, prior to 7 May 2021, an annual meeting of council may only take place:

- (a) where called by the Mayor; or
- (b) following a resolution calling for an annual meeting being passed at an ordinary or extraordinary meeting of council assembly.

2. Access to Information

For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

- (a) “open to inspection” shall include for these and all other purposes as being published on the website of the Council; and
- (b) to be published, posted or made available at offices of the Council shall include publication on the Council’s website.

3. Remote Access to Meetings

(a) For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:

- (i) “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers; and

- (ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and

- (b) If the Chair is made aware that a meeting is not accessible to the public through remote means at any time when it is legally required to be accessible to the public, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4. Members in Remote Attendance

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following

conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance.
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 4(a) above are not met. In such circumstance the Chair may, as they deem appropriate:
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in 4(a) above to be re-established;
 - (ii) count the number of Members in attendance for the purposes of the quorum; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

5. Remote attendance by members of the public

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, members in attendance;
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 5(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in 5(a) above to be re-established;
 - (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation

that this cannot be done, before the end of the meeting, whichever is the earliest; or

- (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

6. Remote Voting

Unless a recorded vote is demanded, which may be confirmed by the requisite number of members confirming the demand verbally when requested by the chair, the chair will take the vote, where there are such facilities, by use of an electronic voting system for remote voting.

Where there is no electronic voting system available, it is not working correctly, or by the agreement of the meeting, then the vote may be taken by the affirmation of the meeting if there is no dissent.

Alternatively the chair may take the vote by roll-call and the number of votes for and against the motion or amendment and abstaining from voting will be recorded.

7. Members excluded from the meeting

Where a member is required to leave the meeting, the member's camera will be turned off and microphone will be muted whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

Item No. 3.4	Classification: Open	Date: 16 September 2020	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Establishment of Committees, Panels and Related Matters 2020-21	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly notes the appointment of political group leaders, deputies and whips (information to be circulated separately).
2. That council assembly note the political balance of the council as follows:

Table 1: Political balance

Group	Members	%
Labour	48	76.19
Liberal Democrat	14	22.22
Independent (not a group)	1	1.59
Total	63	100.00

3. That council assembly notes that there is no change to proportionality and the allocation of seats on committees and panels as agreed by council assembly on 18 May 2019 remains the same as set out below.
4. That council assembly establishes the following committees for the coming municipal year 2020-21:

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 is set out in Article 8 of the constitution (see paragraph 42 of this 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 leader of the council nominates the local authority membership. In accordance with committee procedure rules, the leader chairs the board.

Appointment of chairs and vice chairs

7. That council assembly considers whether it wishes to appoint chairs and vice chairs for the following committees:

Committees

- Appointments committee
- Planning committee
- Audit, governance and standards committee
- Corporate parenting committee [see note 1 below]
- Overview and scrutiny committee
- Licensing committee

Notes:

1. In 2019-20, the cabinet member responsible for children's services chaired the corporate parenting committee. Council assembly is asked to formally approve this appointment in 2020-21.

2. All outstanding appointments will be referred to the first meeting of the respective committee in the 2020-21 municipal year.

Appointment of community champions

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

Multi-ward areas

- North-west
- North-east
- West-central
- East-central
- South

Establishment of the council's panels

9. That council assembly establishes the following council panels (see paragraph 53):

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 2019-20.

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

10. That council assembly appoints a chair to the following panels:
 - Constitutional steering panel [see note 1 below]
 - Voluntary bodies appointments panel.

Notes:

1. The group whip of the majority group chaired the constitutional steering panel in 2019-20. Council assembly is asked to formally approve this appointment in 2020-21.
2. That it be noted that the Mayor chairs the council assembly business panel.

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 55 and 56.

Appointments to Local Government Association (LGA) General Assembly

12. That council assembly appoints up to three representatives and allocates the seven votes to representatives to attend the LGA General Assembly (see paragraphs 57 and 58).

Other appointments to joint committees/outside bodies

13. That council assembly notes the cabinet and other committees will make appointments to all other outside committees and bodies for the municipal year 2020-21 as required by part 3Q of the constitution.

BACKGROUND INFORMATION

14. The constitution is updated as and when changes are required. The recommendations in this report are based on the current constitution and previous decisions of the council.

KEY ISSUES FOR CONSIDERATION

Proportionality – the legal position

15. The size and composition of the council’s regulatory and other committees are established in accordance with the number of seats each political group has on the council as a whole – this is known as “proportionality”.
16. The Local Government and Housing Act 1989 covers the allocation of seats to political groups. It makes no provision for single independent councillors so they do not form part of the proportionality considerations. The political balance rules require the council to ensure that the political groups represented on council have proportionate representation on the committees of the council. Political groups have to constitute two or more members and be actively constituted as a group in accordance with the above regulations.
17. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as is reasonably practicable:
 - (i) That not all the seats on a committee or sub-committee are allocated to the same political group
 - (ii) That the majority group must have the majority of seats on each committee or sub-committee

Note: As the Labour Group has an overall majority on the council, this principle has been applied.
 - (iii) Subject to (i) and (ii) above, it must be ensured that the proportion of each political group’s seats of the total number of seats on “ordinary committees” reflects, as closely as possible, their proportion of seats on full council.

Notes:

1. The ordinary committees are: appointments; planning; audit, governance and standards; corporate parenting (see also paragraphs 20 to 22).

2. The licensing committee is appointed under the Licensing Act 2003, the overview and scrutiny committee is appointed under section 9F of the Local Government Act 2000 and the health and wellbeing board is appointed under the Health and Social Care Act 2012 and is to be treated as if appointed under section 102 of the Local Government Act 1972 (subject to modifications of the effect of section 102 made by the Secretary of State). None of the aforementioned committees is treated as an ordinary committee.
- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.

Note: This rule applies to all committees, sub-committees and joint committees, except for the licensing committee.

18. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.

Appointments to seats

19. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of an authority or committee to exercise its power to make appointments in such a way as to give effect "to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group".

Ordinary committees

20. The regulatory and other committees are the "ordinary committees" of the council. In 2019-20 the annual meeting established the following:
- Appointments committee
 - Planning committee
 - Audit, governance and standards committee
 - Corporate parenting committee.
21. The proportionality is based on the total number of seats compared to the overall allocation of seats each political group has on the council. As the Labour Group has an overall majority on the council, it has been allocated a majority on each committee.
22. Council assembly is exercising a matter reserved to it in Part 3A (4) of the constitution to establish committees. It is for council assembly to agree the committees it wishes to establish, to set the total number of seats and allocate them to the committees numbered 1 to 4 in the Table 2 in paragraph 3 above.

Appointments committee

23. The appointments committee determines appointments to posts of chief officers, chief finance officer and monitoring officer and also acts as a panel for the purpose of advising council assembly on matters relating to the dismissal of the head of paid service, the chief finance officer or the monitoring officer as prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
24. At least one member of the cabinet shall serve on the appointments committee.

Audit, governance and standards committee

25. The audit, governance and standards committee provides independent assurance of the adequacy of the council's governance arrangements, independent scrutiny of the council's financial and non-financial performance, has oversight of the financial reporting process of the council and ensures that its members and co-opted members maintain high standards of conduct and requires such authorities to adopt a code of conduct for their members.
26. The Chartered Institute of Public Finance and Accountancy (CIPFA's) guidance (Audit Committees Practical Guidance for Local Authorities, 2005) states that although audit committees are not mandatory, "Audit committees are an essential element of good governance". It goes on to say, "Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an audit committee, independent from the executive and scrutiny functions."
27. No more than one member of the cabinet may be a member of the audit, governance and standards committee and no cabinet member may chair the committee. The chair may be a deputy cabinet member, as this role does not include the exercise of any delegated powers.
28. No more than one member of the overview and scrutiny committee may be a member of the audit, governance and standards committee and no member of the overview and scrutiny committee may chair the committee. In 2019-20, no members of the cabinet sat on the audit, governance and standards committee.

Overview and scrutiny committee

29. The overview and scrutiny committee (OSC) is the coordinating scrutiny body and appoints a number of scrutiny sub committees. It questions cabinet members and can "call-in" decisions taken by the cabinet, individual cabinet members, decisions on executive functions and key decisions taken by chief officers.
30. OSC co-ordinates councillor calls for action and scrutiny of health, crime and disorder, considers requests for scrutiny reviews and approves scrutiny work programmes. It receives and comments on reports from scrutiny sub-committees, and reviews overview and scrutiny procedures.
31. The committee can also appoint joint committees with other local authorities.
32. The overview and scrutiny committee is not an ordinary committee, but it is one to which the proportionality requirements apply. Scrutiny sub-committees will be established by the overview and scrutiny committee at its first meeting and it will consider the allocation of places on sub-committees including members who are not part of any political group.
33. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.
34. The overview and scrutiny procedure rules provide that the overview and scrutiny committee will consist of the chair, vice chair and the chairs of the scrutiny sub-committees provided that the proportionality rules are not compromised. Each political group is permitted to nominate members who are not cabinet members should it be necessary to maintain proportionality and/or if there are fewer chairs of scrutiny sub-committees than places on the overview and scrutiny committee.

35. The overview and scrutiny committee and any sub-committee/commission which scrutinises the council's education functions will contain in its membership four voting education representatives in addition to its councillor members, comprising one Church of England, one Roman Catholic Church and two parent governor representatives.
36. No member of the cabinet shall serve on any scrutiny committee.

Health and wellbeing board

37. The Health and Social Care Act 2012 enables the local authority to arrange for any of its functions to be exercised by the board should it so wish. The health and wellbeing board was first constituted by council assembly on 27 March 2013. The board will not have the power to perform any of the functions given to the health overview and scrutiny committee, and it will itself be subject to overview and scrutiny as a committee of the council. Members of scrutiny committees who are members of the health and wellbeing board should not be involved in the scrutiny process if the health and wellbeing board undertakes executive functions, which is then subject to scrutiny, as this may create a conflict of interests. The proportionality requirements do not apply to the health and wellbeing board.
38. It will be for the leader of the council under the 'strong leader' model to decide whether any executive functions should be delegated to the board. Until such a decision is taken, the board will operate in accordance within the council's existing decision-making framework and normal council budget setting processes.
39. The health and wellbeing board must include six statutory members which are:
- At least one councillor, who will be (or be nominated by) the leader
 - The director of adult social services of the local authority
 - The director of children's services of the local authority
 - The director of public health of the local authority
 - A representative of local healthwatch
 - A representative of the clinical commissioning group.
40. The proposed membership of the board is set out below:
- Leader of the Council
 - Cabinet Member for Children, Schools and Adult Care
 - Cabinet Member for Community Safety and Public Health
 - Opposition Spokesperson for Health (Southwark Councillor)
 - NHS Southwark Clinical Commissioning Group representatives x 2
 - Chief Executive, Southwark Council
 - Strategic Director of Children's and Adults' Services
 - Director of Public Health
 - Chief Executive, Community Southwark (Voluntary Sector)
 - Executive Director, Southwark Law Centre (voluntary sector)
 - King's College Hospital NHS Foundation Trust (King's Health Partners) representative
 - South London and Maudsley (SLAM) NHS Foundation Trust representative
 - Healthwatch Southwark representative
 - Southwark Headteachers representative.

Note: The health and wellbeing board membership is currently under review. This is to ensure that the right partners are represented on the board. Any proposed change to the membership will be put forward to the health and wellbeing board for agreement.

41. All members of the health and wellbeing board are subject to Southwark's Code of Conduct for elected members when acting as a member of the board and will be subject to declarations of disclosable pecuniary interests. Consequently, it is recommended that substitutes should not be permitted at meetings of the committee.

Multi-ward areas

42. The boundaries of the multi-ward areas reflect the borough's communities as far as possible.

Table 7: Multi-ward areas divided by geographical areas

Multi-ward area	Electoral wards
North-west	Borough & Bankside, London Bridge & West Bermondsey, St George's and Chaucer wards
North-east	North Bermondsey, South Bermondsey, Rotherhithe and Surrey Docks wards
West-central	North Walworth, Newington, Camberwell Green, St Giles and Faraday wards
East-central	Old Kent Road, Peckham, Rye Lane, Nunhead & Queen's Road and Peckham Rye wards
South	Champion Hill, Goose Green, Dulwich Hill, Dulwich Village and Dulwich Wood wards

Licensing committee

43. Section 6 of the Licensing Act 2003 requires that each licensing authority must establish a licensing committee of at least 10, but no more than 15 members of the authority. The power to establish the committee rests with council assembly. Council agreed in December 2004 that the licensing committee should comprise 15 members in order to achieve maximum flexibility and provide a sufficient pool of members to ensure quorate sub-committees.
44. There is no requirement in the Licensing Act 2003 that the licensing committee should be proportionate. Council assembly agreed in December 2004 to establish the current committee on a proportionate basis.
45. The Licensing Act 2003 makes no provision to appoint reserve members.
46. In accordance with the constitution, a licensing sub-committee with delegated authority will be established to hear licence applications including Licensing Act 2003, Gambling Act 2005, street trading and other licensing responsibilities granted by statute. The sub-committee will include members of the licensing committee with a quorum of three members and a reserve. Sub-committees shall be summoned as required to deal with any business and the membership will be based on the allocation process agreed by the licensing committee on 6 December 2007.

Appointment of chairs and vice chairs

47. Chairs and vice chairs may be appointed directly by council assembly or the appointments may be delegated to the first meeting of the relevant committee.
48. In the case of the corporate parenting committee, it is proposed that the cabinet member with responsibility for children's services be appointed chair. This is in line with the decision of the annual meeting last year.
49. The leader of the council, in accordance with committee procedure rule 8.13, chairs the health and wellbeing board.

Reserve members

50. The council assembly, committee and overview and scrutiny procedure rules make provision for the appointment of reserve members to council committees and to scrutiny committees. There is no provision for reserves on the licensing committee and the health and wellbeing board.
51. Each political group can appoint reserve members. The number of reserve members a group can appoint is, with the exception of the overview and scrutiny committee and audit, governance and standards committee, one less than the number of places the group holds on the committee or sub-committee. If a political group holds only one place on a committee or sub-committee, that group may appoint one reserve member.
52. On the overview and scrutiny committee and the audit, governance and standards committee, the number of reserve members that each political group can nominate is equal to the number of places each group holds on the committee.

Establishment of the council's panels

53. Council assembly will consider the establishment and composition of the following council panels. Panels are not required to be proportionate. This is a matter of local choice for the local authority.
 - **Council assembly business panel** – The Mayor chairs the panel and consists of two representatives from the majority group (one of whom is the whip) and the whips of the other political groups represented on the council. The panel acts as an advisory panel to the Mayor on council assembly matters, including the setting of themes for debate.
 - **Constitutional steering panel** – The panel is responsible for reviewing and recommending amendments to the constitution. It is also responsible for making recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Aldermen and to recommend changes to the members' allowances scheme. In 2019-20, the chief whip of the majority group chaired the panel.

In 2019-20, council assembly established a panel with a membership comprising the group whip and two other members from the majority group and the whips of the other political groups represented on the council. In accordance with current practice, groups can nominate a reserve to attend in the absence of a representative.

- **Pensions advisory panel** – The panel has a composition of three members, officers, independent advisors and a trade union representative. The purpose of the panel is to advise the chief finance officer when performing functions relating to the council's pension scheme.
- **Voluntary bodies appointments panel** – The panel has a composition of four Labour and one Liberal Democrat member. The panel will be responsible for recommending the appointment of charity trustees to specific Southwark charities.

Council assembly dates

54. A calendar of council assembly meetings for the 2020-21 municipal year was agreed at council assembly on 15 July 2020. This meeting agreed the council assembly dates, in accordance with the relevant statutory provision.

Urgency committee

55. On 26 March 2014, council assembly established the urgency committee, together with planning and licensing (urgency) sub-committees, to function during the interim period between a municipal election and the annual meeting of council assembly. The urgency committees will exercise the non-executive functions of the council, other than those reserved by law to council assembly for decision, in cases where in the opinion of the chief executive it was necessary to act urgently. The urgency committees have normally only met to consider issues that are time sensitive and cannot wait for the annual meeting to establish the decision making arrangements. The leader shall exercise any urgent executive matters.
56. Council assembly on 26 March 2014 agreed that the urgency arrangements should be as follows:
- Urgency committee - The urgency committee will deal with non-executive functions only that are not reserved by law to council assembly, and are not planning or licensing applications. The urgency committee arrangements comprise the leaders of the two largest political groups following the borough-wide elections.
 - Executive arrangements – Executive decisions will be exercised by the leader (if personally re-elected or his nominee, a relevant cabinet member). If the leader (or relevant cabinet member) is required to take an executive decision, because the normal scrutiny arrangements would not have been established by the annual meeting, executive decisions would be treated in a similar way to urgent implementation decisions or an urgent decision outside the budget and policy framework. If the leader is not re-elected, the urgency committee shall exercise the executive functions.
 - Planning and licensing – Separate arrangements exist for a planning (urgency) sub-committee and a licensing (urgency) sub-committee. Each licensing (urgency) sub-committee convened to hear an urgent application would comprise of three licensing members who will be selected using the current procedure from the pool of re-elected councillors who previously served on the licensing committee. The arrangements are set out in more detail in Part 3N of the council's constitution.

Appointments to Local Government Association (LGA) General Assembly

57. In 2017, the Local Government Association informed the council that it was now entitled to seven votes and advised that votes can be allocated amongst the representatives as the local authority sees fit. The LGA encourages local authorities with three or four representatives to allocate at least one position and vote to a minority group representative. Council assembly can agree any combination of representatives and votes:
58. For 2019-20, council assembly appointed three representatives and allocated seven votes:

Representative	No. of votes	Group
Councillor Peter John (Leader)	3	Labour
Councillor Rebecca Lury	3	Labour
Councillor Adele Morris	1	Liberal Democrat

Establishment of sub-committees

59. Sub-committees for planning, overview and scrutiny, and audit, governance and standards committees will be established at a special meeting that immediately follows the conclusion of this annual meeting or can be established at the first meeting of the relevant parent committee.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive Functions 2018 Report - Council Assembly 21 May 2018	Southwark Council Constitutional team 160 Tooley Street, London, SE1 2QH	Virginia Wynn-Jones 020 7525 7055
Establishment of committees and other constitutional issues 2018-19- Report - Council Assembly 18 May 2019		
Agenda and minutes for the following meetings: <ul style="list-style-type: none"> Licensing Committee - 6 December 2007 Council Assembly 2004 to 2019 		

APPENDICES

Appendix	Title
Appendix 1	Political Group Leaders, Deputies and Whips (to be circulated separately)
Appendix 2	Nominations for Chairs and Vice Chairs (to be circulated separately)

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Chidilim Agada, Head of Constitutional Services	
Version	Final	
Dated	7 September 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	7 September 2020	

Item No. 3.5	Classification: Open	Date: 16 September 2020	Meeting Name: Council Assembly (Annual Meeting)
Report title:		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 2020-21	
Ward(s) or groups affected:		None	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly consider and agree nominations to the London Councils committees, the Greater London Employment Forum, London Local Government Pension Scheme (LGPS) Common Investment Vehicle (CIV) Ltd and London Councils Limited, details listed in Appendix 1 of the report.
2. That council assembly nominate borough lead members/relevant portfolio holders for the areas listed in paragraph 9 of the report.

BACKGROUND INFORMATION

3. The council nominates representatives to serve on the London Councils committees on an annual basis. The nomination of representatives to the London Councils committees and forums fall within the terms of reference of the cabinet. The annual general meeting (AGM) of London Councils is on 13 October 2020 and the next available cabinet meeting is 20 October 2020, council assembly is being asked to agree the nominations for 2020-21 in order to appoint members prior to the AGM.

KEY ISSUES FOR CONSIDERATION

Joint committees

4. The Local Government Act 2000 and regulations enable local authorities to make use of joint arrangements with other authorities. Under these arrangements, a "joint committee" can be established in agreement with other local authorities to promote the economic, social or environmental well being of the area.
5. In this report the council is invited to make nominations to the following joint committees:
 - London Councils Leaders' Committee (s101 Joint Committee)
 - London Councils Transport and Environment Committee (Associated Joint Committee)
 - London Councils Grants Committee (Associated Joint Committee)

6. The council is also invited to make nominations to the London Local Government Pension Scheme (LGPS) Common Investment Vehicle (CIV) Ltd.
7. Council assembly may only nominate cabinet members as representatives or deputies to the joint committees. The nominations need not reflect the political composition of the local authority as a whole. This is set out in Article 9 on joint arrangements in the council's constitution. London Councils advise that the deputies should have some knowledge of the policy area concerned, can be kept informed of the member body's activities and be able to act as substitute if the principal nominee is unable to attend a meeting.

Greater London Employment Forum

8. The Greater London Employment Forum acts as the regional employer for London for those staff employed under the National Joint Council for Local Government Services. The representative is usually the lead cabinet member for human resources issues.

Borough lead members

9. The London Councils Executives who lead on particular policy areas need to consult and liaise with relevant borough lead members on matters of major importance and are seeking to identify borough lead member / relevant portfolio holders (by way of nominations) for the following areas:
 - Children and Young People / Safeguarding and Schools
 - Skills and Employment
 - Housing and Regeneration
 - Health, Social Care and Adult Services
 - Arts/Culture, Tourism, Port and Leisure
 - Crime and Public Protection
 - Economic Development / Business
 - Planning / Infrastructure / Development

London Councils Limited

10. The council is required to appoint a representative to the company, London Councils Limited. The London Councils advise that the borough's representative on the Leaders' Committee is normally appointed unless a council specifically indicates otherwise.
11. All formal London Councils committee and forum meetings are held during the day on weekdays.

Legal implications

12. There are no specific legal implications.

Community impact statement

13. The council is being invited to nominate to the London Councils committees, the Greater London Employment Forum and the London Councils Limited company. The nominations process has no direct impact on the community.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Correspondence from London Councils dated 8 September 2020	160 Tooley Street London SE1 2QH	Paula Thornton 020 7525 4395

APPENDICES

No.	Title
Appendix 1	Nominations to London Councils Committees, Greater London Employment Forum, London Councils Limited Company, London Local Government Pension Scheme (LGPS) Common Investment Vehicle (CIV) Ltd.

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Chidilim Agada, Head of Constitutional Services	
Version	Final	
Dated	8 September 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
Date final report sent to Constitutional Team	8 September 2020	

Item No. 3.6	Classification: Open	Date: 16 September 2020	Meeting Name: Council Assembly
Report title:		Overview and Scrutiny Committee Annual Report 2019/20	
Ward(s) or groups affected:		All	
From:		Overview and Scrutiny Committee	

FOREWORD - COUNCILLOR IAN WINGFIELD, CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE

In line with the Council’s Constitution, I present this report to the Annual Council meeting. This last year and a quarter has clearly been more eventful than we would have predicted. It has presented huge challenges to members, officers and council services in the wake of the Covid-19 pandemic. I am pleased to report that the Scrutiny function and its members have risen to those challenges as the year has progressed. I would like to thank all members of the overview and scrutiny committee (OSC), the scrutiny commissions and those that have deputised for their hard work and effort in their contributions. The scrutiny function of the council has proven itself responsive to current public concerns and more inclusive of members input. This is reflected in the excellent scrutiny commission reports that have been completed, or are near completion, with innovative recommendations. I am not going to hide the fact that the lockdown initially produced more challenges both in scrutinising the council’s response to Covid-19, reviewing our Council Plan and financial position, and gaps in our procedural guidance virtual meetings. However, this report demonstrates that we overcame such obstacles.

The year has also seen many important interviews with senior politicians and public servants including two Borough Police Commanders, the Fire Service Borough Commander and Cabinet Members. Scrutiny has played a pivotal role in being responsive to critical events in a rapid manner (as OSC has done with issues on the Brandon and Kingswood estates this year). OSC took the lead in ensuring that such issues were investigated thoroughly, with soundly based recommendations addressing public concerns. I must also stress that recommendations from OSC and the Commissions have come forward on a cross-party basis between Labour and Liberal Democrat Members without the need for a voting division. It has also demonstrated the importance of the Scrutiny function working in tandem with Cabinet Members to ensure the value of overview to the services received by our residents.

The future work plan continues to prioritise areas such as the impact of Covid-19, community engagement, the environment, climate change and sustainability, health inequalities, educational and employment opportunities for young people and on-going regeneration of the borough. These and more issues scrutinised will help influence the shaping of Council policy in ensuring that meeting the needs of the most disadvantaged, vulnerable and needy will always form a core part. I recommend this report to the annual council assembly meeting.

RECOMMENDATIONS

1. That council assembly note the scrutiny activity for the 2019/20 year as detailed in paragraphs 9 – 46 of the report.

2. That council assembly note the proposed areas of activity for 2020/21, which builds upon some of the work undertaken in 2019/20 and the council's response to Covid-19 (paragraphs 47).

BACKGROUND INFORMATION

3. The council's scrutiny function provides a critical challenge to delivery of public services in Southwark through power to make inquiry into matters of local concern. The scrutiny function is undertaken by the council's overview and scrutiny committee and its commissions and can take a number of forms including.
 - Reviews into individual topics
 - 'Call in' – scrutiny of executive decisions taken before they are implemented
 - Call to account of officers on receipt of a petition of 500 or more signatures from the general public
 - Interviews with individual cabinet members and senior officers.
4. The overview and scrutiny committee and its commissions have specific functions in respect of policy development and review, health and wellbeing, scrutiny of decisions and performance of the council in relation to policy objectives. The committee and its commission may make recommendations to the cabinet and/or council assembly arising from the outcome of a scrutiny process.
5. The scrutiny function is significant and wide ranging – detail of its specific functions and terms of reference are set out in Appendix 1 of the report.
6. Section 2, Article 5 of the Council Constitution requires overview and scrutiny committee to report annually to council assembly on the workings of the overall scrutiny function. The committee may make recommendations for future work programmes and amended working methods if appropriate. Section 6.1(h) of the overview and scrutiny committee procedure rules (terms of reference) requires overview and scrutiny committee to report annually to all councillors on the previous year's scrutiny activity. This report sets out the activity of overview and scrutiny committee and its commissions for the 2019/20 year and provides an indication of proposed areas to take forward for 2020/21.

KEY ISSUES FOR CONSIDERATION

Activity of the Overview and Scrutiny Committee and its commissions

Overview and Scrutiny Committee

Membership: Councillors Ian Wingfield (Chair), Jane Salmon (Vice-Chair), Humaira Ali, Peter Babudu, Victor Chamberlain, Helen Dennis, Gavin Edwards, Alice Macdonald, Jason Ochere, Victoria Olisa, Leanne Werner

(Reserves: Councillors Anood Al-Samerai, Jack Buck, Tom Flynn, Jon Hartley, Eleanor Kerslake, Sunny Lambe, David Noakes, Michael Situ, Cleo Soanes)

7. The overview and scrutiny committee established four scrutiny commissions for the 2019/20 municipal year:

- Education and Business Scrutiny Commission
 - Environment Scrutiny Commission.
 - Health and Social Care Scrutiny Commission
 - Housing Scrutiny Commission.
8. Both the Education and Business Scrutiny Commission and the Environment Scrutiny Commission were established as roving scrutiny commissions with the capacity to look into matters that came up throughout the year that were not specifically within the remit of a particular commission.

Activity

9. The overview and scrutiny committee considered a number of local issues during the 2019/20 year brought about by residents / local ward councillor concerns, which included South Dock Marina Fees, Kingswood Estate External Wall Insulation proposals and Brandon Estate issues (following three murders on the estate). The committee made a number of recommendations to cabinet on these issues.
10. The committee reviewed the allocation of local community infrastructure levy (CIL) funding and discussed the local funding programmes that were available to local people through a bidding process. The committee also held interviews with Councillor Kieron Williams, cabinet member for housing management and modernisation and Councillor Victoria Mills, cabinet member for finance, performance and Brexit. The committee also interviewed Philip Morton, Fire Brigade Borough Commander for Southwark, and Chief Superintendent Colin Wingrove, Police Borough Commander for Southwark and Lambeth.
11. The overview and scrutiny committee held its annual budget scrutiny meeting which involved interviews with all the cabinet member portfolio holders and chief officers on the proposed council budget for 2020-21 to 2022-23. The committee also held a special meeting to hear from cabinet members and council officers on the Council's response to the Covid-19 Pandemic.
12. The committee also received a presentation from the Southwark LGBT Network and Healthwatch Southwark on their joint report 'Strong in Southwark' (Southwark LGBTQ+ Community Consultation 2018-19) which explored the needs and experience of Southwark's LGBT+ communities.
13. The committee also considered a referral from Cabinet in connection with the Leisure Management Contract management arrangements - Post Covid-19.
14. The overview and scrutiny committee considered two call-ins during 2019/20:
- Contract Award - generalist community legal advice services 2020-25
 - Delivering a climate strategy for Southwark
15. The overview and scrutiny committee met ten times – its first meeting held in June 2019 (up to July 2020).

[Link to agenda and minutes](#) (overview and scrutiny committee)

Scrutiny Commissions

Education and Business Scrutiny Commission

Membership: Councillors Peter Babudu, Chair, William Hougbo, (Vice-Chair), Karl Eastham, Renata Hamvas, Eleanor Kerslake, Lorraine Lauder MBE, Eliza Mann, Lynette Murphy-O'Dwyer (co-opted member) and Martin Brecknell (co-opted member)

(Reserves: Councillors Humaira Ali, Radha Burgess, Tom Flynn, Richard Leeming, Michael Situ, Leanne Werner)

16. The education and business scrutiny commission's main areas of focus for 2019/20 were *Education: Exclusions and Alternative Provision / Procurement: Accessibility and Social Value*.

Exclusions and Alternative Provision

17. The commission investigated the rising trend of exclusions in Southwark. The Commission also looked at the educational attainment of children attending core alternative provision in Southwark, which has historically been poor. As part of the scrutiny review process the Commission interviewed various council officers, the cabinet member for Children, Schools and Adult Care, surveyed local schools and heard from young people with direct experience of exclusions. The Commission also surveyed children, parents and carers across Southwark to try to understand why exclusions were rising. The commission interviewed one of Ofsted's Inspectors and took contributions from a national charity providing alternative provision in Southwark (Chance UK). Members of the Commission also visited Southwark's Pupil Referral Unit and heard from alternative provision providers in other local authorities.
18. Following the evidence gathering sessions that were held through the course of the year, the commission formulated its report and made nine recommendations to cabinet. A copy of the full report is available to view [here](#).

Accessibility and Social Value

19. The commission investigated how accessible procurement opportunities in Southwark are to local businesses and community organisations. The commission placed particular emphasis on understanding how accessible procurement opportunities are to businesses that are led (at Director level) by people with protected characteristics that are typically underrepresented in business leadership. The commission also looked at the Council's early activity to implement social value provisions of its Fairer Future Procurement Framework.
20. The commission used a range of methods to gather evidence, including interviews with various council officers, discussions with local business improvement districts (BIDs) and Southwark's Chamber of Commerce, interview with the Cabinet Member for Growth, Development and Planning. The commission also received information on schemes to help local businesses to access commercial procurement opportunities and from other local authorities that have taken ambitious steps to make their procurement activity more accessible to local businesses.

21. The commission's work built on previous scrutiny and audit activity and drew upon the overview and scrutiny committees 2015 review of the Council's procurement practices and the audit, governance and standards committee's ongoing analysis of implementation of the Fairer Future Procurement Framework.
22. Following the evidence gathering sessions, the commission formulated its report and made nine recommendations to cabinet. A copy of the full commission report is available to view [here](#).
23. In addition to the main areas of focus, the Education and Business Scrutiny Commission held interview, question and answer sessions. Sessions were held with the cabinet member for children, schools and adult care in respect of council activity in connection with 'Children Returning to School' post Covid-19 lockdown and with the cabinet member for jobs, business and innovation on council activity in relation to 'Resilience for the Business Community' in light of Covid-19.
24. The commission met six times - its first meeting held in September 2019 (up to July 2020).

[Link to agenda and minutes](#) (Education and Business Scrutiny Commission)

Environment Scrutiny Commission

Membership: Councillors Leanne Werner, Chair, Graham Neale, Vice-Chair, Radha Burgess, Tom Flynn, Richard Leeming, Damian O'Brien, Michael Situ and Jeremy Leach (co-opted member)

(Reserves: Councillors Peter Babudu, Karl Eastham, Renata Hamvas, Eleanor Kerslake, Lorraine Lauder MBE, Adele Morris)

25. The environment scrutiny commission's main areas of focus for 2019/20 were *Air Quality / Review of the Climate Emergency Strategy*

Air Quality

The environment scrutiny commission looked into the issue of air quality, which is a major health problem in Southwark, one of the major contributors being transport emissions, particularly diesel. The commission's objective was to put forward recommendations that seek to recreate Southwark as an inner city area with high air quality marked by the lowest possible private car use and ownership, freight delivered sustainably and an urban environment that is highly conducive to walking and cycling.

In conducting the review, the commission heard from various senior council officers, interviewed the cabinet member for environment, transport and the climate emergency and cabinet member for growth, development and planning. The commission also heard from a number of groups, organisations and individuals and took into account a number of documents and information, including a short film, 'Southwark Voices'.

Following the evidence gathering sessions, the commission formulated its report and made 20 recommendations to cabinet. A copy of the full commission report is available to view [here](#) (see item 11)

Review of the Climate Emergency Road Map

The cabinet member for environment, transport and climate emergency presented the Climate Emergency Strategy draft road map to Environment Scrutiny Commission at their October 2019 meeting. The commission discussed the plan and heard from Councillor Adam Harrison, cabinet member for a sustainable Camden and Extinction Rebellion (Southwark).

The commission submitted a report to cabinet on the climate emergency road Map for consideration alongside the 'Delivering a Climate Strategy for Southwark' – considered by cabinet in October 2019. The commission made eight recommendations to cabinet. A copy of the full commission report is available to view [here](#) (see item 8 – appendix 3)

Second report on the Climate Emergency Strategy

Following on from the review of the climate emergency road map, the environment scrutiny commission took an overview role in examining the emerging Climate Emergency strategy. This second scrutiny commission review reflected on the cabinet response to the commission's report on the road map and took a deeper dive into a number of issues including, local transport emissions, planning, regeneration and carbon offsetting, and community energy.

The commission made 16 recommendations to cabinet. A copy of the full commission report is available to view [here](#).

The commission met seven times – its first meeting held in July 2019 (up to July 2020)

[Link to agenda and minutes](#) (Environment Scrutiny Commission)

Health and Social Care Scrutiny Commission

Membership: Councillors Victoria Olisa, Chair, David Noakes, Vice-Chair, Helen Dennis, Paul Fleming, Maria Linforth-Hall, Darren Merrill and Charlie Smith

(Reserves: Councillors Jack Buck, Dora Dixon-Fyle MBE, Jon Hartley, Jane Salmon, Bill Williams, Leanne Werner)

26. The health and social care scrutiny commission's main areas of focus for 2019/20 were *Care Homes Quality Assurance / Mental Health of Children and Young People*.

Care Home Quality Assurance

27. The health and social care scrutiny commission investigated the quality of care of Southwark providers and out of borough placements used by Southwark adults, to ensure people in both local and out of borough placements are safe, well and in suitable accommodation. The review had a particular focus on examining the assurance and inspection processes in place to see if they are performing well.
28. In carrying out the scrutiny review the commission received evidence from

various officers in the council and CCG, Healthwatch Southwark, former Lay Inspectors, Age UK Lewisham and Southwark, Unions, Carers. The commission also considered CQC reports.

29. Following the evidence gathering sessions, the commission formulated its report and made 13 recommendations to cabinet. A copy of the full commission report is available to view [here](#).

Mental Health of Children and Young People

30. The scrutiny review into the mental health of children and young people focuses on how the council plans to meet the ambitious 100% of young people requiring support, how the new Open Access hub can help meet this need, how people will access the service and other community solutions targeted at certain communities, e.g. BAME and young men in crisis. This scrutiny review is still ongoing.
31. In addition to the main areas of focus the commission has also looked at the revision of the Community Pharmacies contract to ensure that there was sufficient geographical spread of needle exchange and drug (methadone) consumption service across the borough. The commission has received updates and briefings from Council and CCG officers on a number of Covid-19 related issues in respect of impact on residents and staff in Care Homes and the Home Care Service, impact on the general population of Southwark and the NHS, and the equalities impact of Covid-19.
32. The commission has also received information from the South East London CCG on the merger of the six CCGs in south east London (Bexley, Bromley, Greenwich, Lambeth, Lewisham and Southwark) and the impact of the merger on NHS services, and the various communities across the south east London area.
33. The commission will have met seven times - its first meeting held in October 2019 (up to September 2020).

[Link to agenda and minutes](#) (Health and Social Care Scrutiny Commission)

Housing Scrutiny Commission

Membership: Councillors Gavin Edwards, Chair, Hamish McCallum, Vice-Chair, Jack Buck, Dora Dixon-Fyle MBE, Jon Hartley, Nick Johns, Bill Williams, Cris Claridge (co-opted member), Ina Negoita (co-opted member)

(Reserves: Councillors Anood Al-Samerai, Helen Dennis, Paul Fleming, Darren Merrill, Victoria Olisa, Charlie Smith)

34. The housing scrutiny commission's main areas of focus for 2019/20 were *the Housing Repairs Service / District Heating and Heat Networks*.

The Housing Repairs Service

35. The housing scrutiny commission investigated service delivery and methods of monitoring in the repairs service to establish how well it was performing since it came back in house and to make recommendations to improve it. The review was undertaken with prioritisation given from the perspective of tenants and leaseholders who rely on the service.
36. In carrying out the scrutiny review, the commission held formal and informal interviews with officers, interviewed the cabinet member for housing management, spent a day with the housing repairs team, attended Tenants Council and visited Islington Council (who took Repairs back in-house in 2014). The commission also considered information/reports on the status of the repairs service, key performance indicators for the repairs service, missed appointments statistics, complaints and member enquiry statistics, reviewed examples from councillors' casework and carried out a repairs service user survey.
37. Following the evidence gathering sessions, the commission formulated its report and made nine recommendations to cabinet. A copy of the full commission report is available to view [here](#).

District Heating and Heat Networks

38. The housing scrutiny commission investigated the council's approach to district heating systems for three primary reasons: 1) Because the council was already engaged in wide-ranging projects to upgrade existing systems and to expand district heating in the borough; 2) Because the number and regularity of outages of existing district heating systems cause significant inconvenience and discomfort to residents; 3) Southwark will need to respond to changes in government regulations regarding individual metering and the regulation of heat networks.
39. In carrying out the scrutiny review, the housing scrutiny commission held formal interviews with the cabinet member for housing management and officers leading on the response to district heating failures and the strategic investment and extension of SELCHP and the wider heat network. The commission also considered case studies on the Aylesbury and Brandon Estates (including hearing directly from residents and local ward councillors), notes from Tenant engagement meetings, formal evidence submitted by Southwark Group of Tenants Organisations (SGTO) and a further dossier from SGTO "Keeping the pressure on".
40. Following the evidence gathering sessions, the commission formulated its report (which is still in draft form) and is due to make 12 recommendations to cabinet. A copy of the full commission report (in draft form) is available to view [here](#).
41. In addition to the main areas of focus, the commission also looked at the council's relationship with housing associations. As part of this exercise, the commission heard from residents who were experiencing problems with their housing association provider. The commission also heard from a local ward councilor and the housing association provider. The commission agreed to make a number of recommendations to cabinet. A copy of the scrutiny commission report is available to view [here](#) (see item 8).

42. The commission met seven times - its first meeting held in July 2019 (up to September 2020).

[Link to agenda and minutes](#) (Housing Scrutiny Commission)

Joint Health Overview and Scrutiny Committees (JHOSC)

43. There is provision in the constitution for the council to form a joint health overview and scrutiny committee (JHOSC) with other local authorities to consider a consultation on a proposal for substantial development of or variation to the health service affecting each council's area. Detailed below are the current JHOSCs that relate to Southwark.

Our Healthier South East London Joint Health Overview and Scrutiny Committee (JHOSC)

Membership: (Southwark) Councillors David Noakes, Victoria Olisa
Councillors Richard Diment, Mark James, Liz Johnston-Franklin, Chris Lloyd,
Nanda Manley-Browne, Marianna Masters, Robert Mcilveen, John Muldoon

44. Southwark is part of the 'Our Healthier South East London Joint Health Overview and Scrutiny Committee', which consists of councillor representatives from Bexley, Bromley, Lambeth, Lewisham, Greenwich and Southwark. The JHOSC was established in 2016 to look at proposals for a five-year commissioning strategy developed by the 6 CCGs which aims to improve health, reduce health inequalities and ensure all health services in south east London meet safety and quality standards consistently and are sustainable in the longer term.

The JHOSC is currently administered by Bromley Council.

This Committee met three times during 2019/20 – its first meeting held in July 2019 (up to September 2020)

[Link to agenda and minutes](#) (Our Healthier South East London JHOSC)

Joint Health Overview and Scrutiny Committee (JHOSC) Lambeth and Southwark

Membership: (Southwark) Councillors Victoria Olisa (Vice-Chair),
Maria Linforth-Hall, Charlie Smith (Lambeth) Councillors Marianna Masters
(Chair), Joshua Lindsey, Nanda Manley-Browne

45. The overview and scrutiny committee established a joint health overview and scrutiny committee with Lambeth Council to scrutinise a proposal from Lambeth Clinical Commissioning Group and their provider South London and Maudsley Hospital NHS Foundation Trust (SLaM) to reconfigure mental health inpatient services for Lambeth, by transferring in-patient services currently located in Lambeth Hospital to a new facility on the Maudsley Hospital site, in Southwark.
46. The meetings are administered by Lambeth Council.

This committee has met three times – its first meeting held in February 2020 (up to June 2020)

[Link to agenda and minutes](#) (Joint Health Overview and Scrutiny Committee)

Scrutiny activity for 2021 – Proposed areas of focus

47. The overview and scrutiny committee has given an indication of the areas the committee and its commissions should focus on in 2021 (as detailed below).
- Post Covid-19 – Ongoing impact (review across OSC & the Health Commission)
 - Continuing the work on climate/pollution and transport (Environment Scrutiny Commission)
 - Health inequalities (Health and Social Care scrutiny commission)
 - Opportunities for young people (Education and Business Scrutiny Commission)
 - Harnessing community liaison/mutual-aid groups (Housing Scrutiny Commission)
 - Regeneration/planning strategy (OSC)

Resource implications

Support to the scrutiny function

48. The scrutiny function is supported by the scrutiny team, which sits within the Finance and Governance Department under the direct responsibility of the Director of Law and Democracy. The team consists of the head of overview and scrutiny (acting), a scrutiny project manager and a scrutiny project support officer.
49. Recruitment to an additional scrutiny officer post is currently underway and it is anticipated that the position will be filled by the end of 2020.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Overview and Scrutiny Committee Agenda and Minutes	Southwark Council Website	Everton Roberts 020 7525 7221
http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=308		
Education and Business Scrutiny Commission Agenda and Minutes	Southwark Council Website	Everton Roberts 020 7525 7221
http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=518		
Environment scrutiny Commission Agenda and Minutes	Southwark Council Website	Julie Timbrell 020 7525 0514
http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=517		
Health and Social Care Scrutiny Commission Agenda and Minutes	Southwark Council Website	Julie Timbrell 020 7525 0514
http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=519		
Housing Scrutiny Commission Agenda and Minutes	Southwark Council Website	Everton Roberts 020 7525 7221
http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=520		

APPENDICES

No.	Title
Appendix 1	Scrutiny Functions and Terms of Reference (Extract from council constitution)

AUDIT TRAIL

Lead Member	Cllr Ian Wingfield, Chair of Overview and Scrutiny Committee	
Lead Officer	Doreen Forrester-Brown, Director of Law and Democracy	
Report Author	Everton Roberts, Head of Overview and Scrutiny (Acting)	
Version	Final	
Dated	7 September 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		7 September 2020

APPENDIX 1**SCRUTINY FUNCTIONS AND TERMS OF REFERENCE****(Relevant extracts from the council constitution)****Part 2 - Articles****Article 5 – Overview and scrutiny committee and commissions**

- 5.1 The council will appoint an overview and scrutiny committee to discharge the functions conferred by section 9A of the Local Government Act 2000. The overview and scrutiny committee will appoint commissions and determine their terms of reference.

The overview and scrutiny committee will also discharge those functions of the council relating to the scrutiny of the health service contained in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, except where a function is reserved to the council.

Where an NHS body or health service provider consults the council and another authority or authorities about a proposal for a substantial development of or variation to the health service affecting each council's area, the overview and scrutiny committee will appoint a joint overview and scrutiny committee with the other authority or authorities for the purposes of that consultation.

- 5.2 Within their terms of reference, the overview and scrutiny committee and its commissions will:
- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions
 - b) make reports and/or recommendations to council assembly and/or the cabinet in connection with the discharge of any functions
 - c) consider any matter affecting the area or its inhabitants.
- 5.3 For the purpose of this constitution, scrutiny commissions are considered as sub-committees

5.4 Specific functions**1. Policy development and review**

Overview and scrutiny committee and its commissions may:

- a) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- b) conduct research, community and other consultation in the analysis of policy issues and possible options
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options

- d) question members of the cabinet and chief officers about their views on issues and proposals affecting the area
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

2. **Health and wellbeing**

Overview and scrutiny committee and its commissions must acknowledge, and respond to, a referral of a matter for review and scrutiny received from a local Healthwatch organisation.

Overview and scrutiny committee and its commissions may:

- a) review and scrutinise the work of the Health and Wellbeing Board
- b) review and scrutinise any matter relating to the planning, provision and operation of the health service in its area (but in doing so it must invite comments from interested parties and consider information provided by a Local Healthwatch organisation or contractor)
- c) make reports and recommendations to a NHS body or health service provider and the council on any matter it has scrutinised
- d) consider consultations from a NHS body or health service provider and to make comments
- e) question members or employees of a NHS body or health service provider.

3. **Scrutiny**

Overview and scrutiny committee and its commissions may:

- a) review and scrutinise the decisions made by and performance of the cabinet and council officers both in relation to individual decisions and over time
- b) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas
- c) consider referrals from members on any of the functions of the committee
- d) question members of the cabinet and chief officers and relevant partner authorities about their decisions and performance, whether generally in comparison with local area agreements, service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- e) make recommendations to the cabinet and/or council assembly arising from the outcome of the scrutiny process or refer entire reports

produced as the result of the scrutiny process to be debated and noted at council assembly

- f) give notice of its recommendations to the cabinet and/or council assembly and publish recommendations
- g) give notice of its recommendations to the relevant partner authority
- h) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee/sub-committee and local people about their activities and performance
- i) question and gather evidence from any person (with their consent).

4. **Crime and disorder**

Overview and scrutiny committee and its commissions may:

- a) act as the crime and disorder committee within the meaning of section 19 of the Police and Justice Act 2006
- b) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions
- c) make reports or recommendations to the local authority with respect to the discharge of those functions
- d) make recommendations to the cabinet and/or council assembly with respect to any matter which is a local crime and disorder matter in relation to a member of the authority
- e) consider any crime and disorder matters referred by any member of the council.

5. **Annual report**

The overview and scrutiny committee will report annually to council assembly on the workings of the overall scrutiny function, and may make recommendations for future work programmes and amended working methods if appropriate.

Overview and Scrutiny Committee Procedure Rules

5. General terms of reference of all scrutiny committees/commissions

5.1 Within their terms of reference, all scrutiny committees/commissions will:

- a) review and scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions

- b) review and scrutinise the decisions made by and performance of the cabinet and council officers both in relation to individual decisions and over time in areas covered by its terms of reference
- c) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas
- d) question members of the cabinet and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects and about their views on issues and proposals affecting the area
- e) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- f) make reports and recommendations to the cabinet and or council assembly arising from the outcome of the scrutiny process
- g) consider any matter affecting the area or its inhabitants
- h) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
- i) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance
- j) conduct research and consultation on the analysis of policy issues and possible options
- k) question and gather evidence from any other person (with their consent)
- l) consider and implement mechanisms to encourage and enhance community participation in the scrutiny process and in the development of policy options
- m) conclude inquiries promptly and normally within six months.

5.2 The overview and scrutiny committee, or one of its commissions shall be responsible for scrutinising the crime and disorder function.

6. Terms of reference of the overview and scrutiny committee

6.1 The terms of reference of the overview and scrutiny committee will be:

- a) to appoint commissions , agreeing the size, composition and terms of reference and to appoint chairs and vice chairs
- b) to agree the annual work programme for OSC and the commissions
- c) to consider requests from the cabinet and/or council assembly for scrutiny reviews

- d) to exercise the right to call-in for reconsideration of executive decisions made but not yet implemented
- e) to arrange for relevant functions in respect of health scrutiny to be exercised by an overview and scrutiny committee of another local authority where the council considers that another local authority would be better placed to undertake those relevant functions, and that local authority agrees to exercise those functions
- f) if appropriate, to appoint a joint overview and scrutiny committee with two or more local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee
- g) to periodically review overview and scrutiny procedures to ensure that the function is operating effectively
- h) to report annually to all councillors on the previous year's scrutiny activity
- i) to scrutinise matters in respect of:
 - the council's policy and budget framework
 - regeneration
 - human resources and the council's role as an employer and corporate practice generally
 - customer access issues, including digital strategy, information technology and communications
 - the council's equalities and diversity programmes.

Terms of reference of a joint overview and scrutiny committee appointed to consider proposals relating to the health service

- 7.1 Where the council is required to form a joint overview and scrutiny committee with another authority or authorities to consider a consultation on a proposal for substantial development of or variation to the health service affecting each council's area, it will be for each appointing authority to adopt terms of reference and procedure rules as they consider appropriate.
- 7.2 The joint overview and scrutiny committee may:
- only consider the relevant matter
 - make comments on the proposal
 - require relevant information or require an employee or member of a NHS body or health service provider to attend and answer questions.
- 7.3 When establishing a joint overview and scrutiny committee, the appointing local authorities will determine whether the power of referral to the Secretary of State in relation to a relevant proposal should be made by the Joint Committee or by the local authorities themselves. If the power is retained by the local authorities it may then be delegated to the overview and scrutiny committee or one of its commissions.
- 7.4 The joint overview and scrutiny committee will meet for such a period as is necessary to consider the consultation and make reports and recommendations.

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**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>	19	<p>Press</p> <p>Southwark News 1 South London Press 1</p> <p>Group Offices</p> <p>Aine Gallagher, Labour Group Office 1 Paul Wendt/Tamsin Hewett, 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 Jin Lim by email</p> <p>Constitutional Team 12</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: 40</p> <p>Last updated: August 2020</p>	