



**ANNUAL MEETING OF THE COUNCIL
(CONSTITUTIONAL MEETING)**

MINUTES of the OPEN section of the ANNUAL MEETING OF THE COUNCIL (CONSTITUTIONAL MEETING) held on WEDNESDAY 26th MAY 2004 at 7.00 P.M. at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT:

The Worshipful the Mayor Councillor Anne Yates

Councillor Alfred Banya
Councillor Mick Barnard
Councillor Beverley Bassom
Councillor Paul Bates
Councillor Columba Blango
Councillor Catherine Bowman
Councillor David Bradbury
Councillor Denise Capstick
Councillor Fiona Colley
Councillor Dora Dixon-Fyle
Councillor Toby Eckersley
Councillor Stephen Flannery
Councillor John Friary
Councillor Norma Gibbes
Councillor Aubyn Graham
Councillor James Gurling
Councillor Barrie Hargrove
Councillor Alun Hayes
Councillor Jeffrey Hook
Councillor David Hubber
Councillor Kim Humphreys
Councillor Jonathan Hunt
Councillor Peter John
Councillor Billy Kayada
Councillor Paul Kyriacou
Councillor Jelil Ladipo
Councillor Lorraine Lauder
Councillor Linda Manchester

Councillor Eliza Mann
Councillor Daniel McCarthy
Councillor Dermot McInerney
Councillor Kenny Mizzi
Councillor Abdul Mohamed
Councillor Alison Moise
Councillor Catriona Moore
Councillor Vicky Naish
Councillor Graham Neale
Councillor Gavin O'Brien
Councillor Michelle Pearce
Councillor Caroline Pidgeon
Councillor Richard Porter
Councillor Mark Pursey
Councillor Lisa Rajan
Councillor Lewis Robinson
Councillor William Rowe
Councillor Jane Salmon
Councillor Andrew Simmons
Councillor Tayo Situ
Councillor Robert Skelly
Councillor Robert Smeath
Councillor Charlie Smith
Councillor Nicholas Stanton
Councillor Richard Thomas
Councillor Dominic Thorncroft
Councillor Veronica Ward
Councillor Lorraine Zuleta

1. PRELIMINARY BUSINESS

1.1 ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE EXECUTIVE OR CHIEF EXECUTIVE

The Mayor informed Members her theme for the mayoral year would relate to Leukaemia (Chronic Lymphocytic Leukaemia) and she would be supporting charities specialising in that area particularly 'Tolerance'.

The Mayor appointed Father Andrew Doyle from Holy Trinity Church and Father Nick from St Mary's Church, Rotherhithe, as her Spiritual Advisers for the mayoral year.

The Mayor announced there would be a service, in conjunction with the British Legion, at West Lane War Memorial on Sunday 6th June to mark the 60th anniversary of the D-Day Landings.

The Mayor acknowledged the valiant losing effort of Millwall in the FA Cup Final.

The Mayor clarified she would be addressed as 'Madam Mayor' during her mayoral year.

1.2 NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

The Mayor agreed to accept the following as late and urgent:-

- Member Officer Protocol (revised version).
- Modernising Contract Standing Orders.
- The Corporate Plan 2004/07.

1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

1.4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Neil Watson, Ian Wingfield, Mark Glover, Tony Ritchie and Sarah Welfare. Apologies for lateness were received from Councillors Alun Hayes and Kim Humphreys.

2. MINUTES

RESOLVED:

1. That the Open Minutes of the 28th April 2004 Council Assembly meeting be agreed.
2. That the Open Minutes of the Extraordinary 8th May 2004 Council Assembly be agreed.
3. That the Open Minutes of the Annual Meeting of Council Assembly (Mayor Making) held on 19th May 2004 be agreed.

OFFICER REPORTS FOR RECOMMENDATION

3. **CONSTITUTIONAL ISSUES FOR 2004/05** (see pages 1 – 51)

The Mayor stated that in accordance with Council Assembly Procedure Rule 1.15(2), this being an officer report the recommendations set out in the report were deemed to have been moved and were subject to amendment only. She announced she intended to consider each recommendation where a decision was needed separately.

The Mayor moved Recommendation 1 (Constitutional Issues for the 2004/05 Municipal Year) and Recommendation 2 (Political Group Leaders, Deputies and Whips). The motion was put to the vote and declared to carried

The Mayor stated that she had received one nomination for Recommendation 3 (Election of Leader). No further nominations were forthcoming, therefore the nomination was put to the vote following which it was agreed Councillor Nick Stanton be appointed Leader of the Council.

Councillor Nick Stanton as the newly appointed Leader of the Council moved his nominations for the appointment of the Deputy Leader and the Executive Members and their portfolios. The nominations were put to the vote and declared to be carried.

The Mayor moved Recommendation 5 – Determination of Size and Composition of the Council's Regulatory and other Committees, Recommendation 6 – The Appointment of the Sub-Committees of the Appointments Committee, and Recommendation 7 – Size and Composition of Overview & Scrutiny Committee; Recommendation 8 – that Overview & Scrutiny Committee shall appoint its themed scrutiny sub-committees, Recommendation 9 – Size and Composition of Community Councils and Recommendation 10 – Number of Reserve Members serving on Committees. The motion was put to the vote and declared to be carried.

The Mayor moved recommendation 11 – Appointment of the Chair and Vice-Chair of the Overview and Scrutiny Committee and stated one nomination had been received for each post, that of Councillor Kim Humphreys as Chair and Councillor Catriona Moore as Vice-Chair. No further nominations were forthcoming, therefore the nominations were put to the vote and declared to be carried.

The Mayor moved recommendation 12 – Appointment of Chairs and Vice-Chairs for the remaining Committees of the Council. The Mayor announced that she had received some contested nominations. The Mayor stated contested and vacant positions would be dealt with separately as follows:-

Chair of Peckham Community Council

Councillor Paul Bates, seconded by Councillor Peter John, nominated Councillor Tayo Situ as Chair of Peckham Community Council.

Councillor David Hubber, seconded by Councillor Stephen Flannery, nominated Councillor Graham Neale as Chair of Peckham Community Council.

The nominations were put to the vote and a vote having been taken, it was declared that Councillor Graham Neale be appointed Chair of Peckham Community Council.

Vice-Chair of Licensing Committee

Councillor Paul Bates, seconded by Councillor Peter John, nominated Councillor Lorraine Lauder as Vice-Chair of Licensing Committee.

There were no further nominations, therefore the nomination was put to the vote and a vote having been taken, it was declared that Councillor Lorraine Lauder be appointed Vice-Chair of the Licensing Committee.

Chair of Dulwich Community Council

Councillor Charlie Smith, seconded by Councillor Dora Dixon-Fyle, nominated Councillor Michelle Pearce as Chair of Dulwich Community Council.

Councillor Lewis Robinson, seconded by Councillor William Rowe, nominated Councillor Kim Humphreys as Chair of Dulwich Community Council.

The nominations were put to the vote and a vote having been taken, it was declared that Councillor Kim Humphreys be appointed Chair of Dulwich Community Council.

Vice-chair of Dulwich Community Council

Councillor Charlie Smith, seconded by Councillor Dora Dixon-Fyle, nominated Councillor Michelle Pearce as Vice-Chair of Dulwich Community Council.

Councillor Lewis Robinson, seconded by Councillor William Rowe, nominated Councillor David Bradbury as Vice-Chair of Dulwich Community Council.

The nominations were put to the vote and a vote having been taken, it was declared that Councillor David Bradbury be appointed Vice-Chair of Dulwich Community Council.

In accordance with Council Assembly Procedure Rule 1.17 (5) the following Members requested that their votes in favour of the candidatures of Councillor Tayo Situ as Chair of Peckham Community Council and Councillor Michelle Pearce as Chair and Vice-Chair of Dulwich Community Council be recorded:- Councillors Alfred Banya, Mick Barnard, Paul Bates, Fiona Colley, Dora Dixon-Fyle, John Friary, Norma Gibbes, Aubyn Graham, Barrie Hargrove, Alun Hayes, Peter John, Billy Kayada, Lorraine Lauder, Dermot McInerney, Abdul Mohamed, Alison Moise, Vicky Naish, Michelle Pearce, Andy Simmons, Tayo Situ, Robert Smeath, Charlie Smith, Dominic Thorncroft and Veronica Ward.

In respect of the non contested positions, the nominations were put to the vote and declared to be carried.

The Mayor moved Recommendation 13 – Appointment of Members to serve on the Standards Committee, Recommendation 14 – The three Independent Members of the Standards Committee, Recommendation 15 – Appointment of a fourth Independent Member, Recommendation 16 - the Election of Chair and Vice-Chair to take place at the first meeting of the new Standards Committee, Recommendation 17 – The Urgency Committee and Recommendation 18 – Adoption of a 6 week meeting cycle. The motion was put to the vote and declared to be carried.

The Mayor moved Recommendation 19 – Council Calendar and stated two amendments had been received on this issue.

Councillor Peter John, seconded by Councillor Paul Bates, moved Amendment A. Following debate (Councillors David Hubber and Toby Eckersley) the amendment was put to the vote and declared to be carried.

Councillor David Hubber, seconded by Councillor Stephen Flannery, moved Amendment B. The amendment was put to the vote and declared to be carried.

The Mayor moved Recommendation 20 – Appointments to the Local Government Association General Assembly. The nominations and allocations of votes were put to the vote and declared to be carried.

The substantive motion was put to the vote and declared to be carried.

- RESOLVED:**
1. That the appointment of Political Group Leaders, Deputies and Whips, as set out in Appendix A be noted.
 2. That Councillor Nick Stanton be elected Leader of the Council.
 3. That the following be appointed as Members of the Executive to the portfolios circulated at the meeting and set out in Appendix B:-
 - Deputy Leader – Councillor Catherine Bowman
 - Executive Member for Environment & Transport – Councillor Richard Thomas
 - Executive Member for Housing & Community Safety - Councillor Gavin O'Brien
 - Executive Member for Education – Councillor Bob Skelly
 - Executive Member for Health & Adult Care – Councillor Denise Capstick
 - Executive Member for Culture & Sport – Councillor Columba Blango
 - Executive Member for Resources – Councillor Lorraine Zuleta
 - Executive Member for Communication & Performance Improvement – Councillor James Gurling
 - Executive Member for Regeneration & Economic Development – Councillor Richard Porter
 4. That the size and composition of the Council's regulatory and other committees be appointed as follows:

Committee	Total	Liberal Democrat	Labour	Conservative
Appointments Committee	8	4	4	0
Planning Committee	8	4	3	1
Licensing Committee	8	3	4	1
Total	24	11	11	2

5. That the sub-committees of the Appointments Committee be appointed as follows:

- Disciplinary Appeals Sub-Committee
- Disciplinary Appeals Panel (Safeguarding Children and Vulnerable Adults)

6. That the size and composition of Overview & Scrutiny Committee as set out below be appointed:

1. The Overview & Scrutiny Procedure Rules provide that the Overview and Scrutiny Committee will consist of the Chair, Vice-Chair and the Chairs of the six Scrutiny Sub-Committees provided that the proportionality rules are not compromised and provided that each political group is permitted to nominate one non-Executive Member should this be necessary to maintain proportionality; and Education representatives.
 2. The Overview & Scrutiny Committee and also any sub-committee which scrutinises the Council's education functions will contain in its membership four voting co-opted members comprising of one Church of England, one Roman Catholic Church and two parent governor representatives.
 3. No Member of the Executive shall serve on a Scrutiny Committee.
 4. The Overview & Scrutiny Committee comprises 8 members. This is the most proportionate size. The political composition of the committee is Liberal Democrats 4, Labour 3 and Conservative 1.
 5. In the event that the number of Scrutiny Sub-Committees is reduced, then political groups would be permitted to nominate non-executive members to maintain proportionality.
7. That in accordance with Overview & Scrutiny Procedure Rules, the themed scrutiny sub-committees be appointed by Overview and Scrutiny Committee.

NOTE: The Sub-Committees of the Overview & Scrutiny Committee were constituted at a special meeting of the Overview and Scrutiny Committee held after Council.

8. That the size and composition of Community Councils as set out in Appendix B of the report be noted.

9. That the number of reserve members serving on Standards Committee and those Committees listed in recommendations 5, 6 and 7 above be agreed as follows:

- Reserve Members for the Councillor Members of a Committee – each political group is entitled to have a number of reserves, being one fewer reserve than they have seats on the Committee, subject to a minimum of one.

10. That Councillor Kim Humphreys and Councillor Catriona Moore be appointed Chair and Vice-Chair respectively of the Overview & Scrutiny Committee.

11. That the Chair and Vice-Chairs of the following be appointed (see attached Appendix 1):-

Planning Committee
Licensing Committee
Appointments Committee
& Community Councils

- Borough and Bankside
- Bermondsey
- Rotherhithe
- Walworth
- Peckham
- Camberwell
- Nunhead and Peckham
- Dulwich

12. That the following Members be appointed to serve on the Standards Committee:-

Councillors David Hubber, Daniel McCarthy, Jeff Hook, Paul Bates, Robert Smeath and Lewis Robinson.

13. That the three existing Independent Members of the Standards Committee, Ian Powe, Jean Sackur and Sir William Morris and their terms of office be noted.

14. That Wendy Golding be appointed as the fourth independent Member of the Standards Committee.

15. That in accordance with Article 9(f) of the Constitution, the election of Chair and Vice-Chair takes place at the first meeting of the Standards Committee in the 2004/05 Municipal Year.

16. That Council Assembly agrees to next reconstitute the Urgency Committee, responsible for decision-making in the period between municipal elections and Constitutional Council (containing the Leaders of the two largest parties), in the 2005/06 Municipal Year.

17. That a meeting cycle of six weeks be approved.

18. That the Council Calendar of Meetings as set out in Appendix C of the report be agreed with the following amendments:-

1. A further meeting of Council Assembly take place on September 15th 2004.

2. The Council Assembly meeting in February 2005 be rescheduled in consultation with Chief Officers so that it does not coincide with school holidays.

19. That the following Members be appointed to the Local Government Authority General Assembly:-Councillors Nick Stanton (2 votes) Peter John (1 vote) Fiona Colley (1vote) and Toby Eckersley (1 vote).

20. That it be noted that the Executive and Standards Committee will make appointments to all other outside committees and bodies for the Municipal Year 2004/05, as required by Part 3J of the Constitution.

4. **CONSTITUTIONAL REVIEW - GENERAL ISSUES** (see pages 52 – 93)

The Mayor stated that in accordance with Council Assembly Procedure Rule 1.15(2), this being an officer report the recommendations set out in the report were deemed to have been moved and were subject to amendment only. She explained that several amendments had been received on various proposals within each recommendation, therefore, these would be considered separately.

Councillor Lewis Robinson, seconded by Councillor David Bradbury, moved Amendment E. Following debate (Councillors Peter John, David Hubber Toby Eckersley and Paul Bates), Council Assembly agreed to vote separately on the two paragraphs of this amendment. Councillor Eckersley requested that his concerns regarding a public body voting on proposals without debate be reported to Standards Committee and the Borough Solicitor and Secretary indicated this would be done.

The amendment was put to the vote and Paragraph 5 was declared to be carried while Paragraph 6 was declared to be lost.

In accordance with Council Assembly Procedure Rule 1.17 (5) the following Members requested that their votes in favour of Paragraph 6 of Amendment E be recorded:- Councillors David Bradbury, Toby Eckersley, Kim Humphreys, Kenny Mizzi, Lewis Robinson, and William Rowe.

Councillor David Bradbury, seconded by Councillor Toby Eckersley, moved Amendment G.

Following debate (Councillors Paul Bates and Peter John), Amendment G was put to the vote and declared to be carried.

Councillor Toby Eckersley, seconded by Councillor Lewis Robinson, moved Amendment C.

Following debate (Councillor Peter John), Amendment C was put to the vote and declared to be lost.

In accordance with Council Procedure Rule 1.17 (5) the following Members requested that their votes in favour of Amendment C be recorded:- Councillors David Bradbury, Toby Eckersley, Kenny Mizzi, Lewis Robinson, and William Rowe.

Councillor William Rowe, seconded by Councillor Kim Humphreys, moved Amendment D.

Amendment D was put to the vote and declared to be carried.

Councillor Kim Humphreys, seconded by Councillor William Rowe, moved Amendment F.

Following debate (Councillors Peter John and Nicholas Stanton), Amendment F was put to the vote and declared to be carried.

Members were advised by the Borough Solicitor and Secretary that in accordance with the Constitution, Amendment F would be considered by the Standards Committee. She indicated this would occur in June and be reported back to Council Assembly in July 2004.

The substantive motion was put to the vote and declared to be carried.

- RESOLVED:**
1. That the Standards Committee recommendations in respect of the following be agreed subject to the amendments indicated:
 - Policy and budget framework (*see table 2 and pages 54 – 56*)
 - Executive's Terms of Reference - Plans and strategies to be approved by the Executive (*see table 3 page 56*)
 - Local choice functions (*see pages 56-57*)
 - Scrutiny (*see pages 57 - 58*)
 - Council Assembly Procedure Rules (*see pages 58 - 73, and tables 4 & 5*) with the following amendments.

“Motions not dealt with” Council Assembly Procedure Rule reference number 1.13 (5) & (6) on pages 60 and 61 be deleted and replaced with the following:-

“Each group will be entitled to have at least one motion debated at each Council Assembly meeting.

At the fall of the guillotine the Chief Whips shall ascertain which outstanding motions remain opposed. Any unopposed motions shall be approved without debate. A maximum of an hour will then be allowed for opposed motions not yet considered to be debated, in order of Chief Whips prioritisation to Council Assembly. The debates will be subject to a maximum of 10 minutes; with the mover of the motion being allowed a maximum of three minutes and other speakers being allowed a maximum of two minutes. The Mayor shall ensure that one speaker opposed to the motion is called.”

“Amendments to motions” Council Assembly Procedure Rule reference 1.15(11) “or the majority of the original motion” be removed and the following inserted;

“of the original motion or all words after the initial “that” in the original motion.”

- Community Councils (see page 73 and Appendix 2)
 - Pensions Investment Advisory Panel (see page 73 and Appendix 4)
 - Precluding discussion on individual Standards Boards cases (see pages 73 – 74 and Appendices 6 and 7)
2. That the technical changes to the Council Procedure Rules outlined in Appendix 3 of the report be agreed with the clarification that option A is agreed in respect of the Council Tax Base in Section 6, Appendix 3 on Page 83:

3. That Part 3A of the Constitution, 'Matters Reserved To Council Assembly' be amended to reserve the following additional matters to Council Assembly:-

All the significant issues relating to the Council's policy towards the Southwark Alliance including but not confined to;

- a) *appointment of the Council representatives on the Alliance Board or any of the subsidiary decision making bodies.*
- b) *financial administrative and other support provided to the Alliance.*

NOTE: This resolution is referred to the Standards Committee for consideration.

4. That arising from recommendations 1 to 3, Officers be authorised to make any consequential amendments and cross-referencing amendments to the Constitution.

5. MEMBER OFFICER PROTOCOL (see revised report on pages 145 - 157)

The Mayor stated that in accordance with Council Assembly Procedure Rule 1.15 (2), this being an officer report the recommendations set out in the report were deemed to have been moved and were subject to amendment only.

Councillor Peter John, seconded by Councillor Fiona Colley, moved Amendment H.

Following debate (Councillors Vicky Naish, Kim Humphreys, David Hubber, Robert Smeath, Lewis Robinson, Danny McCarthy, Kenny Mizzi, Toby Eckersley, Andy Simmons and Michelle Pearce), Amendment H was put to the vote and declared to be carried.

In accordance with Council Procedure Rule 1.17 (5) the following Members requested that their votes in opposition to Amendment H be recorded:- Councillors David Bradbury, Toby Eckersley, Kim Humphreys, Kenny Mizzi, Lewis Robinson, and William Rowe.

Following debate (Councillor Kim Humphreys and a reply by Councillor Peter John), the substantive motion was put to the vote and declared to be carried.

RESOLVED: That the revised version of the attached Member Officer Protocol and Communications Protocol as agreed by the Standards Committee be agreed subject to any necessary technical amendments to be made by the Borough Solicitor and Secretary.

6. CONTRACT STANDING ORDERS (see pages 158 to 179)

The Mayor stated that in accordance with Council Assembly Procedure Rule 1.15 (2), this being an officer report the recommendations set out in the report were deemed to have been moved and were subject to amendment only.

There being no amendments, the Mayor put the recommendations to the vote and declared them to be carried.

RESOLVED:

1. That new Contract Standing Orders are adopted with effect from 1st July 2004.
2. That a report be presented to the Executive after the first 12 months of operation of the new Contract Standing Orders evaluating their success.

7. INDIVIDUAL DECISION MAKING (see pages 104 to 144)

The Mayor stated that in accordance with Council Procedure Rule 1.15 (2), this being an officer report the recommendations set out in the report were deemed to have been moved and were subject to amendment only.

There being no amendments, the Mayor put the recommendations to the vote and declared them to be carried.

RESOLVED:

1. That changes to the Constitution to provide for individual decision-making, in line with the recommendations from the Members Working Group and Standards Committee, set out in paragraphs 22 – 26 be agreed.
2. That the delegation of executive functions as set out in option 2 of paragraph 22 of the report be agreed.
3. That the scheme of delegation set out in option 3 of paragraph 23 of the report be agreed.
4. That the recommendations as to the areas of individual decision-making set out in paragraphs 24 and 25 of the report be agreed.
5. That the appropriate financial ranges, for individual decision making, in any of the areas set out in the table at paragraph 25 be agreed and in particular:
 - Grants - individual decision makers shall consider the award of grants to voluntary organisations over £2,500, apart from those under the Community Support Programme, with no upper limit.
 - Debt write-off - individual decision makers shall consider write-offs between the following limits £5,000 - £50,000.

6. That the recommendations set out in paragraph 26 of the report be agreed relating to:
 - Arrangements where the portfolio holder is unavailable
 - Arrangements when the decision affects more than one portfolio
 - Cross-cutting issues
 - Controversial Decisions
 - Referral to Full Executive
 - Reporting of Decisions
 - Representations
 - Declarations of prejudicial Interest
 - No call-in of non-key decisions relating to contract standing orders
7. That the proposal to increase the time frame within which decisions on executive functions can be Called-In from 3 to 5 days be agreed (see row (h) of table at paragraph 26).
8. That officers be authorised to make the necessary consequential amendments to the constitution's procedure rules to incorporate the implementation of the above recommendations.

8. THE CORPORATE PLAN (see pages 180 to 244)

Councillor Nick Stanton formally moved the recommendations contained within the report.

Councillor Andy Simmons, seconded by Councillor Fiona Colley, moved Amendment J. Following debate (Councillors Bob Skelly and Nick Stanton), Amendment J was put to the vote and declared to be lost.

Councillor Kenny Mizzi, seconded by Councillor Toby Eckersley, moved Amendment K. Following debate (Councillors Toby Eckersley, Nick Stanton, Bob Skelly and James Gurling), Amendment K was put to the vote and declared to be carried.

The substantive motion was put to the vote and declared to be carried.

RESOLVED: That the Council's Corporate Plan 2004/07 be agreed subject to Page 214, sub-heading 'Focus for 2004/05', Paragraph 2 being amended to read:

It is proposed that there will be more comprehensive strategic education partnership in Southwark involving the major stakeholders including the Department for Education and Skills, the higher and further education sector and the community sector.

9. EXCLUSION OF THE PRESS AND PUBLIC

At 9.29pm it was moved, seconded and agreed:

RESOLVED: That under the Access to Information Procedure Rules of the Southwark Constitution, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 10.4, category 4, of the Constitution.

10. APPOINTMENT OF INDEPENDENT PERSON TO THE STANDARDS COMMITTEE

The Mayor formally moved the recommendations contained within the report.

Following debate (Councillors Toby Eckersley and Vicky Naish) the recommendation was put to the vote and declared to be carried.

RESOLVED: That Wendy Golding be appointed to serve as an Independent Voting Member for a three year period from May 2004 to May 2007.

The meeting closed at 9.38 p.m.

MAYOR:

DATED: