

**COUNCIL ASSEMBLY
(ORDINARY)**

WEDNESDAY SEPTEMBER 15 2004

PUBLIC QUESTION TIME

1. QUESTION TO THE LEADER FROM MS LUCIA HINTON

Could the leader give an account of how much the council has spent on Imperial Gardens including the following costs:

1. District Auditors report
2. Independent sound report by Castello (in relation to Fairview Homes)
3. Ombudsman inquiry
4. Independent planning advice for Overview & Scrutiny committee
5. All independent legal advice
6. Court action against Raymond Stevenson
7. The OSC process
8. Policing meetings attended by Raymond Stevenson and Lucia Hinton

RESPONSE

Item 1, the investigation and report by the District Auditor, has cost the council in the region of £150,000

Item 2, the independent sound report by Castello, cost £950.

Item 3, the inquiry by the Ombudsman, was conducted at no cost to the council (other than the recommended compensation of £1,000, that the council has agreed to pay).

Item 4, independent planning advice for OSC, has cost the council £11,640.85.

With regard to item 5, the cost of legal advice and representation in legal matters still pending benefits from legal privilege. The cost of legal advice to scrutiny is normally part of the overall costs of the legal service; the cost of replacing the in-house solicitor with suitably qualified and experienced external solicitors has yet to be finalised but is approximately £30,000.

Item 6, legal costs of obtaining protective injunction against Raymond Stevenson, were awarded against him. The sum awarded was £2,428.01 .

Item 7, the OSC process, has cost the council £10,236.55.

With regard to item 8, the Metropolitan Police do not charge the council for their services.

SUPPLEMENTAL QUESTION FROM MS LUCIA HINTON

Thank you for your answer. We are shocked to learn that a case which we brought to the council's attention in March 2001 in which the council conducted its own investigation and came up with 'nothing untowards has taken place', has spent today over £200,000.00 verifying the obvious that officers and councillors deliberately conspired against Imperial Gardens. With regards to the figure against court action against Raymond Stevenson this figure is incorrect, with a two-day trial set for October this would add to the expense. When the council loses this court case we assume the bill to Southwark will be around £40,000.00.

Can the leader explain from what budget the £206,255.00 already spent has come from, and from what budget future spend will be coming from. And lastly does the leader feel the money the council has spent defending its position has been money well spent and how much more council money is the leader willing to spend at the expense of justice.

RESPONSE

Clearly the cost of ongoing proceedings are speculative, the budget for this money comes from the general fund. The position is that in common I think with everybody else probably in Southwark who knows anything about this, I am as anxious as the next person that a compromise solution should be found if at all possible, that the lawyer should begin talking in an effort to find some common ground that the claim from Imperial Gardens should be quantified and if possible settled. It has to be said that this is a matter which is out of politicians hands as politicians, we are bound by the law, we are bound by our duties as councillors to do the best we can to defend any claim reasonably that is brought by any one against the council.

My understanding is that the process was laid out before OSC and agreed by OSC as part of the scrutiny into the District Auditors report. Possible ways forward were sketched out. Agreement over process for agreeing cost were set out as part of that OSC inquiry and I hope that out of that sooner rather than later it will be possible to see whether there is a quantifiable claim which the council can settle to lay this matter to rest.

2. QUESTION TO THE EXECUTIVE MEMBER FOR HOUSING AND COMMUNITY SAFETY FROM MS YVONNE POULTON

Why was a local councillor threatened with suspension for supporting residents of the Lew Evans House sheltered housing unit?

RESPONSE

As a result of the comments made by a member about a relatively junior officer in the local press, and a subsequent complaint received by the monitoring officer, that member has recently been reminded of the need to comply with certain provisions in the member officer protocol and code of conduct. That member was not threatened with suspension, nor would

anyone within the council have the power to do so without the Standards Board for England conducting a thorough investigation of the issue.

The member officer protocol, which regulates the behavior between members and officers, states that members should take up any concerns about officer action or inaction through internal dispute procedures as opposed to public criticism as officers cannot answer back such criticism in public. Attacking an officer's conduct in public in severe cases can constitute bullying. Similarly the member's code of conduct requires members to treat others with respect. The Standards Board for England, which is the national body that regulates member's conduct, has previously found that public criticism by members of officers, can equate to a breach of the code of conduct."

SUPPLEMENTAL QUESTION FROM MS JOAN OLGUN (ON BEHALF OF MS POULTON)

Hello my name is Joan Olgun, I am not Yvonne Poulton and I don't live at Lew Evans House but I am very involved with them and what happen there is unforgivable. Everything was running smoothly.

Can the member say what action if any he or the executive member took after receiving copies of correspondence and newspaper articles and indicate if the matter was raised with the councillor concerned?

When will local councillors take control and stop dancing to the tunes of officers.

RESPONSE

Thank you for your supplementary, regretfully I have not actually received any copies of correspondence addressed about this and am obviously not aware of your question. I believe in terms of how the matter is dealt with, it is a matter to be dealt with by the monitoring officer and the individual member concerned. Any formal complaints and stuff, members are aware that they have to abide by the officer/member protocol. If there were correspondence sent to the executive member of housing naturally I am happy to go away and retrieve that correspondence and look into the matter and come back to you at a later date but at this present moment I am not aware of any correspondence that was addressed to me.