



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

MINUTES of the OPEN section of the ANNUAL MEETING OF COUNCIL ASSEMBLY (CONSTITUTIONAL) held on WEDNESDAY MAY 25 2005 at 7.00 P.M. at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT:

The Worshipful the Mayor Councillor Vicky Naish

Councillor Alfred Banya	Councillor Kenny Mizzi
Councillor Mick Barnard	Councillor Abdul Mohamed
Councillor Beverley Bassom	Councillor Alison Moise
Councillor Paul Bates	Councillor Catriona Moore
Councillor Columba Blango	Councillor Graham Neale
Councillor Catherine Bowman	Councillor Gavin O'Brien
Councillor Denise Capstick	Councillor Dr. Abdul Rahman Olayiwola
Councillor Fiona Colley	Councillor Michelle Pearce
Councillor Dora Dixon-Fyle	Councillor Caroline Pidgeon
Councillor Toby Eckersley	Councillor Richard Porter
Councillor Stephen Flannery	Councillor Mark Pursey
Councillor John Friary	Councillor Lewis Robinson
Councillor Norma Gibbes	Councillor William Rowe
Councillor Mark Glover	Councillor Jane Salmon
Councillor Aubyn Graham	Councillor Andrew Simmons
Councillor James Gurling	Councillor Tayo Situ
Councillor Barrie Hargrove	Councillor Robert Skelly
Councillor Jeffrey Hook	Councillor Robert Smeath
Councillor David Hubber	Councillor Charlie Smith
Councillor Kim Humphreys	Councillor Nicholas Stanton
Councillor Jonathan Hunt	Councillor Richard Thomas
Councillor Peter John	Councillor Dominic Thorncroft
Councillor Billy Kayada	Councillor Veronica Ward
Councillor Paul Kyriacou	Councillor Neil Watson
Councillor Jelil Ladipo	Councillor Sarah Welfare
Councillor Lorraine Lauder	Councillor Ian Wingfield
Councillor Linda Manchester	Councillor Anne Yates
Councillor Eliza Mann	Councillor Lorraine Zuleta
Councillor Daniel McCarthy	
Councillor Dermot McInerney	

1. PRELIMINARY BUSINESS

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

The Mayor informed members that her aim for the mayoral year is to do as much as she can for the people of the borough and her theme for the year will be “the people’s Mayor”.

The Mayor appointed Mother Pat Alden from St. Giles Church as her chaplain for the mayoral year.

The Mayor informed members that her chosen charities are the Diabetic Unit at King’s College Hospital and the Head and Neck Cancer unit based at Guy’s Hospital.

The Mayor confirmed that she would be addressed as ‘Madam Mayor’ while she is wearing the ceremonial chain and Vicky otherwise.

The Mayor ended her announcements by remembering former colleagues who had passed away recently. The Mayor paid tribute to Ellen Brown from her housing representative days. Councillors Peter John, Daniel McCarthy, Beverley Bassom and Michelle Pearce also paid tributes.

The Mayor paid tribute to Bill O’Connor as a member of Southwark’s Pensioners Forum. Councillors John Friary and Denise Capstick also paid tributes.

The Mayor paid tribute to P.C. Edward Harper who was stationed at Peckham Police and died of cancer on May 14 at the age of 26. Councillor Graham Neale also paid tribute.

All present observed a one-minute silence.

Councillor Blango announced that it was Africa day. He paid tribute to the 42nd anniversary of African unity.

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

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

- Constitutional review amendment 1
- Late amendment to item 4

The following reports were circulated in the supplemental agenda.

- Safer Southwark partnership crime and drugs strategy 2005 to 2008
- Constitutional review - recommendations of the standards committee.

The following papers were circulated around the chamber: -

- A list of nominations for chairs and vice chairs
- Committee membership
- A list of executive portfolios
- A guide to the voting process
- Financial standing orders indicating proposed changes suggested by amendments B and C
- Crime and disorder strategy – briefing from the assistant chief executive (performance & strategy).

1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no interests declared.

1.4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors David Bradbury, Tony Ritchie, Alun Hayes and Lisa Rajan.

2. MINUTES

In reply to Councillor Barnard regarding the issues raised at the October 24 2004 meeting, the Mayor stated that she would meet with Councillor Barnard to try to resolve the issues.

- RESOLVED:**
1. That the open minutes of the ordinary council assembly meeting held on Wednesday February 23 2005 be agreed.
 2. That the open minutes of the extraordinary council assembly meeting held on Thursday March 24 2005 be agreed.

OFFICER REPORTS FOR RECOMMENDATION

3. CONSTITUTIONAL ISSUES FOR 2005/06 MUNICIPAL YEAR (see pages 1 – 40)

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.

Council assembly noted recommendation 1 (constitutional issues for the 2004/05 municipal year) and recommendation 2 (political group leaders, deputies and whips).

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 recommendation 4, his nominations for the appointment of the deputy leader and the executive members and their portfolios. The nominations were seconded by councillor David Hubber. 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).

Councillor David Hubber, seconded by Councillor Nick Stanton, moved amendment A

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

The Mayor moved recommendation 6 (the appointment of the sub-committee of the appointments committee), as altered by amendment A. The motion was put to the vote and declared to be carried.

The Mayor moved recommendation 7 (size and composition of the overview and scrutiny committee) and recommendation 8 (that overview & scrutiny committee shall appoint its themed scrutiny sub-committees). The motion was put to the vote and declared to be carried.

Council assembly noted recommendation 9 (size and composition of community councils) and recommendation 10 (reserve members).

The Mayor moved recommendation 11 (appointment of chair and vice-chairs for overview and scrutiny committee) and stated that two nominations had been received for chair, Councillor Kim Humphreys and Councillor Fiona Colley. No further nominations were forthcoming; therefore the nominations were put to the vote and council assembly appointed Councillor Kim Humphreys as chair of the overview and scrutiny committee.

The Mayor stated that two nominations had been received for vice-chair, Councillor James Gurling and Councillor Barrie Hargrove. No further nominations were forthcoming, therefore the nominations were put to the vote and council assembly appointed Councillor James Gurling as vice-chair of the overview and scrutiny committee.

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 Nick Stanton, seconded by David Hubber, nominated Councillor Graham Neale as chair of Peckham community council.

Councillor Peter John, seconded by Councillor Paul Bates, nominated Councillor Tayo Situ 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 Peckham community council

This matter was referred to Peckham community council.

Chair of Dulwich community council

Councillor Peter John, seconded by Councillor Paul Bates, nominated Councillor Charlie Smith as chair of Dulwich community council.

Councillor William Rowe, seconded by Councillor Lewis Robinson, nominated Councillor Toby Eckersley as chair of Dulwich community council.

The nominations were put to the vote and a vote having been taken, it was declared that Councillor Toby Eckersley be appointed chair of Dulwich community council.

Vice-chair of Dulwich community council

Councillor Peter John, seconded by Councillor Paul Bates, nominated Councillor Sarah Welfare as vice-chair of Dulwich community council.

Councillor William Rowe, seconded by Councillor David Bradbury, nominated Councillor Lewis Robinson 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 Lewis Robinson be appointed vice-chair of Dulwich community council.

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 (appointment to the licensing committee), recommendation 18 (the licensing committee will establish sub committees), recommendation 19 (urgency committee) and recommendation 20 (council assembly dates). The motion was put to the vote and declared to be carried.

The Mayor moved recommendation 21 (appointments to the Local Government Association General Assembly). The nominations and allocations of votes were put to the vote and declared to be carried.

Council assembly noted recommendation 22 that the executive and standards committee will make appointments to all other outside committees and bodies for the municipal year 2005/06.

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 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:-

- Deputy leader – Councillor Catherine Bowman
- Executive member for environment & transport – Councillor Richard Thomas
- Executive member for housing management - Councillor Stephen Flannery
- Executive member for education – Councillor Bob Skelly
- Executive member for health & adult care – Councillor Denise Capstick
- Executive member for equalities, culture & sport – Councillor Columba Blango
- Executive member for resources – Councillor Lorraine Zuleta
- Executive member for communication & performance improvement – Councillor Paul Kyriacou
- 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	6	3	2	1
Planning committee	8	4	3	1
Disciplinary appeals committee	8	4	4	0
Total	22	11	9	2

5. That the sub-committees of the appointments committee be appointed as follows:

- 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 five 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 be noted.
9. That the issue of reserves be noted.
10. That Councillor Kim Humphreys be appointed chair of the overview and scrutiny committee.
11. That Councillor James Gurling be appointed vice chair of the overview and scrutiny committee.

12. That the chair and vice-chairs of the following be appointed (see attached Appendix 1):

- Planning Committee
- Licensing Committee
- Appointments Committee
- 8 Community Councils

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

13. That the following members be appointed to serve on the Standards Committee:-

Councillors David Hubber, Daniel McCarthy, Denise Capstick, Paul Bates, Robert Smeath and Lewis Robinson.

14. That council assembly noted the three existing independent members and confirmed the appointment of the fourth independent member and noted that the election of the chair and vice-chair would take place at the first meeting of the committee in the 2005/06 municipal year.

15. That in accordance with the Licensing Act 2003, the licensing committee be established with an allocation of 7 Liberal Democrat, 7 Labour and 1 Conservative member.

16. That the urgency committee be reconstituted for the decision making period between municipal elections and constitutional council (containing the leaders of the two largest parties), in the 2005/06 municipal year with the following terms of reference and membership:

- Terms of Reference - Delegated power to exercise all the functions of the council, that are not reserved to council for decision in cases where, in the opinion of the chief executive it is necessary to act urgently in order to secure the efficient and expeditious conduct of the council's business.
- Membership - The membership of the committee to comprise the leaders (or nominee) of the two largest political groups of the council (1 reserve member each – deputy leaders (or nominee)).

17. That the dates for council assembly meetings be agreed as follows:-

- July 20 2005
- September 14 2005
- October 19 2005
- December 7 2005
- January 25 2006
- February 22 2006 (Council tax)
- March 29 2006
- May 24 2006 (Mayor-making)
- May 31 2006 (Constitutional meeting)

NOTE: The draft calendar of meetings, based on a six-week cycle, is set out as appendix C in the council assembly report.

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

19. 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.

4.2 CONSTITUTIONAL REVIEW (see pages 50 – 104, supplemental agendas 2 and 3)

The Mayor stated that in accordance with council assembly procedure rule 1.15(2), the recommendations of the standards committee 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 as follows.

Recommendation 1 – alterations to the policy framework

Councillor Michelle Pearce, seconded by Councillor Charlie Smith, moved Amendment B. Following debate (Councillors Toby Eckersley and Lorraine Zuleta), the amendment was put to the vote and declared to be carried.

Recommendation 2 – new format of question time and deputation procedure rules

Following debate (Councillors Peter John, William Rowe, David Hubber, Aubyn Graham, Paul Bates, Daniel McCarthy and Jonathan Hunt) it was agreed that the recommendation be deferred.

Recommendation 5 – community councils and extending the appointment of school governors to cover nursery schools

Councillor Andy Simmons, seconded by Councillor Sarah Welfare, moved Amendment E. Following debate (Councillors Daniel McCarthy, Jonathan Hunt, Caroline Pidgeon, Toby Eckersley, Michelle Pearce, Peter John, Dora Dixon-Fyle, John Friary and Nick Stanton), Councillor Charlie Smith exercised his right of reply.

Amendment E 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 E be recorded: Councillors Mick Barnard, Alfred Banya, Paul Bates, Fiona Colley, Dora Dixon-Fyle, John Friary, Norma Gibbes, Mark Glover, Aubyn Graham, Barrie Hargrove, Peter John, Billy Kayada, Lorraine Lauder, Alison Moise, Abdul Mohamed, Vicky Naish, Michelle Pearce, Andy Simmons, Tayo Situ, Robert Smeath, Charlie Smith, Dominic Thorncroft, Veronica Ward, Sarah Welfare and Ian Wingfield.

Recommendation 6 – Livesey ward members

Councillor Barrie Hargrove, seconded by Councillor Tayo Situ, moved Amendment I.

Following debate (Councillors Andy Simmons, David Hubber and Jonathan Hunt), Amendment F was put to the vote and declared to be lost.

Recommendation 8 – Financial standing orders

The clerk outlined that as amendment B has been carried, part A of amendment C falls. Councillor Toby Eckersley, seconded by Councillor William Rowe, moved part B of Amendment C.

Part B of Amendment C was put to the vote and declared to be carried

Amendment D was withdrawn.

Recommendation 9 – overview and scrutiny procedure rules

Councillor Fiona Colley, seconded by Councillor Barrie Hargrove, moved Amendment F.

Amendment F was put to the vote and declared to be lost.

Recommendation 12 – part 1 – appointment of replacement executive members

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

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

Recommendation 12 – part 2 – executive committees

The proposal was put to the vote and declared to be lost

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

- RESOLVED:**
1. That the following be added to the policy framework of matters reserved to council assembly for decision:
 - Housing strategy
 - Add after capital investment strategy “...(including prudential borrowing arrangements)”
 2. That consideration of public question time and deputation procedures be deferred.

3. That council assembly procedure rules 3.10 (1) and 3.11(2) be amended to clarify the number of motions/amendments/questions that can be submitted on any items of business.
4. That the practice of hearing adjournment debates be discontinued and council assembly procedure rule 3.12 be deleted from the constitution.
5. That community councils appointment of school governors be extended to include nursery schools.
6. That article 10.02 (a) on "Composition of community councils" be amended at the bottom of page 23 to read as follows:

Note: In respect of Livesey Ward members they shall serve as voting members on Peckham community council, ***as voting members on Rotherhithe community council in relation to planning functions only*** and as non-voting members ***for all other matters*** on Rotherhithe community council.

(Note – new text in bold/italics)

7. That the changes to the constitution relating to access to meetings and information as set out in table 6, page 65 of the council agenda, be agreed.
8. That in recommendation 1, on policy framework include at end:-

Add to the bullet points in part 3A(5) of the constitution:
*entering into "prudential borrowing" arrangements

9. That the following amendments be made to the proposed new financial standing orders set out on pages 89 - 101 of the council assembly agenda:
1. In paragraph 5 (c) (iii) (virements) delete "£500,000" and insert "£250,000"
 2. In paragraph 5 (d) (i) (transfer of service between departments) **delete** "The transfer will be reported to the executive at the earliest opportunity" and **insert** "The transfer must be approved by the executive if the annual cost transferred exceeds £250,000."
 3. **Add** at the beginning of paragraph 5 (d) (ii) (budget adjustments) "Subject to paragraph 10 of Part 3A of the Constitution "matters reserved to council assembly."
 4. In paragraph 7 (c) (financing of capital schemes) add at end "in consultation with the executive member for resources."
 5. In paragraph 8 (a) (control of the capital programme) delete "by the director of finance" and insert "by the executive."
 6. In paragraph 8 (c) (variations to the capital programme) add after "director of finance" "and relevant executive members."
 7. In paragraph 8 (d) (major overspends) delete "25%" and "insert 15%".
10. That the changes proposed to the overview and scrutiny procedure rules as set out in Appendix 5, pages 102 to 104, of the council assembly agenda, be agreed.

That the following be added at the end of overview and scrutiny procedure rule 20.1(3) on "Decisions for urgent implementation":

"any requests for a key decision not to be called-in and communicated to the chair of overview & scrutiny committee should be copied to all overview and scrutiny committee members.

11. That paragraphs 39 – 45 of the standards committee report be noted.

12. That proposed changes to the member/officer protocol as set out in the council assembly agenda in appendix 3, page 83 be agreed.
13. That part 3 of the constitution be amended as follow to allow the leader to appointment replacement executive members during the year:-

‘That the leader communicate any changes to the borough solicitor who shall circulate a formal notification to all members. The changes shall take effect after 5 working days unless an objection signed by at least 5 members is lodged, in which case the matter shall be referred to the next council assembly.’

That changes during the course of the municipal year of executive portfolios be subject to the same procedures as will apply in respect of the appointment of executive members.

14. That the change to part 3 (see page 84) of the constitution regarding policy matters only being considered by the licensing committee, as set out in appendix 3 of the council assembly agenda, be agreed.
15. That the minor technical changes to the constitution as set out in appendix 3 of the council assembly agenda be agreed.

6. RECOMMENDATION FROM THE EXECUTIVE

SAFER SOUTHWARK PARTNERSHIP CRIME AND DRUGS STRATEGY 2005 TO 2008 (see supplemental agenda 1, pages 105-150)

Following advice from officers on the admissibility of amendment H, Councillor Paul Bates moved a procedural motion to alter the wording of amendment H. The effect of the amendment would have been to refer the strategy back to the executive with the recommendation that the executive refer it on to the overview and scrutiny committee. On being put to the vote the procedural motion was lost. Therefore amendment H fell.

The leader, Councillor Nick Stanton formally moved the report.

Following debate (Councillors John Friary, Dominic Thorncroft, Richard Porter, Alison Moise, Dora Dixon-Fyle, Toby Eckersley, Andy Simmons, Veronica Ward, Robert Smeath, Ian Wingfield), Councillor Nicholas Stanton exercised his right of reply. The substantive motion was put to the vote and declared to be carried.

RESOLVED: That the Safer Southwark Partnership crime and drugs strategy 2005 – 08 (as set out in appendix 1 of the report), be agreed.

EXCLUSION OF THE PRESS AND PUBLIC

At 10.33pm 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.

1. APPOINTMENT OF INDEPENDENT PERSON TO THE STANDARDS COMMITTEE

The Mayor formally moved the recommendations contained within the report.

The recommendation was put to the vote and declared to be carried.

RESOLVED: That Jean Sackur's appointment as an independent voting member on the standards committee for a three-year period until constitutional council in May 2008 be agreed.

The meeting closed at 10.35 p.m.

MAYOR:

DATED: