

Item No. 2.	Classification: Open	Date: December 8 2008	Meeting Name: Council Assembly (Extraordinary)
Report title:		Requisitioned Business - Motion	
Ward(s) or groups affected:		All	
From:		Strategic Director of Legal and Democratic Services	

BACKGROUND INFORMATION

In accordance with council assembly procedure rule 3.1(d) the following members of the council have requisitioned this business for consideration at this extraordinary meeting. The requisition received by the Mayor was signed by Councillors Peter John, Susan Elan Jones, Fiona Colley, Kirsty McNeill and Martin Seaton.

In accordance with council assembly procedure rules, the member moving the motion may make a speech directed to the matter under discussion. (This may not exceed five minutes without the consent of the Mayor).

The seconder will then be asked by the Mayor to second the motion. (This may not exceed three minutes without the consent of the Mayor).

The meeting will then open up to debate on the issue and any amendments on the motion will be dealt with.

At the end of the debate the mover of the motion may exercise a right of reply. If an amendment is carried, the mover of the amendment shall hold the right of reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.

The Mayor will then ask members to vote on the motion (and any amendments).

IMPLICATIONS OF THE CONSTITUTION

The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework, and allocates to the executive responsibility for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis. Therefore any matters that are the responsibility of the executive (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the executive. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the executive:

- To change or develop a new or existing policy
- To instruct officers to implement new procedures
- To allocate resources.

MOTION FROM COUNCILLOR PETER JOHN (seconded by Councillor Susan Elan Jones)

1. Council assembly notes the findings of the coroner's report into the tragic death of Engelina Lambert in the days before July 30 2008. It expresses its profound regret that the an error of judgement meant that Mrs Lambert did not receive a visit within an adequate time-frame which could have been expected on the basis of the facts and the likely level of risk. The late Mrs Lambert was thereby failed by Southwark Council.
2. Council assembly notes the timeline of events that led up to the police forcing entry into Mrs Lambert's home on July 30.
3. Council assembly notes the decision by the chief executive to appoint an independent person to conduct an enquiry into this incident.
4. Council assembly believes that such an independent person should be drawn from a shortlist by the leaders of the council groups in consultation with the Southwark Safeguarding Adults board.
5. Council assembly notes that the executive member for health and adult care was briefed on the circumstances surrounding Mrs Lambert's death in August 2008.
6. Council assembly notes that despite this, and despite an awareness of the seriousness of the error, the executive member did not choose to brief either the chair of the overview and scrutiny committee, the chair of the health and adult care scrutiny sub-committee or the shadow spokesperson for health and social care on the circumstances surrounding Mrs Lambert's death.
7. Council assembly expresses its particular regret that as a well regarded former chair of the health and adult care scrutiny sub-committee the executive member did not do this.
8. Council assembly notes with regret the failure of the executive member to inform other members of the council until only hours before the local press reported on this incident despite numerous formal and informal opportunities and that this appears consistent with a desire by the executive to withhold information concerning a matter of significance to the council's past and future performance.
9. Council assembly believes that in this regard the executive member for health and adult care has acted improperly, thereby allowing the possibility that potential systematic failures inside the council could have been maintained indefinitely, and thereby put others at risk.
10. Council assembly reaffirms its commitment to the 'critical friend' role undertaken by backbench members in scrutinizing the decisions, actions and priorities of the executive. Council assembly believes that this role has been fundamentally undermined by the executive member's conduct in relation to the case of Mrs Lambert.
11. Council assembly therefore no longer has any confidence in the executive member for health and adult care and calls on him to resign. It further calls on the executive to task the constitutional steering group to urgently write a new code of practice to govern the way the executive and senior officers distribute information in instances when the safety or well-being of residents are at risk.

REASON FOR URGENCY

12. The nature of the business, i.e. that it concerns the safety and wellbeing of Southwark residents; warrants that the council cannot afford to wait until the next schedule meeting of council assembly on January 28 2009 before it discusses this matter and the business is of such a serious nature, that discussing it as part of an ordinary council assembly would be neither fitting nor suitable.
13. In calling the extraordinary meeting in accordance with council assembly procedure rule 1.1(d), the Mayor was mindful of the reasons for urgency outlined in the requisition request, that the extraordinary meeting should not be held during the enquiry by the independent person and to avoid the Christmas recess.

REASON FOR LATENESS

14. The request for a requisitioned meeting of council assembly was not received until November 26 2008, after which time the Mayor has seven clear working days in which to call a meeting.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Member Motions	Town Hall Peckham Road London SE5 8UB	Constitutional Team 020 7525 7228

Lead Officer	Ian Millichap, Constitutional Team Manager
Report Author	Lesley John, Constitutional Officer
Version	Final
Dated	December 3 2008