



Council Assembly (Ordinary)

MINUTES of the Council Assembly (Ordinary) held on Wednesday 4 July 2012 at 7.00 pm at Southwark College, Bermondsey Centre, Keetons Road, London, SE16 4EE

PRESENT:

The Worshipful the Mayor for 2012/13, Councillor Althea Smith

Councillor Kevin Ahern	Councillor Lorraine Lauder MBE
Councillor Anood Al-Samerai	Councillor Richard Livingstone
Councillor James Barber	Councillor Linda Manchester
Councillor Catherine Bowman	Councillor Eliza Mann
Councillor Chris Brown	Councillor Catherine McDonald
Councillor Michael Bukola	Councillor Tim McNally
Councillor Denise Capstick	Councillor Darren Merrill
Councillor Sunil Chopra	Councillor Victoria Mills
Councillor Poddy Clark	Councillor Michael Mitchell
Councillor Neil Coyle	Councillor Jonathan Mitchell
Councillor Robin Crookshank Hilton	Councillor Abdul Mohamed
Councillor Rowenna Davis	Councillor Adele Morris
Councillor Patrick Diamond	Councillor Graham Neale
Councillor Dora Dixon-Fyle	Councillor Wilma Nelson
Councillor Nick Dolezal	Councillor David Noakes
Councillor Toby Eckersley	Councillor Paul Noblet
Councillor Gavin Edwards	Councillor the Right Revd Emmanuel Oyewole
Councillor Dan Garfield	Councillor Lewis Robinson
Councillor Mark Gettleson	Councillor Martin Seaton
Councillor Norma Gibbes	Councillor Rosie Shimell
Councillor Mark Glover	Councillor Andy Simmons
Councillor Stephen Govier	Councillor Michael Situ
Councillor Renata Hamvas	Councillor Althea Smith
Councillor Barrie Hargrove	Councillor Cleo Soanes
Councillor Helen Hayes	Councillor Nick Stanton
Councillor Claire Hickson	Councillor Geoffrey Thornton
Councillor Jeff Hook	Councillor Veronica Ward
Councillor David Hubber	Councillor Mark Williams
Councillor Peter John	Councillor Ian Wingfield
Councillor Paul Kyriacou	

1. PRELIMINARY BUSINESS

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

The Mayor:

- Thanked Southwark College for allowing council assembly to use their facilities.
- Stated that a list of people who live or work in the borough who had received an award in the Queen's birthday honours list 2012 had been circulated at the meeting.
- Announced that Canon Ivelaw Bowman, Father Peters and Pastor Yemi would be her spiritual advisors for the year and that her chosen charity would be Kiwanis - an international children's charity.
- Congratulated the young people of Southwark who participated in the 2012 London Youth Games. Team Southwark won four first places victories in the BMX, girls basketball, boys gymnastics and boys athletics. Overall Southwark won 18 individual medals – 7 gold, 4 silver and 7 bronze.
- With sadness announced the death of Ron Watts, a Southwark Councillor from 1972 – 1982. Councillors Veronica Ward, David Hubber and Toby Eckersley paid tribute. Thereafter the meeting held a minute's silence.

At this juncture Councillor David Hubber noted that Dr Amanda Squires had been omitted from those listed in the Queen's birthday honours list. The clerk undertook to add Dr Squires name to the published list.

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

With the meeting's consent the Mayor announced that she intended to accept one late and urgent item of closed business: Appointment of Independent member.

The Mayor announced that following consultation with the political group whips, she intended to vary the order of business¹ so that the deputation request regarding council run children's nurseries could be considered first as there were children present. This would be followed by the four deputation requests on the theme. The remaining deputation from the Walworth Society would be considered after the motion on the theme. In addition it had been agreed that there would be a single debate on the three motions on the theme. Each motion and its amendments would be moved and seconded and thereafter in any time remaining there would be a single debate. At the close of the themed debate a separate vote would be taken on each amendment and motion.

The meeting agreed to suspend the following council assembly procedure rules: 2.6 (11) No more than three deputations shall be considered at any one meeting and 1.14 (4)

¹ These minutes follow the order of business as set out in the main agenda and not as the revised order of business considered at the meeting.

Single debate on motions.

1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

Item 3. Themed debate: Health in Southwark

Councillor Andy Simmons declared a pecuniary interest in this item as he has three honorary contracts with the NHS in Southwark.

Councillor The Right Revd Emmanuel Oyewole declared a pecuniary interest in this item as he is employed by Barts and The London NHS Trust.

Item 4. Other deputations – Deputation from the Walworth Society

Councillor Toby Eckersley declared a personal interest in this item as he is a member of the Walworth Society.

1.4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Fiona Colley, Lisa Rajan, Columba Blango and Helen Morrissey.

1.5 MINUTES

RESOLVED:

The minutes of the annual council assembly meeting held on 23 May 2012 be agreed and signed as a correct record with the following amendment:

Page 4, in the last sentence at the bottom of the page this should read “Abdul Mohamed”.

2. ISSUES RAISED BY THE PUBLIC

2.1 PETITIONS

There were none.

2.2 PUBLIC QUESTION TIME

(See supplemental agenda 2, page 1 of the green paper circulated at the meeting)

There was one question from the public, the answer to which was circulated on green paper at the meeting. The public questioner asked a supplementary question of Councillor Barrie Hargrove, cabinet member for transport, environment and recycling. The questions and responses are attached as Appendix 1 to the minutes.

2.3 DEPUTATION REQUESTS ON THE THEME

(See pages 2 - 5 of supplemental agenda 2)

Having earlier agreed to vary the order of business, the meeting heard the deputation request on council run nurseries (see item 4).

Having declared a pecuniary interest in the themed debate Councillor The Right Revd Emmanuel Oyewole and Councillor Andy Simmons left the room whilst the deputations, members statement, public questions and motions on the theme were considered.

Deputation from Southwark Lesbian, Gay, Bisexual and Trans Network

Council assembly considered whether to receive the deputation request from Southwark Lesbian, Gay, Bisexual and Trans Network.

RESOLVED:

That the deputation be received.

The deputation's spokesperson, Dr Justin Verney, addressed the meeting.

The deputation asked a question of Councillor Peter John, leader of the council. Councillor Peter John and Councillor Catherine McDonald, cabinet member for health and adult services, provided oral responses.

Councillors David Hubber, Patrick Diamond, Claire Hickson, Victoria Mills and David Noakes asked questions of the deputation.

Thereafter the deputation returned to their seats in the public seating area.

Deputation on air quality

Council assembly considered whether to receive a deputation request on air quality.

RESOLVED:

That the deputation be received.

The deputation's spokesperson, Tom Chance, addressed the meeting.

The deputation asked a question of Councillor Peter John, leader of the council. Councillor Peter John and Councillor Barrie Hargrove, cabinet member for transport, environment and recycling, provided oral responses.

Councillors Geoffrey Thornton and Graham Neale asked questions of the deputation.

Thereafter the deputation returned to their seats in the public seating area.

Deputation from Cooltan Arts

Council assembly considered whether to receive the deputation request from Cooltan Arts.

RESOLVED:

That the deputation be received.

The deputation's spokesperson, Michelle Baharier addressed the meeting.

The deputation asked a question of Councillor Catherine McDonald, cabinet member for health and adult social care, who provided an oral response.

Councillors Poddy Clark, Anood Al-Samerai and Eliza Mann asked questions of the deputation.

Thereafter the deputation returned to their seats in the public seating area.

Deputation from NHS Southwark Clinical Commissioning Group

Council assembly considered whether to receive the deputation request from NHS Southwark Clinical Commissioning Group.

RESOLVED:

That the deputation be received.

The deputation's spokesperson, Dr Jonty Heaversedge, addressed the meeting.

The deputation asked a question of Councillor Peter John, leader of the council, who provided an oral response.

Councillors Mark Williams, David Noakes and Stephen Govier asked questions of the deputation.

Thereafter the deputation returned to their seats in the public seating area.

At this juncture Councillor Tim McNally, seconded by Councillor Anood Al-Samerai, moved a procedural motion to vary the order of business to allow the deputation from the Walworth Society to be now considered. The procedural motion was put to the vote and declared to be lost.

3. THEMED DEBATE: HEALTH IN SOUTHWARK

3.1 CABINET MEMBER STATEMENT

Councillor Catherine McDonald, cabinet member for health and adult social care, introduced the theme of the meeting.

The lead opposition spokesperson on health and adult social care, Councillor David

Noakes, replied to the cabinet members' statement.

3.2 QUESTIONS FROM THE PUBLIC ON THE THEME

(See supplemental agenda 2, page 6 of the green paper circulated at the meeting)

There were two questions from the public on the theme, the answers to which were circulated on green paper at the meeting. One questioner was present and asked a supplemental question of Councillor Barrie Hargrove, cabinet member for transport, environment and recycling. All the questions and written responses are attached as Appendix 2 to the minutes.

3.3 MEMBERS' MOTIONS ON THE THEME

The meeting had agreed that there would be a single debate on the three motions on the theme.

MOTION 1 – THE THREAT TO ADULT CARE SERVICES IN THE SOUTH OF THE BOROUGH

(See page 4 of the main agenda)

The Mayor announced that she had received notice of changes to the speakers on Amendment B; Councillors Chris Brown and Gavin Edwards now wished to move and second the amendment rather than Councillors Dan Garfield and Kevin Ahern. The meeting consented to the change of speakers.

Councillor Lewis Robinson, seconded by Councillor Michael Mitchell, moved the motion.

Councillor David Noakes, seconded by Councillor Anood Al-Samerai, moved Amendment A.

Councillor Chris Brown, seconded by Councillor Gavin Edwards, moved Amendment B.

MOTION 2 – HEALTH AND WELLBEING PRIORITIES

(See pages 4 - 5 of the main agenda)

The Mayor announced that she had received notice of changes to the speakers to Motion 2 and Amendment C; Councillor Rosie Shimell now wished to move Motion 2 rather than Councillor Noakes and Councillor Patrick Diamond wished to move Amendment C rather than Councillor Catherine McDonald. The meeting consented to the change of speakers.

Councillor Rosie Shimell, seconded by Councillor Denise Capstick, moved the motion.

Councillor Patrick Diamond, seconded by Councillor Nick Dolezal, moved Amendment C.

At 10.07 pm the bell was rung and the Mayor announced that the guillotine had fallen. The clerk announced that each motion and amendment which had been moved and seconded would be voted on separately.

Councillor Dan Garfield moved a procedural motion to suspend council assembly procedure rule 1.14(4) (order of debate) to allow Amendment B of motion 1 to be voted upon before Amendment A. The procedural motion was seconded, put to the vote and declared to be carried.

Vote on Motion 1 and Amendments A and B – The threat to adult care services in the south of the borough

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

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

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

Vote on Motion 2 and Amendment C – Health and wellbeing priorities

Amendment C was 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 council assembly recognises and thanks the dedicated health professionals in our borough who work so hard to improve the lives of Southwark residents in our hospitals, GP surgeries and our homes.
2. That council assembly welcomes the increase in life expectancy in the borough, but notes the significant health inequalities which still exist among Southwark residents.
3. That council assembly welcomes the return of responsibility for public health to local government and the formation of Southwark's shadow health and wellbeing board, to finally provide some democratic accountability for health provision in Southwark.
4. That council assembly noted and supports the four work areas that have been identified as priorities for the shadow health and wellbeing board in their first year: prevention or reduction of alcohol-related misuse; coping skills, resilience and mental wellbeing; early intervention and families; healthy weight and exercise.
5. That council assembly also noted that sexual health and drug addiction are major areas of public concern in the borough, which have a disproportionate impact on the health and wellbeing of a significant minority of our residents, and calls on the new shadow board to consider these issues.
6. That council assembly believes that a wider and more diverse board membership leads to more effective, accountable and representative decisions and outcomes. Council assembly therefore calls for the health and wellbeing board to consider ways to involve other parties and representatives from the voluntary sector.

Note: This motion will be referred as a recommendation to the cabinet for consideration.

MOTION 3 – HEALTH IN SOUTHWARK

(See pages 5 - 6 of the main agenda)

The time allocated for the themed debate having expired, Motion 3 and its amendment were formally noted having not been moved and seconded at the meeting.

At this juncture Councillor Tim McNally, seconded by Councillor Dan Garfield, moved a procedural motion to suspend council assembly procedural rule 1.12(6) (suspension of the guillotine) to allow the meeting to hear the deputation from the Walworth Society (see item 4). The procedural motion was put to the vote and declared to be carried.

4. OTHER DEPUTATIONS

(See pages 7 - 9 of supplemental agenda 2)

Deputation request on the closure of council-run children's nurseries

This deputation was considered prior to the guillotine having fallen.

Council assembly considered whether to receive the deputation request on the closure of council-run children's nurseries.

RESOLVED:

That the deputation be received.

The deputation's spokesperson, Nikola Zahariey, addressed the meeting.

The deputation asked a question of Councillor Dora Dixon-Fyle, cabinet member for children's services, who provided an oral response.

Councillors Graham Neale, Renata Hamvas, Paul Kyriacou, Andy Simmons, Michael Bukola and Catherine Bowman asked questions of the deputation.

Thereafter the deputation returned to their seats in the public seating area.

At this juncture Councillor Tim McNally, seconded by Councillor Anood Al-Samerai, moved a procedural motion to vary the order of business to allow motion 1 (see item 5.2) to be now considered.

The procedural motion was put to the vote and declared to be carried. Please see item 5 elsewhere in the minutes.

Deputation request from the Walworth Society

Council assembly considered whether to receive the deputation request from the Walworth Society.

RESOLVED:

That the deputation be received.

The deputation's spokesperson, Jeremy Leach, addressed the meeting.

The deputation asked a question of Councillor Peter John, leader of the council, who provided an oral response.

Councillors Anood Al-Samerai, Patrick Diamond, Catherine Bowman, Neil Coyle and Mark Gettleson asked questions of the deputation.

Thereafter the deputation returned to their seats in the public seating area.

5. ISSUES RAISED BY MEMBERS

5.1 MEMBERS' QUESTION TIME

(see pages 7 - 13 of the main agenda and the blue and yellow papers circulated at the meeting)

The guillotine having fallen members' questions were formally noted. See Appendix 3 of the minutes for the urgent question and response and Appendix 4 of the minutes for the 44 members' questions and responses.

5.2 MEMBERS' MOTIONS

MOTION 1 – SAVE SOUTHWARK NURSERIES

(see page 14 of the main agenda)

This motion was considered prior to the guillotine having fallen.

Councillor Graham Neale, seconded by Councillor Catherine Bowman, moved the motion.

Councillor Dora Dixon-Fyle, seconded by Councillor Renata Hamvas, moved Amendment E.

Following debate (Councillors Nick Stanton, Lewis Robinson, Stephen Govier, Tim McNally and Andy Simmons), Councillor Graham Neale exercised his right of reply.

Amendment E was 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 council assembly noted that Tenda Road and Bishop's House children's centres will remain open and this has always been the case and regrets the mendacious campaign by local Liberal Democrat councillors that gave the impression that these centres would close.

2. That council assembly noted that the consultation will continue until 31 July 2012 and urges parents and relevant stakeholders to submit their views.
3. That council assembly also noted that Southwark has had a real terms cut of 25% of its budget in the last 2 years – far greater than other local authorities including more affluent boroughs like Richmond.
4. That it noted the hypocrisy of the local Liberal Democrat MP for Bermondsey and Old Southwark, Simon Hughes, to campaign against nursery closures while voting to cut their funding.
5. That council assembly calls on the leaders' of each political group on the council and the local MP to write a joint letter to the Liberal Democrat Children's Minister, Sarah Teather MP, urging her to rethink her cuts to nursery funding.

Note: This motion will be referred as a recommendation to the cabinet for consideration.

6. REPORT FOR RECOMMENDATION FROM THE CABINET

6.1 COUNCIL PLAN ANNUAL PERFORMANCE REPORT 2011/12

(see pages 16 – 45 of the main agenda)

This report was considered after the guillotine had fallen, therefore in accordance with council assembly procedure rule 1.12 (3) & (4), the report was afforded up to a maximum of 15 minutes.

In accordance with council assembly procedure rule 2.11 (1), Councillor Peter John, leader of the council, moved the report.

Following debate (Councillors Paul Noblet, Toby Eckersley, Nick Stanton, David Hubber, James Barber and Anood Al-Samerai), Councillor Peter John exercised his right of reply.

At this juncture Councillor Anood Al-Samerai made a point of personal explanation.

The recommendations contained within the report were put to the vote and declared to be carried.

RESOLVED:

That the updates to the council plan targets for 2012/13 be adopted.

7. REPORTS FOR INFORMATION FROM THE CABINET

7.1 REPORT BACK ON MOTIONS REFERRED TO CABINET FROM COUNCIL ASSEMBLY

(see pages 45 - 54 of the main agenda)

RESOLVED:

That the report be noted.

8. OTHER REPORTS

8.1 TREASURY MANAGEMENT PERFORMANCE - 2011/12 ANNUAL REPORT AND UPDATE ON HRA SELF-FINANCING SETTLEMENT

(See pages 55 – 65 of the main agenda)

This report was considered after the guillotine had fallen, therefore in accordance with council assembly procedure rule 1.12 (3) & (4), the report was afforded up to a maximum of 15 minutes.

In accordance with council assembly procedure rule 2.11 (2), the Mayor formally moved the report.

Following debate (Councillors Toby Eckersley and Richard Livingstone), the recommendations contained within the report were put to the vote and declared to be carried.

RESOLVED:

1. That the 2011/12 outturn report on debt, investments and prudential indicators be noted.
2. That the £100m debt refinancing carried out between March and April 2012 and the disaggregation of the long term debt outstanding at 1 April 2012 between the housing revenue account and the general fund, as set out in paragraph 18 of the report, be noted.

8.2 CODE OF CONDUCT AND PROPOSED CONSEQUENTIAL CHANGES

(See pages 66 – 83 of the main agenda)

This report was considered after the guillotine had fallen, therefore in accordance with council assembly procedure rule 1.12 (3) & (4), the report was afforded up to a maximum of 15 minutes.

The clerk advised that on pages 75 – 76, paragraphs 23 – 34 of the member and officer protocol, references to 'you' should read 'the member' and the published version would be reworded accordingly for the sake of clarity.

In accordance with council assembly procedure rule 2.11 (2), the report was formally moved by the Mayor.

The recommendations contained within the report were put to the vote and declared to be carried.

RESOLVED:

1. That the code of conduct for members attached as Appendix A to the report be adopted.
2. That the changes to the member and officer protocol attached as Appendix B to the report be agreed, subject to the minor changes reported by the clerk.
3. That the changes to the committee procedure rules as detail in paragraph 11 of the report be agreed.

8.3 PROPOSED CHANGES TO THE MONITORING OFFICER ROLES AND FUNCTIONS

(See pages 84 – 131 of the main agenda)

This report was considered after the guillotine had fallen, therefore in accordance with council assembly procedure rule 1.12 (3) & (4), the report was afforded up to a maximum of 15 minutes.

In accordance with council assembly procedure rule 2.11 (2), the report was formally moved by the Mayor.

The recommendations contained within the report were put to the vote and declared to be carried.

RESOLVED:

1. That the changes to the constitution as a consequence of the senior management reorganisation and the transfer of the monitoring officer functions (see Appendix 1 of the report) be adopted.
2. That officers be authorised to make any consequential amendments to the constitution.

8.4 APPOINTMENT OF CHIEF EXECUTIVE - RECOMMENDATION OF THE APPOINTMENTS COMMITTEE

(See pages 132 – 138 of the main agenda)

This report was considered after the guillotine had fallen, therefore in accordance with council assembly procedure rule 1.12 (3) & (4), the report was afforded up to a maximum of 15 minutes.

The clerk advised that in accordance with council assembly procedure rule 1.11 (2) (Motion similar to one previously rejected), parts 4 and 5 of Amendment F fell as they would rescind previous decisions of council assembly made on 28 March 2012 (Pay policy statement).

In accordance with council assembly procedure rule 2.11 (1), Councillor Peter John, leader of the council and chair of the appointments committee, moved the report.

Councillor Catherine Bowman, seconded by Councillor Anood Al-Samerai, moved parts 1, 2 and 3 of revised Amendment F.

Following debate (Councillor Lewis Robinson), Councillor Peter John exercised his right of reply.

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

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

RESOLVED:

That Ms Eleanor Kelly be appointed to the chief executive vacancy and thus become the statutory head of paid services. Base salary to be £160,767, with an effective date of 5 July 2012.

At this juncture the Mayor congratulated the new chief executive on her appointment.

8.5 APPOINTMENT OF INDEPENDENT PERSON

(See pages 1 – 4 of closed supplemental agenda 3)

This item was considered in the closed section of the meeting. See item 10 below.

9. AMENDMENTS

The amendments are set out in supplemental agenda 2.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded for the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

10. APPOINTMENT OF INDEPENDENT PERSON

This item was considered in the closed section of the meeting as the independent person selection panel was due to meet on 11 July 2012 in order to interview the remaining candidate who was unable to attend on 27 June. In addition the appointee is to serve jointly with Lambeth Council who were meeting on 18 July 2012 to approve the appointment. As both these dates have now passed the confidentiality of the appointees no longer applies because the selection process had been concluded. The open minutes can record the decisions of the closed section of the meeting.

RESOLVED:

1. That Mr William Dee be appointed as an independent person subject to resolution 2 and that it be noted that the appointee is to serve jointly with Lambeth Council who are meeting on 18 July 2012 to approve the appointment.
2. That the commencement date of each term of office be confirmed by the head of legal services.
3. That it be noted that the head of legal services will arrange for the candidate to complete a criminal records bureau check.
4. That it be noted that council assembly may be asked to consider a further report to appoint additional independent persons at the meeting to be held on 17 October 2012.

The meeting closed at 11.10pm.

CHAIR:

DATED: