

# Council Assembly Ordinary

Wednesday 4 July 2012  
7.00 pm

Southwark College, Bermondsey Centre, Keetons Road, London, SE16 4EE

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Councillors are summoned to attend a meeting of the Council to consider the business contained herein

Eleanor Kelly  
Acting Chief Executive

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## INFORMATION FOR MEMBERS OF THE PUBLIC

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### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

### Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: [www.southwark.gov.uk](http://www.southwark.gov.uk) or please contact the person below.

### Contact

Lesley John on 020 7525 7228 or 020 7525 7222 or email: [lesley.john@southwark.gov.uk](mailto:lesley.john@southwark.gov.uk);  
[andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk); [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk)

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Date: 22 June 2012



# **Council Assembly Ordinary**

Wednesday 4 July 2012  
7.00 pm

Southwark College, Bermondsey Centre, Keetons Road, London, SE16 4EE

## **Order of Business**

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### **PART A - OPEN BUSINESS**

#### **1. PRELIMINARY BUSINESS**

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

To receive any announcements from the Mayor, members of the cabinet or the chief executive.

##### **1.2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT**

In special circumstances an item of business may be added to an agenda within seven working days of the meeting.

##### **1.3. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Members to declare any personal interests and dispensations in respect of any item of business to be considered at this meeting.

##### **1.4. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

##### **1.5. MINUTES**

To approve as a correct record the open minutes of the council assembly meeting held on 23 May 2012 (to be circulated separately).

#### **2. ISSUES RAISED BY THE PUBLIC**

**2.1. PETITIONS**

To formally receive any petitions lodged by members of the council or the public which have been received in advance of the meeting in accordance with council assembly procedure rules.

**2.2. PUBLIC QUESTION TIME**

The deadline for public questions for this meeting is Midnight, Thursday 28 June 2012. Questions can be emailed to [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).

Questions from the public will be distributed in a supplemental agenda.

**2.3. DEPUTATION REQUESTS ON THE THEME**

The deadline for deputation requests for this meeting is Midnight, Thursday 28 June 2012. Deputations can be emailed to [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).

Deputation requests will be distributed in a supplemental agenda.

**3. THEMED DEBATE: HEALTH IN SOUTHWARK****3.1. CABINET MEMBER STATEMENT**

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The cabinet member for health and adult social care to present the theme for the meeting.

**3.2. QUESTIONS FROM THE PUBLIC ON THE THEME**

The deadline for public questions on the theme is Midnight, 28 June 2012. Questions can be emailed to [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).

Questions from the public will be distributed in a supplemental agenda.

**3.3. MEMBERS' MOTIONS ON THE THEME**

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	To consider the following motions on the theme submitted by members of the council:	
	<ul style="list-style-type: none"> <li>• The threat to adult care services in the south of the borough</li> <li>• Health and wellbeing priorities</li> <li>• Health in Southwark.</li> </ul>	
<b>4.</b>	<b>OTHER DEPUTATIONS</b>	
	The deadline for deputation requests for this meeting is Midnight, Thursday 28 June 2012. Deputations can be emailed to <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a> .	
	Deputation requests will be distributed in a supplemental agenda.	
<b>5.</b>	<b>ISSUES RAISED BY MEMBERS</b>	
	<b>5.1. MEMBERS' QUESTION TIME</b>	7 - 13
	To receive any questions from members of the council.	
	<b>5.2. MEMBERS' MOTIONS</b>	14 - 15
	To consider the following motion:	
	<ul style="list-style-type: none"> <li>• Save Southwark's Nurseries.</li> </ul>	
<b>6.</b>	<b>REPORT FOR RECOMMENDATION FROM THE CABINET</b>	
	<b>6.1. COUNCIL PLAN ANNUAL PERFORMANCE REPORT 2011/12</b>	16 - 45
	Council assembly approved the new council plan on 6 July 2011. This report summaries the progress made in 2011/12 against the ten promises that were agreed in the council plan. It also sets out the objectives and targets for 2012/13 under each cabinet portfolio performance schedule. Council assembly is asked to agree any updates recommended by the cabinet for 2012/13 targets.	
<b>7.</b>	<b>REPORTS FOR INFORMATION FROM THE CABINET</b>	
	<b>7.1. REPORT BACK ON MOTIONS REFERRED TO CABINET FROM COUNCIL ASSEMBLY</b>	46 - 54

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Council assembly referred several motions to the cabinet for consideration, this report sets out the cabinet's decision in relation to each motion.

## 8. OTHER REPORTS

<b>8.1. TREASURY MANAGEMENT PERFORMANCE - 2011/12 ANNUAL REPORT AND UPDATE ON HRA SELF-FINANCING SETTLEMENT</b>	55 - 65
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Council assembly is asked to note the 2011/12 outturn report on debt, investments and prudential indicators.

<b>8.2. CODE OF CONDUCT AND PROPOSED CONSEQUENTIAL CHANGES</b>	66 - 83
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The Localism Act 2011 provides for the abolition of the current standards regime. The authority will need to formally adopt a code of conduct in accordance with section 28 of the Act. Therefore council assembly is requested to approve a code of conduct, changes to the constitution and changes to the member officer protocol as a consequence of commencement of the provisions in the Localism Act 2011.

<b>8.3. PROPOSED CHANGES TO THE MONITORING OFFICER ROLES AND FUNCTIONS</b>	84 - 131
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As a consequence of a senior management reorganisation and the transfer of the monitoring officer functions council assembly is recommended to adopt changes to the constitution.

<b>8.4. APPOINTMENT OF CHIEF EXECUTIVE - RECOMMENDATION OF THE APPOINTMENTS COMMITTEE</b>	132 - 138
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On 14 June 2012 the council's appointments committee recommended that council assembly appoints to the post of chief executive and statutory head of paid service.

### 8.5. APPOINTMENT OF INDEPENDENT PERSON

A joint independent person selection panel (Southwark and Lambeth) will meet to recommend the appoint of an independent person to advise the council on breaches of the member code of conduct. Council assembly will be asked to agree the appointment recommended by the panel. A report will be circulated following the panel meeting.

**9. AMENDMENTS**

Any member of the council may submit an amendment to a report or motion on the agenda. The amendments will be circulated to all members in a supplemental agenda.

**ANY OPEN ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING****EXCLUSION MOTION (IF NECESSARY)**

The following motion should be moved, seconded and approved if the council wishes to exclude the press and public to deal with reports revealing exempt information:

“That under the access to information procedure rules of the Southwark constitution, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in section(s) 1 – 7 of paragraph 10.4 of the procedure rules.”

**PART B – CLOSED BUSINESS****10. APPOINTMENT OF INDEPENDENT PERSON****ANY CLOSED ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING**

Date: 22 June 2012

## Southwark College – Bermondsey: Transport and map

Bermondsey Centre, Keetons Road, London SE16 4EE

### Buses:

1 from Tottenham Court Road to Canada Water  
 C10 from Victoria Coach Station to Canada Water  
 47 from Shoreditch to Catford Bridge  
 188 from Russell Square to North Greenwich  
 225 from Canada Water to Hither Green  
 381 from Waterloo to Peckham Rye

All stop at Bermondsey Tube Station

P12 from Brockley Rise to Canada Water – stops at Kirby Estate

The following link is a map of all bus routes close to the venue:

<http://www.tfl.gov.uk/tfl/gettingaround/maps/buses/pdf/canadawaterandsurreyquays-2247.pdf>

### Tube:

The nearest tube station is Bermondsey, on the Jubilee Line. It is visible on the map below as “Sta (LUL)”.

### Map of the venue and surrounding area:



<b>Item No.</b> 3.1	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Themed Debate: Health in Southwark	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## BACKGROUND INFORMATION

### Introduction

1. On 23 April 2012 the council assembly business panel met to agree the themes for the themed section of council assembly meetings for the 2012/13 municipal year. The council assembly business panel agreed that the theme for the themed section of council assembly in July 2012 should be 'Health in Southwark'.

### What happens at the meeting?

2. At the meeting the agenda will be:
  - Cabinet member has 10 minutes in which to present the theme, plan or strategy
  - Shadow cabinet member has 5 minutes in which to reply
  - Public pre-submitted questions on the theme of the meeting (maximum of 15 minutes)
  - Member's motions on the cabinet theme using present principles to allow sufficient political balance and for political groups to hold cabinet to account.

One hour shall be allocated for the themed debate. The Mayor shall have the discretion to vary timings as appropriate.

### Public questions on themed debate

3. The deadline for public questions is Midnight, Thursday 28 June 2012. To find out more visit [www.southwark.gov.uk/democracy](http://www.southwark.gov.uk/democracy) or to submit a public question email [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).
4. The Mayor may reject a question if it is not relevant to the theme, plan, strategy or policy under discussion.
5. The time during which public questions shall be taken at a themed meeting shall not exceed 15 minutes and shall be conducted under the existing rules for public questions.

### Members' motions



6. All motions shall be relevant to the topic under discussion and shall be conducted under the existing rules for members' motions. Normal deadlines shall apply for the submission of members' motions.
7. The order of motions and timings shall be determined by the Mayor.

### Themes

8. The themes for each meeting are set by the council assembly business panel.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Constitution	160 Tooley Street London SE1 2QH	Constitutional Team <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a> 020 7525 7228

### APPENDICES

No.	Title
None	

### AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Lesley John, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 June 2012	
<b>Key decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer title</b>	<b>Comments sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Finance Director	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	20 June 2012	

<b>Item No.</b> 3.3	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Motions on the Theme	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## BACKGROUND INFORMATION

During the themed debate, council assembly may debate motions. Members' motions on the theme will use present principles to allow sufficient political balance and for political groups to hold cabinet to account.<sup>1</sup>

Members are limited to moving one motion and seconding one motion in the themed section of the meeting.

All motions shall be relevant to the topic under discussion and shall be conducted under the existing rules for members' motions. Normal deadlines shall apply for the submission of members' motions.

The order in which motions are debated and timings shall be determined by the Mayor.<sup>2</sup>

- 1. MOTION FROM COUNCILLOR LEWIS ROBINSON** (Seconded by Councillor Michael Mitchell)

### **The threat to adult care services in the south of the borough**

In 2011 Southwark Council closed Holmhurst day centre, Burbage Road following a consultation exercise with users and carers which explicitly guaranteed maintaining services at nearby Fred Francis House, Lordship Lane. Council assembly notes the intention of the council to renege on that promise within a year of the closure of Holmhurst and demands an adequate full service day centre continues to be provided in the south of the borough for the very vulnerable category of clients, and their carers, affected by these changes.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

- 2. MOTION FROM COUNCILLOR DAVID NOAKES** (Seconded by Councillor Denise Capstick)

### **Health and wellbeing priorities**

1. 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.

<sup>1</sup> Council assembly procedure rule 2.7 (3)

<sup>2</sup> Council assembly procedure rule 2.7 (9) and (10)

2. Council assembly welcomes the increase in life expectancy in the borough, but notes the significant health inequalities which still exist among Southwark residents.
3. 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. Council assembly notes 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. Council assembly also notes 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 cabinet members and the new shadow board to consider these issues as priority work areas.
6. 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 include councillors from all parties and representatives from the voluntary sector.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

**3. MOTION FROM COUNCILLOR NEIL COYLE** (Seconded by Councillor Mark Williams)

**Health in Southwark**

1. Council assembly recognises and appreciates the excellent work done by doctors, nurses and other health workers in Southwark.
2. Council assembly notes that from April 2013 the council will have a new duty for public health. Southwark is a borough where there are significant health inequalities, as well as a new legal duty to improve public health; the council will need to work with the new GP-led NHS Clinical Commissioning Group and patient champion group HealthWatch and other strategic partners to reduce health inequality and improve overall public health.
3. While the council welcomes the greater say it will now have in health locally, council assembly believes the Government's Health and Adult Social Care Act has created uncertainty in the NHS at a time when budgets are already tight and regrets that Southwark PCT will be required to hold back £21 million, which could be spent on patient care, to pay for the government's reorganisation.
4. Council assembly believes giving patients' certainty about when they will be treated is fundamentally important to their health and that low waiting times are a benchmark for excellence in the NHS.

5. Council assembly is concerned that the number of people in Southwark waiting more than 18 weeks from referral to treatment has increased by 171% since May 2010 – the largest increase in London.
6. Council assembly believes the government's decision to abolish waiting time targets has led to this increase in Southwark and now means fewer than 90% of Southwark patients are being treated within 18 weeks.
7. Council assembly calls on members to consider these issues and discuss:
  - a) How can the council, the NHS and other partners use our position in the local community as providers of a large number of services to reduce health inequalities?
  - b) What are the best local examples of residents working to improve their own health and wellbeing and that of their communities?
  - c) What can we all do as local councillors to help our constituents improve their own health?

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

#### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Member Motions	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

#### AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager
Report Author	Lesley John, Constitutional Officer
Version	Final
Dated	20 June 2012

<b>Item No.</b> 5.1	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Members' Question Time	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

### **BACKGROUND INFORMATION**

Members' question time shall not exceed 30 minutes. During this time, members may not question any one cabinet member or committee chair for longer than fifteen minutes.

Members are limited to one question at each meeting. One councillor from each community council will be able to submit a question on behalf of their community council.

Questions to the leader will be taken first, followed by question from community council councillors followed by questions to other cabinet members. The order in which the different political groups ask questions of the leader will be rotated. Questions to cabinet members will be taken in the order of receipt and portfolio. The order of portfolios will be rotated at each meeting such that the cabinet member answering questions immediately after the leader will be the last cabinet member to answer any questions at the next meeting of council assembly.

Cabinet members and committee chairs have discretion to refer a question to another cabinet member.

Responses to members' questions will be circulated on yellow paper around the council chamber on the evening of the meeting.

The Mayor will ask the member asking the question if they wish to ask one supplemental question to the member to whom the question was asked. The supplemental question must arise directly out of the original question or the reply. Therefore, supplemental questions to the leader or other cabinet members are not free ranging.

No question shall be asked on a matter concerning a planning or licensing application.

### **Notes:**

1. The procedures on members' questions are set out in council assembly procedure rule 2.9 in the Southwark Constitution.
2. In accordance with council assembly procedure rule 2.9 (12) & (13) (prioritisation and rotation by the political groups) the order in which questions to the leader appear in this report may not necessarily be the order in which they are considered at the meeting.

**1. QUESTION TO THE LEADER FROM COUNCILLOR HELEN MORRISSEY**

Is he disappointed by Thames Water's decision to keep Chambers Wharf as its proposed drive-in site for the Thames Tunnel?

**2. QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI**

Can the leader assure the people of Southwark that no one – especially vulnerable children and adults – are at risk as a result of the merger of the children's services and health & adult social care departments? What safeguards has the council put in place to ensure that Southwark's most vulnerable residents are not adversely affected?

**3. QUESTION TO THE LEADER FROM COUNCILLOR GAVIN EDWARDS**

Was he aware of a vote in parliament on 22 May 2012 that would have given the new Financial Conduct Authority the power to cap the charges made for credit and the cost of borrowing; thus curbing the excessive interest rates charged by many payday loan companies in Southwark?

**4. QUESTION TO THE LEADER FROM COUNCILLOR DAVID NOAKES**

Would the leader confirm, as of the end of June 2012, how many learning disabilities clients in residential housing are in receipt of their personal budgets?

**5. QUESTION TO THE LEADER FROM COUNCILLOR HELEN HAYES**

What role can Southwark's new shadow health and wellbeing board play in tackling longstanding issues like childhood obesity?

**6. QUESTION TO THE LEADER FROM COUNCILLOR CATHERINE BOWMAN**

Will the leader agree to implement the cross-party recommendations from overview and scrutiny's recent investigation into the council's funding of tenant and resident associations?

**7. QUESTION TO THE LEADER FROM COUNCILLOR CHRIS BROWN**

Recent figures show the number of housing starts has fallen by 35% compared to the average achieved during Labour's 13 years in office. When the government has slashed the social housing budget by £4 billion, what can the council do to tackle the borough's critical housing shortage?

**8. QUESTION TO THE LEADER FROM COUNCILLOR JAMES BARBER**

What limits have Southwark placed on advertisers using sites owned or let by Southwark Council to support the fight against obesity?

**9. QUESTION TO THE LEADER FROM COUNCILLOR PATRICK DIAMOND**

What will be the impact of the government's welfare reforms and in particular its decision to pass on to local authorities a 10% cut in council tax benefit which supports Southwark's poorest residents?

**10. QUESTION TO THE LEADER FROM COUNCILLOR ADELE MORRIS**

Following the proposed transfer of its assets to Lewisham College, is the leader able to reassure us that the new facilities at Southwark College's Waterloo campus in The Cut – that were paid for by a sizeable S106 contribution from the Shard – will continue to be used as per the planning conditions to provide training opportunities for young people?

**11. QUESTION TO THE LEADER FROM COUNCILLOR PAUL NOBLET**

Will the leader back a campaign by local residents to clean up the area outside Melville Court on Lower Road and consider a compulsory purchase order, as the council has done at St Olav's Square, to assist them in their efforts?

**12. QUESTION TO THE LEADER FROM COUNCILLOR DENISE CAPSTICK**

Would the leader outline the council's plans for the day centres in the borough which support people with mental health issues, physical and learning disabilities and dementia?

**13. QUESTION TO THE LEADER FROM COUNCILLOR COLUMBA BLANGO**

What arrangements have been put in place for flexible working for staff based at 160 Tooley Street during the Olympics? What effect does he believe the virtual closure of London Bridge during that period will have on the functioning of the council?

**14. QUESTION TO THE LEADER FROM COUNCILLOR PODDY CLARK**

Would the leader confirm that the council will ensure that the site at 10 Spurgeon Street and 58 Great Dover Street will not be used as a hotel unless or until planning permission has been granted?

**15. QUESTION TO THE LEADER FROM COUNCILLOR JONATHAN MITCHELL**

What representations has the leader made to police about safer neighbourhood teams being moved out of their wards to other duties in London, and what views have police officers expressed to the leader about this dangerous reduction in police numbers in our local neighbourhoods?

**16. QUESTION TO THE LEADER FROM COUNCILLOR MARK GETTLESON**

How many complaints have been received by the council as a result of the extortionate increase in the cost of garages for disabled residents? And does the leader believe that the reason why there is a discount for tenants and leaseholders (and not for those who are disabled) is because tenants and leaseholders were the only people consulted? Is that fair to every resident of this borough?

**17. Note:** A question from a community council must have been previously considered and noted by the relevant community council (CAPR 2.9.2). In view of the timing of the constitutional change in May 2012 and the date of the subsequent community council, for this council assembly only it has not been possible for questions to be considered by some community councils prior to the deadline for submission of questions. A question was submitted on behalf of Bermondsey and

Rotherhithe Community Council subject to the outcome of the community council. However following the deadline for questions, the date of the community council moved until after council assembly. The question therefore falls.

**18. QUESTION TO THE CABINET MEMBER FOR COMMUNITIES AND ECONOMIC DEVELOPMENT FROM COUNCILLOR ROBIN CROOKSHANK HILTON (DULWICH COMMUNITY COUNCIL)**

Can the cabinet member for communities and economic development give an update on what steps have been taken to address the ongoing late-night economy problems in Herne Hill?

**Note:** A question from a community council must have been previously considered and noted by the relevant community council (CAPR 2.9.2). In view of the timing of the constitutional change in May 2012 and the date of the subsequent community council, for this council assembly only it has not been possible for this question to be considered by the community council prior to the deadline for submission of questions. Therefore this question is published subject to the outcome of the community council. In order to be considered by council assembly it will require a suspension of the relevant council assembly procedure rule.

**19. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR ROSIE SHIMELL**

Would the cabinet member explain how she thought healthy school meals were being provided when school hygiene inspections were not happening at the required minimum frequency? When will all schools be inspected by environmental health officers and what will be the average calendar days from the last inspection?

**20. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR MICHAEL BUKOLA**

Does the new cabinet member for children's services welcome the coalition government's measures offering free early years education to 2 year olds from disadvantaged backgrounds, and will she endorse this provision which will benefit many families in Southwark and help close the gap between the most disadvantaged children and their peers?

**21. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR ROBIN CROOKSHANK HILTON**

How much will the council spend providing free lunches in schools in Village Ward to pupils who are not eligible under government regulations, and how much does the council expect to spend on each pupil in 2013 and 2014?

**22. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR WILMA NELSON**

Would the cabinet member update members about the new secondary school for the north of the borough?

**23. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR CLEO SOANES**



The Institute for Fiscal Studies has estimated that 400,000 children will fall into relative poverty between 2010 and 2015. What role can free, healthy, school meals have in tackling child poverty here in Southwark?

**24. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR DARREN MERRILL**

Long-term youth unemployment in the north of the borough has risen by 89% in the last 12 months. Given the complacency of the government, what can the council do to address this worrying trend?

**25. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR ROWENNA DAVIS**

Can she provide an update on the youth aspect of the council's £1 million community restoration fund?

**26. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR LISA RAJAN**

Which primary schools are expanding intake in September 2012 and September 2013? Please give figures detailing their current intake and increased intake.

**27. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR NICK DOLEZAL**

What measures has the council taken to ensure Southwark's school kitchens are up to an acceptable level of hygiene?

**28. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR GRAHAM NEALE**

What has been the total amount of the street cleaning budget spent on the removal of chewing gum in each of the years 2009/10, 2010/11 and 2011/12?

**29. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR GEOFFREY THORNTON**

How many temporary green spaces have been created on vacant land since May 2010?

**30. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR JEFF HOOK**

Would the cabinet member tell me how many trees have been felled in Southwark every year for each of the last five years? How many more are due to be felled in the next two years? What consultation is taking place with residents about each one which is felled?

**31. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR PAUL KYRIACOU**

Would the cabinet member for transport, environment and recycling get me a definitive answer as to when the farmers market will come to the Blue and how it would work?

**32. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR DAN GARFIELD**

What does he believe will be the benefit to Southwark residents of the transformation of Burgess Park?

**33. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR RENATA HAMVAS**

Can he provide the latest information on the borough's recycling rates compared to a) when the previous administration left office and b) the average for London boroughs?

**34. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR ABDUL MOHAMED**

What impact can Trixie mirrors have in improving cyclists' safety in Southwark?

**35. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR MICHAEL MITCHELL**

Could the cabinet member for transport, environment and recycling state why, despite diligent enquiries by officers in response to resident and councillor enquiries, no explanation is yet forthcoming as to why traffic counters appeared across borough roads in numerous locations in Village ward in March and April 2012, and would he set out the circumstances, if any, in which it would be lawful for third parties to place such things across a road without informing the relevant highway authority?

**36. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR NICK STANTON**

What steps has the deputy leader and cabinet member for housing management taken to put pressure on the Corporation of London Authority to fix broken entry phones on the Avondale Estate?

**37. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR DAVID HUBBER**

Would the cabinet member provide statistics for the number of privately owned vacant properties and homes in Southwark, and can he outline his proposals for bringing those properties back into use, in an effort to tackle the housing shortage in Southwark?

**38. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR LINDA MANCHESTER**

What are the council doing to help tenants get up to date meter readings, especially for those with meters in locked cupboards?

**39. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR LEWIS ROBINSON**

With reference to the undertaking by the strategic director of housing services in her e-mail of 18 June 2012 to all councillors about the Wates Major Works Contract, that all relevant residents will be consulted, would the deputy leader and cabinet member for housing management please confirm that the consultation will extend to non-resident leaseholders? If not, could reasons be given, please?

**40. QUESTION TO THE CABINET MEMBER FOR COMMUNITIES AND ECONOMIC DEVELOPMENT FROM COUNCILLOR MARK GLOVER**

How many applications were there for the business element of the community restoration fund and when will applicants be told of the outcome of their application?

**41. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR ELIZA MANN**

How big is the current Bermondsey One Stop Shop and how big is the new space in the Blue? Is the cabinet member sure that all the services currently provided at the One Stop Shop will have enough space in the new planned premises?

**42. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR TIM McNALLY**

Could the cabinet member please give a list of all sites owned by the council or other public sector bodies in Southwark, their current uses, and which ones have potential for development?

**43. QUESTION TO THE CABINET MEMBER FOR CULTURE, SPORT, THE OLYMPICS AND REGENERATION (SOUTH) FROM COUNCILLOR NORMA GIBBES**

This is the last council assembly before the Olympic Games. Is Southwark ready for this once in a lifetime event?

**44. QUESTION TO THE CHAIR OF THE PLANNING COMMITTEE FROM COUNCILLOR TOBY ECKERSLEY**

In the light of the new regime for determination of planning applications would the chair of planning committee confirm that generally he will ensure that requests by any two councillors for determination at member level will be acceded to, and, if he is minded not to do so in some circumstances, would he please outline such circumstances?

<b>Item No.</b> 5.2	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Motions	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## BACKGROUND INFORMATION

The councillor introducing or “moving” the motion may make a speech directed to the matter under discussion. This may not exceed five minutes<sup>1</sup>.

A second councillor 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 debate the issue and any amendments on the motion will be dealt with.

At the end of the debate the mover of the motion may make a concluding speech, known as 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 councillors 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 cabinet 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 reserved to the cabinet (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the cabinet. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the cabinet:

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

**Note:** In accordance with council assembly procedure rule 2.10 (7) & (8) (prioritisation and rotation by the political groups) the order in which motions appear in the agenda may not necessarily be the order in which they are considered at the meeting.

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<sup>1</sup> Council assembly procedure rule 1.14 (9)

1. **MOTION FROM COUNCILLOR GRAHAM NEALE** (Seconded by Councillor Catherine Bowman)

**Save Southwark's Nurseries**

1. Council assembly regrets the initial decision made by the department for children's services in March 2012 to 'withdraw childcare' at the two council-run children and parents' centres in South Bermondsey (Tenda Road) and Newington (Bishop's House) and further regrets the lack of consultation before this announcement was made.
2. Council assembly welcomes, after pressure from Liberal Democrat councillors, the latest announcement in May 2012 to enter into a consultation process with parents and residents on the proposal for the 'phased withdrawal of childcare provision' at these two centres. However, council assembly is concerned about the leading and biased questions in the consultation document.
3. Council assembly is proud of the excellent childcare at these children's centres which have had significant investment and one of which has earned an 'outstanding' rating from Ofsted.
4. Council assembly urges the cabinet to ensure these children's centres remain open and continue to provide the excellent childcare which so benefits the local community and future generations.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Member Motions	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

**AUDIT TRAIL**

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager
<b>Report Author</b>	Lesley John, Constitutional Officer
<b>Version</b>	Final
<b>Dated</b>	20 June 2012

<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Council Plan Annual Performance Report 2011/12	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Cabinet	

## RECOMMENDATIONS

1. That Council Assembly adopts the updates to the Council Plan targets for 2012/13 as set out in Appendix 1.

## BACKGROUND INFORMATION

2. On 6 July 2011 Council Assembly approved a new Council Plan, which set out how the council will achieve its Fairer Future for All vision in an environment of significantly reduced funding to the council. Ten fairer future promises were agreed with a further set of objectives outlined in performance schedules for each cabinet member portfolio area.
3. The Council Plan placed local needs and accountability as the drivers of performance improvement. Over 2010/11 there were a number of changes to the performance monitoring and reporting requirements required of the council by central government. These included the abolishing of the national indicator set and the end of the requirement for local area agreements. As a result the council had greater flexibility than in previous years to develop a plan that delivered against local priorities.
4. It was agreed at Council Assembly in July 2011 that the review and monitoring of targets would be ongoing throughout the year with progress updated at least every six months and to report more formally through an annual report.
5. During the 2011/12 the council has been monitoring its performance against the promises and objectives in the Council Plan. Performance data and project updates have been collected on a quarterly basis. An Interim Performance Report was presented to cabinet in February 2012 to note progress made over the first six months of 2011/12. Cabinet considered the Council Plan Annual Performance Report at its meeting on 19 June 2012. The Cabinet noted the progress against the ten fairer future promises in the Council Plan. Cabinet agreed the Council Plan Cabinet member portfolio objectives and targets for 2012/13 (see Appendix 1).

## KEY ISSUES FOR CONSIDERATION

6. This report provides a summary of progress made in 2011/12 against the ten promises that were agreed in the Council Plan. It also sets out the objectives and targets for 2012/13 under each cabinet portfolio performance schedule (see Appendix 1). Further detail on progress against the cabinet member portfolio

performance schedules is available on the council's website (see background papers).

### **Introduction from the Leader of the Council**

7. In 2010 the council launched its Fairer Future for All programme, which set out our vision for Southwark - a vision which sees all of us working together to create a borough in which all are able to achieve their potential.
8. We recognised when we set out that vision that the council had to change in some fundamental ways. The way we treated the people we came into contact with had to improve. We had to demonstrate more respect and compassion; to act as if those we interact with were members of our family. We also recognised that we held the public's money as trustees for our community, and should look after it in the same way that Southwark residents look after their family budgets and Southwark businesses look after their business balance sheets.
9. To this end, in July 2011 we approved our first Council Plan. This set out how we will deliver our Fairer Future for All programme over three years. It reflected our desire to change the way the council operates and marked the start of a new relationship between the council and our residents, built on trust, openness and transparency.
10. This Council Plan Annual Performance Report is our chance to provide an update on how we are delivering on our promises and to set out our objectives for 2012/13 that will support our vision of a fairer future for all in Southwark.

### **Summary of progress against our ten fairer future promises**

11. In July 2011 the council agreed to ten fairer future promises as part of its new Council Plan. A summary of progress against each promise is provided below.

#### **Promise 1 - "Provide improved value for money and keep council tax increases below inflation"**

12. In February 2011 Council Assembly agreed a balanced budget of £323m for 2011/12. This was based on a zero percent increase in Council Tax. The agreed budget included £7.5m of financial commitments, largely to meet increasing demand and other pressures, and £6.1m growth in additional or new services. Over the year budget reductions, savings and efficiencies of some £33.8m (10.5 per cent of 2010/11 revenue budget) were planned to be achieved. This included a range of options including the rationalisation of management structures and back office structures and options for savings in contract spend.
13. In five of the six years since 2007/08, council tax has been frozen. The total increase in council tax (excluding the Greater London Authority precept) over this time is 4 per cent. This has been in the context of reduced government grant in real terms and inflation based on the Consumer Price Index that has been running at an equivalent rate of 15.7 per cent. At the same time the council has had to absorb the cost of increased demands across a range of critical services, including adult care, learning disabilities and services which are associated with government targets (e.g. recycling). The council continues to maintain the 7<sup>th</sup> lowest council tax in London.

14. In each of the last five years the District Auditor has confirmed that the council has achieved value for money. Continued efforts are being made to reduce the costs of service delivery while maintaining the standards of service to which stakeholders are entitled. For 2012/13, the council has accepted the government's Council Tax Freeze Grant, although it recognises the pressures that this will create for council tax payers and potentially for council services as the grant is removed. In June 2011, cabinet agreed a Medium Term Resources Strategy which set out a range of measures for delivering better value for money.
15. In 2010 the council embarked upon a transformation programme in the revenues and benefits service. On 1 April 2011 the service transferred back from its outsourced supplier to be operated directly by the council. In the course of the year the collection rate has seen a step change improvement from the previous 2010/11 outturn of 92.7 per cent, itself an improvement on the previous year. As at 31 March 2012, the council tax collection rate was 94.5 per cent. That coupled with significant reductions in outstanding debt and improvement in arrears collection has made for a successful transformation.
16. Other measures taken to help reduce costs of service delivery have been in relation to the use of consultants and agency staff. Spend on consultants across the council was £12.089 million in 2009/10. This was reduced to £7.267 million in 2010/11 and then to £5.338 in 2011/12. Similarly, numbers of agency staff over this period have fallen from 720 in March 2010 to 441 in March 2011 and then to 391 in March 2012. Efforts continue to reduce these costs further, whilst maintaining standards of service.

**Promise 2 - "Work with residents and the police to make the borough safer for all by cracking down on antisocial behaviour and implementing our new violent crime strategy"**

17. The council adopted the Southwark Anti-social Behaviour Strategy in September 2011 and the "A Responsible Approach" - Dogs Strategy in the summer of 2011. The Southwark Anti-social Behaviour Strategy sets out how we will work together with the community to tackle anti-social behaviour, using the tools and powers available to us.
18. According to the Police Public Attitude Survey, 56 per cent of residents are now more confident in the police and council tackling crime and anti-social behaviour. 76 of residents also feel safer walking alone in their local area after dark (up 2 percentage points from 2010/11).
19. The community warden service has successfully applied for further Metropolitan Police accredited powers under the Community Safety Accreditation Scheme (CSAS). They were the first frontline staff in London to receive these powers. In 2011/12, wardens carried out over 1,000 CSAS actions, of which 700 were alcohol seizures. Other outputs include:
  - 100 Acceptable Behaviour Contracts signed
  - 14 post conviction Antisocial Behaviour Orders secured
  - 15 crack house and premises closure orders have been executed.
  - 11 injunctions have been obtained dealing with illegal and antisocial behaviours.



- 37 notices seeking possession have been served for serious tenancy breaches. Proceedings have been issued in six cases and one tenant has been evicted.
20. The summer riots had a significant impact in Southwark affecting over 140 businesses. Over 120 people were charged and Southwark Antisocial Behaviour Unit and housing carried out around 70 home visits for those who were involved in the disorder. Five properties have been recovered as a result of this work.
  21. Throughout 2011/12, we have made significant progress against the five priorities set out in the Violent Crime Strategy. We have had particular success in reducing the following types of crime:
    - 13% reduction in overall violent offences (against target of -2 per cent),
    - 32% reduction in gun crime,
    - 13% reduction in violence with injury,
    - 9% reduction in serious youth violence,
    - 9% reduction in domestic violence,
    - 6% reduction in most serious violence,
    - 4% reduction in knife crime.
  22. However, there has been a 4 per cent increase in robbery over the period. The Safer Southwark Partnership will continue to focus on this throughout 2012/13, using available resources.
  23. We have continued to deliver SERVE (Southwark Emergency Rehousing Victims Of Violent Enterprise), providing safe accommodation and a mentoring for individuals at serious risk of violence associated with gangs or weapons. We have successfully supported 23 families, or individuals, into short term accommodation and on to more stable housing out of the borough.
  24. MARAC (Multi-agency Risk Assessment Conference) continues to have a positive impact on high risk victims as well as helping to reduce domestic violence in the borough. Over 160 individuals have been referred to the MARAC in 2011/12; 80 per cent of cases, after MARAC intervention, have not been referred back to MARAC.
  25. We have re-commissioned our domestic violence services to deliver a new improved service for victims of domestic abuse. The new service will provide significant improvements including a single 24/7 access point, borough-wide provision for all victims and children, perpetrator programmes and capacity building services.
  26. We have established a night time economy team, a joint resource with the council and police, operating on Friday and Saturday nights in hotspot areas in Borough and Bankside. Crime in the Cathedrals ward has since reduced by 11 per cent (400 fewer recorded crimes) and alcohol related calls to the London Ambulance Service have reduced by two per cent
  27. A team was established in July 2011 to focus on the illegal economy in the Peckham town centre area. Two multi-agency test purchase operations were carried out resulting in approximately 90 arrests.

28. The Youth Offending Service (YOS) has been restructured to strengthen supervision of violent offenders in the community. This has helped to reduce the likelihood of reoffending among young people being supervised by the YOS.

**Promise 3 - “Deliver the first three years of our five year plan to make every council home warm, dry and safe”.**

29. We are moving in the right direction with our overall five year ‘Warm, Dry and Safe’ (WDS) investment programme. The WDS programme was approved by cabinet in October 2011. We undertook major consultation asking all council tenants and homeowners about their views on the programme and as a result commissioned surveys on all the projects in the 2012/13 programme. We will be writing to residents impacted by next year’s programme to inform them about the works we will carry out in their homes, the timescales for the works and introducing them to their project teams.
30. The council continues to progress schemes in the 2011/12 programme. Although there was some slippage, the majority of schemes are committed with the remaining projects ready to start early in 2012/13. The two major reasons for slippage in the 2011/12 programme are the stop/starts on the WDS programme as we awaited the Land Tribunal decision and contract disputes in Bermondsey and Rotherhithe (Contract Area 2). We have recently introduced a new Project Management model which will provide accurate cash forecasting in future.

**Promise 4 - “Improve our customer service with more online services, including delivery of a better housing repairs service, independently verified by tenants”.**

31. The council-wide initiative to improve the delivery of on-line services is progressing well. Improvements so far include;
- Service migration board has been established to drive the council’s on-line services, and work has commenced with the customer service centre to promote web service delivery.
  - New "In my Area" service introduced on the council’s website in October 2011. This service provides a range of information about local services.
  - Mobile-enabled council website went live in December 2011, enabling customers to access the council's website from a mobile device.
  - A new "MySouthwark" personalised account went live on 12 March 2012, making way for the personalised delivery of a host of council services.
  - The Soctim (association for ICT professionals) Better Connected 2012 review praised Southwark’s mobile website as being really good and upgraded our rating from a 2 star to 3 star council (out of a possible 4 stars).
32. Repair performance continues to show improvement.
- 79.1 per cent of our residents are satisfied with ‘overall repair service’ and 69.4 per cent have informed us that their repair was completed right first time.
  - 12 of the 13 recommendations made by the Housing Scrutiny sub-committee have been implemented.
  - 83 per cent of actions resulting from the 'end to end' review have been completed.

- The extremely challenging target of 50 per cent net reduction in disrepair case volume has been exceeded. The disrepair cases are now lower than at any point in at least the last five years.
- Gas servicing compliance has been consistently excellent – this is the best performance in at least the last 6 years.

**Promise 5 - “Introduce free healthy school meals for all primary school pupils, and champion improved educational attainment for our borough's children”.**

33. Free healthy school meals for primary school children in Reception and Year 1 was introduced in September 2011 and we are on track to roll out for Years 2,3 and 4 in September 2012 and Years 5 and 6 in September 2013.
34. Southwark’s pupils achieved better than ever results in 2011, with 77 per cent of pupils achieving expected levels at key stage 2 (first quartile nationally) and 58 per cent at GCSE (better than the national average). The performance of children in care also improved, with 23.9 per cent achieving expected levels at GCSE, the second-highest in London. More schools and settings were judged good or better, rising to three-quarters of all primary and secondary schools.

**Promise 6 - “Support vulnerable people to live independent, safe and healthy lives by giving them more choice and control over their care”.**

35. Service-user choice and control has been increased through greater uptake of personal budgets. Around 2,600 community services users and carers are now benefitting from some form of self-directed support, meaning that we are delivering our 60 per cent target. This reflects successful redesign of the customer journey and key associated processes such as outcome-based assessment, support planning, resource allocation and user review, and provides a sound platform for taking forward the personalisation agenda so that it makes a real difference to the lives of service users.
36. “My Support Choices” has been rolled out, providing an online guide that enables people to easily explore the options for obtaining support.
37. The Innovation Fund programme has helped set up a range of personalised support opportunities that will help develop the market to meet people’s support preferences.
38. The opening of the Resource Centre and creation of the user-led organisation SCIL (Southwark Centre for Independent Living), the Independent Living Team and Older People’s voluntary sector changes have all been part of a more personalised approach to day services.
39. The balance of care continues to shift in favour of community-based provision as new permanent admissions to care homes remain below previous year’s rates and services are reconfigured to enable people to live in their own home.
40. Good progress has been made towards redesigning residential care provision for people with learning disabilities, giving service users their own home with tenancy rights, rather than a registered care home setting. This is a key step towards personalising services for this client group and is a key equalities objective of the council.

41. Strong performance has been maintained on minimising delayed transfers of care from hospital, reflecting strong partnership working with health.
42. A Charter of Rights has been agreed and implemented, setting out clear standards that the public can expect from adult social care services.

**Promise 7 - “Encourage healthy lifestyles by transforming Burgess Park, opening a new swimming pool at Elephant and Castle and awarding £2m to local projects to leave a lasting Olympic legacy”.**

43. The Burgess Park Revitalisation Project is on target for completion by the summer of 2012. The lake extension is now complete, the play area and car park are now open and the majority of groundwork in creating the new topography of the park has been completed. The remainder of soft landscaping and hard landscaping is nearing completion. Once completed Burgess Park will offer a wide range of formal and informal healthy activities and sport including tennis, football, rugby, cricket, adventure play, outdoor gyms, fishing, go-karting and BMX. Many of these facilities will be refurbished or newly installed. We are developing a new model for the delivery of these sports within the park in association with the sport clubs and other users. This will deliver a tailored and coherent programme of use in each of these facilities which will then link to the clubs and organisations based in the park.
44. The new leisure centre at Elephant and Castle (E&C) is due to open in 2014, when it is anticipated that 300-500 people will use the new centre each year. Work on the design of the new leisure centre is progressing. Although the third stage of public consultation ended in March 2012, interested parties still have the opportunity to see the new designs from Friday 30 March when they will be on display at the Consultation Hub in Walworth Road.<sup>1</sup> Amenities currently proposed for the new leisure centre are:
  - Six lane 25m swimming pool
  - Separate teaching pool with moveable floor
  - Four court sports hall
  - 140 station gym
  - Studio suite, including indoor cycle studio
  - Café and crèche
45. Key milestones for new leisure centre project include:
  - Summer 2012 - Closure of existing centre and commencement of demolition and construction of existing leisure centre.
  - Spring 2014 - Completion and opening of new E&C leisure centre
46. A £2m package of Olympic legacy projects was approved by cabinet in October 2011 and is on track for delivery by the target date of March 2014. The majority of projects are busy either submitting planning applications, inviting tenders or at the design stage. One project has been completed already. All projects bar one will have either been completed or will have started by September 2012. Only the Southwark Park track project is yet to identify a completion date. This is because

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<sup>1</sup> Further details are available at <http://www.southwark.gov.uk/elephantleisure>

full funding has yet to be obtained. However, officers are embarking on a match funding programme for the 2012/13 year.

47. As of April 2012, the Peckham Pool disability hoist has been installed and the grass pitches at Peckham Rye Park have been drained and re-seeded ready for establishment ahead of the 2012/13 football season.
48. Upon completion in 2014, Southwark will be home to at least nine new or refurbished sporting facilities that will increase participation in or improve access to sport and physical activity across the borough.

**Promise 8 - "Open Canada Water library in autumn 2011, open a library in Camberwell and conduct a thorough review of the library service".**

49. Canada Water Library opened on 28 November 2011. Up to 31 March 2012 there have been:
  - 155,317 visits to the library and a total of 129,551 books and other items have been borrowed. Canada Water now accounts for 25 per cent of all items loaned each month from our libraries.
  - 85 per cent of loan transactions are performed using self service technology.
  - 6,387 new members joined the library from its opening date to the end of March 2012 and during this month 4,085 people have borrowed at least one item from the library.
  - 5,472 hours of Wi-Fi time were used at the library in March 2012 and this is 33 per cent of the total of all Wi-Fi used in Southwark's libraries during this month.
50. The Canada Water Library's Culture Space programme is now fully established and to date has hosted several successful events. These include performances from Tall Stories and the Bubble Theatre, and events with high profile authors including Jacqueline Wilson, Ben Fogle, Michael Rosen and Mark Haddon. The Rotherhithe Community Council was held there in January 2012. The library has been shortlisted for two building awards.
51. The business case for the new Camberwell Library was approved in December 2011. The proposals now going forward to planning are for the construction of a new building adjacent to the Magistrates court at Camberwell Green. The siting of this building will contribute to the overall improvement of this area and it is due to be completed in 2014.
52. The Libraries Review was undertaken in summer 2011 and involved widespread public consultation to seek views from the community on how the council could realise budget savings of £397k and maintain a high quality library service. Findings from the review were reported to cabinet in October 2011 together with proposals for a package of savings to achieve the required £397k target.
53. No libraries will close following the review. Opening hours at four smaller community libraries will be amended from April 2012 with new hours that are focused on times when the libraries are most used. This ensures that after school use by children can continue, that people on their way home can go to the library and that schools still have the opportunity to visit during the day. All day Saturday

opening has been retained as this is the day that libraries are most used by families.

54. Other measures within the approved savings package include a staff restructure completed in October 2011 and taking forward new strategies from 2012 onwards to promote volunteering and to invite local community organisations to put forward their proposals on how they may extend the opening hours at the smaller libraries during the times when the council is not delivering service.

**Promise 9 - “Bring the full benefits and opportunities of regeneration to all Southwark’s residents and build new family homes on the Aylesbury Estate and at Elephant and Castle”.**

#### **Aylesbury Estate**

55. Progress has been made towards regenerating the Aylesbury Estate. In April 2011 residents moved into the first new family homes built on the estate. In June 2011 the Aylesbury Resource Centre opened, which will provide services for older people and adults with disabilities.
56. Following the loss of around £180m in private finance initiative funding for the Aylesbury estate, the council reviewed and revised its regeneration implementation strategy for the area. This has included investigating the possibility of securing a long term development partner for the estate. In April 2012, we appointed a preferred developer for a site on the corner of Thurlow Street and East Street (1-59 Wolverton).
57. A funding agreement was signed with the Creation Trust, a resident-led charity. Under this agreement Creation will take the lead on delivering social and economic benefits to existing residents ahead of the redevelopment of the estate. The partnership with the council has helped Creation Trust to secure funding from a range of sources, including significant funds to support local people into employment.

#### **Elephant and Castle**

58. Ninety-five affordable units for rent were completed following a partnership between the council and a number of housing associations. This included 30 new family homes as part of the Heygate Estate replacement homes programme.
59. The creation of new family homes at Elephant and Castle was highlighted in Southwark Council’s 2011/12 Annual Monitoring Report (AMR). The AMR confirmed that of 169 three bedroom units completed across the borough as a whole, 50 were built at Elephant and Castle as part of commercial or registered social landlord developments.

**Promise 10 - “Double recycling rates from 20 per cent to 40 per cent by 2014 and keep our streets clean”.**

60. The full 2011/12 recycling rate has been confirmed as 27.45 per cent. Despite weekly food and garden waste collections, along with alternate-week residual waste collection scheme being introduced in October 2011 to 43,000 properties, we are still below the target set for 2011/12 of 32 per cent. This is due to the late opening of the new waste facility on the Old Kent Road due to unavoidable delays in the granting of final planning permission. Whilst this is disappointing for

this year, we are confident that with the new facility fully operational, the target for 2012/13 will be achieved.

61. Full year results for street cleansing performance are now available. The street cleansing budget reductions led to a change in the frequency of both litter and detritus removal in the borough. As a result, the number of streets graded as acceptable for litter removal fell slightly from 96 per cent last year to 93 per cent this year. Detritus grades for 2011/12 are in line with 2010/11, with 91 per cent graded as acceptable.
62. Although missed collections were above the target in quarters two and three, the service has now managed to bring performance back to the previous high standard. The roll out of weekly food waste as detailed above saw the biggest change to our refuse service since the 1990s meaning crews had to learn new routes. This coupled with the national strike on 30 November meant that our usually excellent collection performance dipped slightly. Missed collections are now back in line with our targets.
63. Working with developers, housing managers, and managing agents ensures waste and recycling services are provided to all properties (including new builds). This maximises opportunities to provide recycling services to all residents. The waste management design guidance notes are included for residential developments.

#### **Community impact statement**

64. No specific equality analysis has been undertaken for this report as there are no impacts on the community arising from the report itself. Future decisions made on the basis of council performance as highlighted by this report may require equality analysis to be undertaken and more detailed consideration of the impact on local people and communities as appropriate.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Strategic Director of Communities, Law & Governance**

65. It was previously a requirement for local authorities to publish a best value performance plan. The Local Government and Public Involvement in Health Act 2007 removed the powers of the Secretary of State to specify performance indicators and standards for local authorities, the duty on authorities to meet such standards and to publish best value performance plans. However, a local authority is still required to achieve best value. The Council Plan is one of the ways the council can demonstrate that it is achieving this requirement.
66. Any updates that cabinet agrees to the Council Plan targets for 2012/13 will then need to be adopted by Council Assembly as it approved the new Council Plan on 6 July 2011 including the original targets.

##### **Finance Director**

67. The financial implications of the annual performance report will be assessed by each department and any resultant commitments shall be managed within the annual budget cycle.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Delivering a fairer future for all in Southwark - Council Plan Annual Performance Report 2011/12 (including progress against the Cabinet member portfolio performance schedules)	<a href="http://www.southwark.gov.uk/info/200342/council_plan">http://www.southwark.gov.uk/info/200342/council_plan</a>	Alex Irvine – alex.irvine@southwark.gov.uk
Council Plan Interim Performance Report 2011/12	<a href="http://www.southwark.gov.uk/info/200342/council_plan">http://www.southwark.gov.uk/info/200342/council_plan</a>	Alex Irvine – alex.irvine@southwark.gov.uk
Council Plan 2011-14	<a href="http://www.southwark.gov.uk/info/200342/council_plan">http://www.southwark.gov.uk/info/200342/council_plan</a>	Alex Irvine – alex.irvine@southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Council Plan Cabinet portfolio targets for 2012/13

**AUDIT TRAIL**

<b>Lead Officer</b>	Eleanor Kelly, Acting Chief Executive	
<b>Report Author</b>	Stephen Gaskell, Head of Strategy and Partnerships Alex Irvine, Principal Strategy Officer Faz Hakim, Senior Strategy Officer	
<b>Version</b>	Final	
<b>Dated</b>	21 June 2012	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	21 June 2012	



**Council Plan Cabinet portfolio targets for 2012/13**

**Children's Services**

	Key objective	2012/13 targets
1	<del>Ofsted overall assessment of Council Children's Services</del>	Objective removed following ending of Ofsted assessment process.
2	Introduce free healthy school meals for all primary school children	Roll out to all Year 2, 3 and 4 pupils by September 2012.
3	Give young people real power over 20% of the youth service budget	Young people to have power over 20 per cent of youth services budget by 2014.
4	Reduce the number of schools below minimum "floor" standards	No schools to be below the minimum "floor" standards.
5	Increase percentage of pupils achieving Level 4 maths and English at Key Stage 2	Performance to be in top quartile nationally (77 per cent required to achieve top quartile performance in 2011/12).
6	Increase % of pupils achieving 5 or more A*-C grades at GCSE or equivalent including English and maths	At least national average.
7	*EQUALITY OBJECTIVE* - Narrow the gap between the lowest achieving 20% in the Early Years Foundation Stage Profile and the rest national performance.	Performance exceeds national gap expectation.
8	*EQUALITY OBJECTIVE* - Increase percentage of children in care achieving 5 A*-C GCSEs (or equivalent) at Key Stage 4 including English and maths.	At least national average.
9	Increase the percentage of "good" or "outstanding" Ofsted assessments of educational settings	
9a	Primary schools	Year-on-year improvement.

	Key objective	2012/13 targets
9b	Secondary schools	
9c	Children's centres	
9d	<del>Post-16 provision</del>	Objective removed following change in Ofsted inspection framework.
10a	Guarantee that every child that wants a place in a local primary school gets one.	Every child that wants a place in a local primary school gets one.
10b	Increase the percentage of children getting one of their expressed preferences for primary school.	In excess of 90 per cent.
11	Invest in our schools through our primary capital and Building Schools for the Future (BSF) programmes: BSF milestones	Phase 2/3 completion.
12	Respond to the recommendations of the Teenage Pregnancy Commission, which seek to reduce teenage pregnancy rates	Reduction delivered, closing gap with comparator group by 2014.
13	Increase rates of employment, education and training of young people – NEET rate	At least central London borough average.
14	Reduce youth crime:	
14a	First time entrants	Year on year improvement.
14b	Youth re-offending rates	Year on year improvement.
15	Keep children safe from harm and neglect	Measures to be developed after analysis of final Munro report outcome indicators.

## Housing Management

	Key objective	2012/13 targets
1	Warm, dry and safe housing - Implement a minimum housing investment programme of major works of £326m to ensure that the council's homes meet the Government's Decent Homes Standard by March 2016	<del>£58.1 million</del> £68m (provisional as 11/12 spend being finalised)
2	<del>Deliver the leaseholder audit action plan</del>	To be deleted as all actions to be completed by first quarter 2012/13

Key objective		2012/13 targets
3	Bill all those who are liable for service charges for major works to their properties fairly, and in a timely manner, explaining the charges clearly to them.	Capital billing = £6.5m; Capital arrears = £7.4m
4	% satisfaction with overall repairs service (Source: Monthly telephone surveys)	<del>77%</del> 90%
5	Repairs completed right first time (Source: Monthly telephone surveys)	<del>72%</del> 90%
6	Implement the recommendations from the Overview and Scrutiny Committee housing repairs key performance indicators review of Feb 2011	Objective to be completed by first quarter of 2012/13.
7	Implementation of the end to end review of repairs	Two actions to be completed in Q1 2012/13 Six remaining actions completed by March 2013
8	<del>Expand on newly developed Local Offers and review annually</del>	Objective has been achieved.
9	Deliver Housing Revenue Account savings identified over three years	<del>£6.4m</del> £6.2m (6.2% of 'budget for cuts')
10	Average void turnaround times in calendar days	<del>21 calendar days</del> 24 days
11	Number of illegally occupied properties recovered annually	<del>275</del> 300
12	Number of empty private homes brought back into use	<del>150</del> 135
13	Minimise number of accepted households in Temporary Accommodation	<del>&lt;750</del> (at 31/03/13) <775 at 31/03/13
14	% overall satisfaction with landlord services (Source: in-house composite survey)	72%

Key objective		2012/13 targets
15	% satisfied with the opportunity for participation in decision making (Source: in-house composite survey)	57%
16	Delivery of revised Resident Involvement (RI) strategy	By Nov 12
17	Publication of register of fire risk assessments (FRAs) register online	April 2012 & October 2012
<del>18</del>	<del>Review policy on re-housing residents who need to move due to major regeneration projects</del>	<del>This objective to be replaced with 'review of council's housing lettings policy' (as below).</del>
18	Review of council's housing lettings policy	By December 2012
19a	*EQUALITY OBJECTIVE* Work in partnership to provide support and increased access to services for targeted groups: Increase the homelessness prevention rate for 16 and 17 year olds by introducing an Integrated Youth Team based at the Housing Assessment & Support Service	68%
19b	Work in partnership to provide support and increased access to services for targeted groups: Reduce potential discrimination to faith groups by introducing a version of the Home Purchase Grant scheme that is complementary of existing Sharia compliant financial products.	Baseline and target to be set up for 2013/14

### Transport, Environment and Recycling

Key objective		2012/13 targets
1	Maintain the standard of our streets (% of streets and highways inspected as having unacceptable levels of litter and detritus)	Litter 7%, Detritus 10%
2	Maintain our resident satisfaction with street cleanliness	87%
3	Improve the cost of street cleanliness per head of population	£26.82

Key objective		2012/13 targets
4	Maintain our resident satisfaction with parks and open spaces, street lighting, and roads condition	Parks = 83%, Lighting = 84%, Roads = 53%
5	Improve recycling collection rate	34%
6	Increase the amount of waste diverted from landfill	83%
7	Reduce the cost of recycling per tonne	Propose to change this indicator to 'Cost of refuse collection per head of population' for 2012/13
8	Maintain the very low rate of missed collections	0.02%
9	Reduce carbon emissions from Council operations	36,000 tonnes
10	Reduce carbon emissions and NOx pollution from five Southwark housing estates by connecting to new heat network from SELCHP	Sign contract and construction of heat network
11	Increased numbers of big emitters working with us to reduce carbon	70 members
12	Phase one of Burgess Park improvements completed by March 2012.	July 2012
13	Increase the biodiversity of Southwark's green spaces.	81%
14	Reduce the cost per hectare of managing parks by 20 per cent over three years.	Propose to remove this indicator for 2012/13. To be confirmed.
15	Burial capacity within Southwark's cemeteries.	Indicator to be replaced by a customer satisfaction measure for 2012/13.
16	Increase the level of street trading and markets across the borough (% of occupied pitches)	67%
17	Reduce the level of successful appeals against parking penalties to that of the best performing London boroughs.	44%

Key objective		2012/13 targets
18	Increase the percentage of parking fines recovered to that of the best performing London boroughs.	68%
19	Increase the number of highway and lighting repairs carried out within 24 hours by 20% over three years.	Indicator to be developed for 2012/13 to 'percentage of works completed on time'
20	Reduction in the number of children being driven to school.	1% percentage point reduction.
21	A 5 per cent increase in the number of children receiving cyclist training in 2012/13 from the previous year.	900
22	A 5 per cent increase in the number of adults receiving cyclist training in 2012/13 from the previous year.	667
23	Increase the length of "Bikeability Level 1 cycle routes" in the borough by 10 per cent over the next five years.	58.5km
24	*EQUALITY OBJECTIVE* Increase recycling rates in low compliance hotspot areas across the borough.	5% increase in participation from baseline Baseline to be calculated in the first six months of 12/13

### Culture, Leisure, Sport and the Olympics

Key objective		2012-13 targets
1	Increase public satisfaction with libraries (satisfaction by users of the libraries service)	94%
2	Increase public satisfaction with leisure centres (satisfaction by users of leisure services)	93%
14	New objective - Increase the average number of visits to leisure centres per head of population.	To be confirmed mid June 2012.
3	Increase the average number of visits to libraries per head of population	8

Key objective		2012-13 targets
4	Increase the number of items issued by our libraries	1,738,000
5	Sustain course completion rates of adult learners	80%
6	Reduce the cost per visit for libraries	£2.45
7	Reduce the cost per visit for leisure	£2.30
8	Improve participation rates in cultural activities - Arts participation	Objective to be removed for 2012/13 as Active People Survey discontinued.
9	Improve participation rates in cultural activities - Museums and galleries participation	Objective to be removed for 2012/13 as Active People Survey discontinued.
10	Invest capital in our leisure provision	£12 million
11	External funding achieved for culture, libraries, learning and leisure	£150,000
12	*EQUALITY OBJECTIVE* Increase the take up of library services by diverse communities and deliver the action plan arising from the libraries review. Monitoring usage by age, gender, disability and ethnicity.	To maintain current levels of use by demographic groups at libraries with new opening hours.
13	*EQUALITY OBJECTIVE* Increase the take up of refurbished leisure centres by diverse communities and monitor usage by age, gender, disability and ethnicity.	Baseline to be developed from the following 2011/12 outturns Over 60's 59,140 Age 11-19 122,406 BME 274,517 People with disabilities 38,606 Low income 141,578 Looked after children 679

## Health and Adult Social Care

Key objective		2012/13 targets
1	Maximise people's choice and control through the provision of personal budgets	90 per cent of eligible service users hold a personal budget (excludes people who would not be expected to receive a budget, for example, short-term reablement clients, people receiving one-off simple services and residential care users). Target relating to the direct payment of personal budgets will be set taking into account national benchmarking information due to be released on 11/12 data
2	Reduce the charges for meals on wheels by 50%	26% cumulative reduction
3	Provide effective support for people to live in their own homes and shift the balance of care away from residential care: measured by reduced permanent admissions to care homes	5 per cent reduction per annum in care home admissions (compared to 2011/12 outturn)
4	<b>*EQUALITY OBJECTIVE*</b> Supporting vulnerable people to live independent, safe and healthy lives by giving them more choice and control of their care - Increase the proportion of people with learning disabilities who are supported to live at home, measured by "% in settled accommodation" indicator	70 per cent
5	Ensure there are sensible safeguards against the risk of abuse or neglect	Outcomes Framework User Survey – maintain top quartile position. Completed referrals as a percentage of all referrals (new local target for 2012/13 in absence of national effectiveness measure) 70% (base line 10/11 63%)
6	Expand re-ablement services, which provide cost effective short term support, to restore people's independence wherever possible	1,200 Measure around the long term effectiveness of reablement services to be developed in 2012/13.
7	Redesign supported housing services to secure greater value for money and support independence	Complete remaining call off tenders for Mental Health and Homelessness by September 2012 Supported Housing Strategy to be informed by Corporate Strategic Review of Homelessness Services and finalised / agreed by September 2012 Agree with Lewisham, Lambeth and Bromley approach to renewing Framework Agreement by January 2013



Key objective		2012/13 targets
8	Transform day services to allow a more personalised and outcome focused approach.	<p>Learning Disabilities: Review of all clients receiving day and community services to personalise their care and support and move away from block contracting arrangements for day opportunities. Complete 175 reviews by January 2013</p> <p>Older People: Review all users of in house day centres (Fred Francis and Southwark Park Rd) to ensure a personalised approach is implemented. Reviews to complete by September 2012 Identify location for centre of excellence for Older People day services and agree development plan</p> <p>Mental health: Review all existing day centre users by the end of July 2012</p>
9	<del>Deliver our Charter of Rights for all service users</del>	The objective to implement a Charter of Rights has been achieved.
10	Provide a dedicated telephone response for all queries about help for older and vulnerable people and their carers, including information about universal access and voluntary sector services.	The Access and Information Team and a single dedicated number will roll out services to the remaining adult social care groups i.e. Occupational; Therapy, Physical Disability and Learning Disability. The launch of the new service is now planned for Quarter 3 when service co-location can be fully achieved on the Queens Road site.
11	*EQUALITY OBJECTIVE* To provide support for carers that is tailored to meet individuals' needs, enabling carers to maintain a balance between their caring responsibilities and a life outside caring, while enabling the person they support to be a full and equal citizen. This will be done by:	
	Improving the experience of all carers in the support they receive from the council as measured by year on year improvements in the outcome measures derived from the national carers' survey.	Target to be developed when local and national Carer Survey results available

Key objective		2012/13 targets
	Increasing the numbers of Carers receiving needs assessments or review and a specific carer's service or advice and information, expressed as a % of community service users".	36%

## Regeneration and Corporate Strategy

### - Regeneration

Key Objective		2012/13 targets
1	Regenerating the Aylesbury estate and building the first new family homes - building the first homes and a resource centre on four sites (A -D) as part of phase 1a of the estate regeneration programme.	<p>Q4 - First development site complete (site bounded by Westmorland Road, Albany Road, Red Lion Row, Boudary Lane and Bradenham Close) - total 261 units.</p> <p>Q3 - Commencing partner selection for Bradenham, Arklow, Chartridge and Chiltern.</p> <p>Q1 - Partner appointed for 1-59 Wolverton located on corner of East Street and Thurlow Street..</p>
2	Progressing the Elephant and Castle area regeneration.	<p>Summer 2012 - commence the enabling works for the second phase of the demolition of the Heygate Estate.</p> <p>March 2012 - Supplementary Planning Document.</p> <p>Spring 2012 - Core Area planning application submitted.</p> <p>Autumn 2012 - Secure Planning consent for new Leisure Centre.</p> <p>Spring 2012 - Core Area planning application submitted.</p> <p>Spring 2012 - Supplementary Planning Document.</p> <p>Autumn 2012 - Secure planning consent for new leisure centre</p> <p>Summer 2012 - Close and commence demolition of the existing leisure centre</p> <p>Planning application on Stead Street 2012/13.</p>
3	Rotherhithe/Canada Water	<p>Maple Quays (Site A) total units 220 (146 private, 74 affordable).</p> <p>NEW TARGET- Quebec Way Industrial Estate - Establish programme for</p>

Key Objective		2012/13 targets
		<p>delivery of new homes</p> <p>NEW TARGET Submission of planning applications for site C (Decathlon site)</p> <p>NEW TARGET Harmsworth Quays Q3 – agree preferred option for the future use of the Harmsworth Quays site. Q3 – develop strategy for the disposal of the council’s freehold of Harmsworth Quays.</p> <p>NEW TARGET Establish programme for delivery of extension.</p> <p>NEW TARGET Q1 – plaza completion</p> <p>Q1 - Commence Harmsworth Quay master plan development. Q2 - Submission of planning applications for sites C&amp;E. Q3 - Albion St consultation and complete the feasibility study. Q3 - Commence consultation of revised area action plan.</p>
4	Bermondsey Spa	<p>Q1 - 19 Spa Road – planning application to be submitted. Q2 - Site C5 (Grange Walk) Notting Hill - Demolitions complete and building underway. Q2 - Site G Spa Rd - completed and relocation of tenants Q2 Site B Alscot Rd - proceed with disposal. Q4 - Sites C2 and C4 - to market for disposal Dockley Road Industrial Estate - Progress development of site.</p>
8	Revitalising the local retail economy by improving local shopping centres across the borough.	Programme completed and assessment undertaken
11	Camberwell: improving the town centre as a place to live, work and do business through better co-ordination of regeneration activity and Council service delivery	Thamesreach Academy opens - April 2012. Start of modelling and design work for Camberwell town centre improvements
12	Housing regeneration and renewal in east Peckham and Nunhead 2011/12	Works continue in Peckham and environmental improvements commence in Nunhead. NEW TARGET Outer London Fund funded improvements to Nunhead commence on site including lighting and shop front improvements.

Key Objective		2012/13 targets
13	Bringing high quality, new homes to the Wooddene and Elmington sites	Submit planning application Sept 2012
		NEW TARGET December 2012 - start on site
		Elmington phase 3, submit planning and delivery. NEW TARGET Final submissions from shortlisted developers submitted Jun 2012.
14	Regenerate the housing estates that are most in need of investment.	NEW TARGET Update report scheduled for July 2012 Cabinet, for tenants' option to return and contractor procurement strategy. Progress re-housing and leaseholder acquisition at Maydew House.
		To be agreed - pending consultation. ((Update report scheduled for Jul '12 Cabinet. Potentially no further involvement for HRI)
15	Providing more affordable homes across the borough to improve access to housing locally.	600 additional affordable homes (% of new homes built to be added).
		NEW TARGET: 2012/13 target for 1,000 new council homes to be added.

## - Planning

Key Objective		2012/13 targets
6	To sustain performance on planning applications processed on time at a minimum of 75 per cent.	NEW TARGET: Separate targets for major, minor and other applications to be developed.
7	To be an effective statutory planning authority, ensuring that breaches of planning regulations are resolved within a timely manner.	To implement a system that will enable us to monitor the time it takes to make a decision on enforcement investigations. From Sept 2012 - A decision taken on proposed action on all valid enforcement investigations within eight weeks. -
9	Investing in smaller regeneration schemes that will make the borough a better place to live, work and visit	NEW TARGET Consultation on preferred options for Harmsworth Quays
		NEW TARGET Consultation on preliminary and draft Community Infrastructure Levy schedules

Key Objective		2012/13 targets
		NEW TARGET Consultation on a revised draft to be confirmed.
		NEW TARGET Consultation on the final draft of the AAP
10	Strengthening local area plans in Elephant and Castle, Dulwich, London Bridge, Borough and Bankside and Camberwell through improved supplementary planning documents	NEW TARGET Further consultation and adoption following the NHS Southwark review of health facilities in the area.
		NEW TARGET Prepare the opportunity area planning framework/supplementary planning
		NEW TARGET Consultation on Camberwell supplementary planning document.
16	Bringing additional homes to the borough by working with local developers and housing providers.	1,450 net new homes in 2012/13.

## Communities and Economic Development

### - Communities (objectives previously under Equalities and Community Engagement portfolio)

Key objective		2012-13 targets
1	Progress towards implementing the recommendations of the Democracy Commission	Implement Community Council Changes – new Community Councils to be in place by June 2012.
2	*EQUALITY OBJECTIVE* Maintain the high percentage of local people who think that Southwark is a place where people from different backgrounds get on well together	80% net agree
3	<del>Once the details of the public sector equality duty are confirmed by national government, we will set measurable equality objectives in line with the requirements of the duty.</del>	Objective now complete. In April 2012 Cabinet agreed a series of equality objectives for inclusion in the Council Plan performance schedules.
4	Implement the recommendations of the Voluntary and Community Sector Commissioning Task and Finish Group once they are published	

Key objective		2012-13 targets
4a	Commissioning arrangements in place and clearly set out for 2012/13 and 2013/14	Grants handbook complete by December 2012 Sharing of needs assessments takes place across programmes to identify where joint commissioning can take place. Subject to results of the pilot VCS approved list is in place and in use
4b	Internal Council systems changed to deliver more effective commissioning processes	Revision of Grants handbook by December 2012 List of all council VCS funding is published.
4c	Establish the feasibility of an approved list of VCS providers	Subject to results of the pilot VCS approved list is in place and in use
4d	Commissioners understand the commissioning journey/options and distinction between grant and contract	Training programme for commissioners is in place and completed by all commissioners.
4e	Monitoring is proportionate, consistent across departments, avoids duplication and is reviewed.	Target for 2012/13 to be confirmed.
5	Maintain the influence that we have on the success of local Voluntary and Community Sector organisations despite the challenging budgetary situation, as measured through the National Survey of Third Sector Organisations or by Community Action Southwark.	15% of third sector organisations rate local statutory bodies as having a very positive or positive influence on their success – Note this is a bi-annual survey due again in 2013-2014
6	Reduce transactional costs for the council and the Voluntary and Community Sector so that we are not imposing unnecessary burdens on the council or the sector.	CAS annual survey to establish a baseline of % of organisations satisfied with our commissioning and monitoring processes.
7	Agree a volunteering strategy and implement the action plan set out in the strategy	Evaluation of the 2012 Volunteering Strategy and renewal of the strategy so as to maintain the volunteering legacy in Southwark over the long term.
8	Maintain the extent to which local people feel involved in decisions the council makes	7% net agree
9	*EQUALITY OBJECTIVE* To improve the involvement of our diverse communities in the decision-making processes of the Council.	Baseline data to be compiled by September 2012. Target to be developed in September 2012.
10	*EQUALITY OBJECTIVE* To continue to strengthen our engagement work with new and emerging communities in Southwark.	Baseline data to be compiled by September 2012. Target to be developed in September 2012.

**- Economic Development (objectives previously under Regeneration and Corporate Strategy portfolio)**

Key Objective		2012/13 targets
5	Maximising the benefit of major regeneration schemes - working with developers to get the best possible result by helping people into work and supporting local businesses	NEW TARGETS Q1 - Negotiations to take place following submission of detailed planning application by Lend Lease for Heygate site. Ratification of proposal by Planning Committee, followed by project start. Q1 – Lend Lease to submit planning application for vacant site Q3 - Facility to open Targets to be added on S106. Range of employment project starts following release of S106 revenue.
17	Employment: commissioning support to help residents into training and jobs.	NEW TARGETS Commissioned Employment Support: Targets for 2012/13 increased 20% pro rata and based on six month extension contracts: Job outputs: 152 Jobs sustained after 13 weeks: 124 Jobs sustained after 26 weeks: 102
18	Increase Southwark's employment rate and bring it up towards the average for London. The employment rate is the proportion of the working age population in employment.	Target for 2012/13 to be calculated based on the London average for 2011/12.
19	Enterprise: commissioning support for business start-ups and promoting business survival and growth through the recession.	Targets to be considered following review of the council's Economic Development Strategy.
20	Building London Creating Futures: commissioning construction employment and skills activity to help residents into training and jobs.	NEW TARGET 155 people to access and sustain construction-related employment for at least 26 weeks.
21	<u>NEW OBJECTIVE</u> *EQUALITY OBJECTIVE* Bringing full access to the benefits and opportunities of regeneration to all the people of Southwark measured by: Commissioned employment support targeting borough residents furthest from the labour market.	Commissioned Employment Support: 20 per cent increase in into jobs baseline pro rata. Protected characteristic targets to be assessed. For six months contracts Black and minority ethnic = 160 Lone parents = 64 People with disabilities = 95 Women = 317 Low skill = 111

Key Objective		2012/13 targets
	Bringing full access to the benefits and opportunities of regeneration to all the people of Southwark measured by: Directing the benefits of development and regeneration to borough residents through Section 106-funded employment support.	S106 projected spend for 2012-13 not yet known. Target to be developed as section 106 agreed.

## Community Safety

Key objective		2012/13 targets
1	Increase the percentage of people who feel safe walking alone after dark	Maintain at 12/13 levels
2	Reduce violent crime, including serious violence	-2% reduction
3	Increase in public confidence in the council and police in tackling antisocial behaviour, measured by response to: "The police and local council are dealing with the ASB and crime issues that matter in the area" in the police attitude survey.	56%
4	Increase the average number of detections of crime per CCTV camera	15% increase in CCTV detections compared to 11/12
5	Improve the effectiveness of drug treatment services in the borough - increase the number of adults leaving treatment in a planned way	234
6	Increase the proportion of premises that comply with environmental health and trading standards regulations	83%
7	Value for money through effective partnership working in reducing violence, by using the financial information provided by the Home Office economic cost of crime survey	-2% reduction
8	<del>Using value for money as a tool to access the most cost effective crime prevention initiatives as part of our problem solving approach (measure to be confirmed)</del>	Objective to be removed – value for money measured through Objective 7 above.



Key objective		2012/13 targets
9	*EQUALITY OBJECTIVE* To improve access to domestic violence services to the community.	Establish a baseline for the number of people accessing the commissioned domestic abuse service according to gender and ethnicity Once the baseline has been established, we will develop targeted indicators for 2013/14 onwards based on any identified disproportionalities e.g targeting of awareness raising activity .

## Finance & Resources

Key objective		2012-13 targets
1	Contain council tax increases within inflation in line with the Medium Term Resources Strategy	0%
2	Deliver a balanced revenue budget	Actual spend to be no greater than 1% above or more than 1.75% below balanced budget
3	<del>Deliver a balanced capital programme</del>	The capital programme covers a ten year period, for which one year targets are not the most appropriate measure of achievement.
4a	Improve council tax collection rate (%)	94.5%
4b	NEW OBJECTIVE – Improve council tax collection rate (£)	£92.8 million
5a	Improve national non domestic rates (NNDR) collection rate (%)	98%
5b	NEW OBJECTIVE – Improve national non domestic rates (NNDR) collection rate (£)	£209.9 million
6a	NEW OBJECTIVE – Improve revenues and benefits claims turn around times – new claims	20 days
6b	NEW OBJECTIVE – Improve revenues and benefits claims turn around times – changes to claims	10 days
6c	NEW OBJECTIVE – Improve revenues and benefits claims turn around times – Right Time	11 days

Key objective		2012-13 targets
7	NEW OBJECTIVE – Increase take up of e-forms for council tax (%)	10%
8a	Reduce all debt owing to the council – general fund (%)	5%
8b	NEW OBJECTIVE – Reduce all debt owing to the council – general fund (£)	£4.1 million
8c	NEW OBJECTIVE – Reduce all debt owing to the council – housing revenue account (excluding home ownership) (%)	5%
8d	NEW OBJECTIVE – Reduce all debt owing to the council – housing revenue account (excluding home ownership) (£)	£850k
9	NEW OBJECTIVE – Reduce general fund arrears from prior years (%)	15%
10	To target an increase in general fund balances to £20m and maintain that level in line with similar London authorities	£20m
11	To have a fully funded capital and housing investment programme in place that is profiled and annually reviewed.	Fully funded capital and housing investment programme in place.
12	Generate capital receipts for the housing revenue account and general fund (commercial property holding account)	Corporate resources: £20m Housing Revenue Account, £15m General Fund.
13	AMENDED – Effective prevention and detection of fraud to maximise recovery of cash and other council assets	Reactive fraud recovery £500k; Proactive fraud recovery £50k; number of sanctions 150
14	Ensure all our staff are in fit for purpose, suitable office accommodation	Open a new shared operational facility at Queens Road Complete procurement for Queens Road 2 design and build Provide vacant possession at 17 and 19 Spa Road and Southwark Town Hall, ensuring technology dependencies are re-provided Provide new customer access point at 11 Market Place, SE16
15	Reduce the unit cost of customer contact by encouraging residents to access the Council through online services and improving the efficiency of delivery of Council services	To be confirmed – measure to look at cost per transaction.
16	We will develop a customer experience strategy to ensure our services provide good quality customer care	By July 2012

Key objective		2012-13 targets
17	To be fully compliant with all statutory regulations with regard to the government's openness and transparency agenda	Council fully compliant with all statutory regulations.
18	*EQUALITY OBJECTIVE* Develop scope for income collection/client payment by telephone and internet, which supports the move away from cash offices whilst helping disabled and vulnerable groups access services remotely.	80%

<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Report back on motions referred to cabinet from council assembly	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Cabinet	

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – SAFER NEIGHBOURHOOD TEAM SERGEANTS**

Cabinet on 25 January 2012 considered the following motion referred from council assembly on 29 November 2011 which had been moved by Councillor Catherine Bowman and seconded by Councillor Robin Crookshank Hilton and subsequently amended.

1. That council assembly regrets the loss of five safer neighbourhood team sergeants in Southwark which is a direct result of the government’s 20% cut in the police grant. Council assembly further regrets the decision by the Mayor for London to make these cuts irrespective of the level of crime in any borough.
2. That council assembly notes that MPs from all parties had an opportunity to vote against this 20% cut in funding if they wanted to preserve police numbers in Southwark. It welcomes the fact Harriet Harman and Tessa Jowell voted against this cut, but regrets that Simon Hughes, once again, abstained.
3. That council assembly notes that the council’s budget allocated £5.5 million in contingency funds and that the figure of £9.5 million is incorrectly calculated. Council assembly further notes that the quarter 2 revenue monitoring report considered by cabinet on 22 November indicates that £2.6 million of this contingency fund may need to be used to offset pressures in departmental budgets this year.
4. That council assembly believes the council has demonstrated its ability to protect people from the worst excesses of the government; for instance, by introducing a £3 million youth fund as a direct response to the cut to educational maintenance allowances and the trebling of tuition fees.
5. That in the circumstances, council assembly urges the government to reverse its reckless cut to the Metropolitan Police’s budget and calls on Mayor Boris Johnson to maintain police numbers in Southwark.

We noted and agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – MOTION ON THEMED DEBATE: ENVIRONMENT**

Cabinet on 20 March 2012 considered the following motion referred from council assembly on 25 January 2012 which had been moved by Councillor James Barber and seconded by Councillor Paul Noblet and subsequently amended.

1. That council assembly believes that even in times of austerity protecting our natural environment is one of the most important issues for the borough and must remain a key priority for the council.
2. That council assembly believes this is recognised by all political parties and so calls on councillors to work together to suggest innovative ways for the council and Southwark residents to tackle carbon emissions and protect our natural environment.
3. That council assembly notes that the majority of emissions from transport in Southwark are from road vehicles and welcomes the council's transport plan which aims to reduce the impact of transport on air quality by encouraging sustainable travel choices within the borough.
4. That council assembly believes that the council should set an example in energy efficiency and welcomes the fact that it has delivered on its promise to reduce carbon emissions in council buildings by 8.5%.
5. That council assembly welcomes the introduction of food waste recycling to all street-based properties in the borough and notes the impact this is already having in areas involved in the scheme where recycling has increased to 51%.
6. That council assembly calls on members to consider these issues and discuss:
  - How the council can encourage more sustainable travel, especially safe cycling and walking
  - How the council can promote energy efficiency, not just in buildings owned by the council, but in all properties
  - Given the huge reductions in the council's budget this year and in the coming years, how the council can protect the public realm, Southwark's parks and green spaces.
7. That council assembly notes the stated aim of the coalition government to be the "greenest government ever" and calls on members to consider how Southwark can use government funding to support green investment and green jobs in our borough.

We noted and agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – CHANGES TO NHS SOUTHWARK**

Cabinet on 20 March 2012 considered the following motion referred from council assembly on 25 January 2012 which had been moved by Councillor Neil Coyle and seconded by Councillor Mark Williams and subsequently amended.

1. That council assembly recognises and appreciates the excellent work done by doctors, nurses and other health workers in Southwark.

2. That council assembly believes the government's Health and Adult Social Care Bill is creating uncertainty in the NHS at a time when budgets are already tight and regrets that Southwark PCT will be required to hold back £21 million, which could be spent on patient care, to pay for the government's reorganisation.
3. That council assembly believes the government's top down reorganisation lacks direction and is an unnecessary distraction to Southwark's NHS staff at a time when they want to focus on patient care.
4. That council assembly also notes that the number of people in Southwark waiting more than 18 weeks from referral to treatment has increased by 168% since May 2010 – the largest increase in London.
5. That council assembly believes the government's decision to abolish waiting time targets has led to this increase in Southwark and now means fewer than 90% of Southwark patients are being treated within 18 weeks.
6. That council assembly believes giving patients' certainty about when they will be treated is fundamentally important to their health and that low waiting times are a benchmark for excellence in the NHS.
7. That council assembly welcomes the opposition of Harriet Harman and Tessa Jowell to the government's NHS reforms and notes Simon Hughes's comments on 8 December that there had been a "particular issue" in Southwark regarding waiting times. It hopes that instead of blaming hardworking NHS staff in Southwark Simon Hughes will take their side and oppose the government's NHS reforms.
8. That council assembly rejects David Cameron's assertion that there was a "real problem" with nursing in UK hospitals and believes that if the Conservative/ Liberal Democrat government really wants to help nurses in Southwark to focus on patient care, it should listen to what nurses are saying and drop this unnecessary health bill.

We noted and agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – SAVE CHAMBERS WHARF**

Cabinet on 20 March 2012 considered the following motion referred from council assembly on 25 January 2012 which had been moved by Councillor Peter John and seconded by Councillor Claire Hickson and subsequently amended.

1. That council assembly notes the unquestionable importance of a clean River Thames, but notes the purchase of Chambers Wharf by Thames Water and that it is the company's preferred construction site in Southwark for a "Super Sewer" junction.
2. That council assembly notes that 150 residential properties, two schools with over 1000 students and the Thames Path are situated very near to the Chambers Wharf site.
3. That council assembly regrets the impact Thames Water's plans could have on the local community and notes that construction will take at least seven years,

three years of which will be 24 hours a day for 7 days a week. This will not only lead to an increase in noise pollution but to increased heavy vehicle traffic on the local roads, which are not only narrow but also where the schools are located posing a real danger to school children and local residents.

4. That council assembly believes construction so close to residents and schools for such a length of time would be a major source of air pollution possibly causing respiratory illnesses, asthma and bronchitis.
5. That council assembly is also concerned that Southwark residents' water bills are likely to increase by £70 per year if Thames Water's proposal goes ahead and, once completed, Thames Water cannot guarantee there will not be sewage smells from the site.
6. That council assembly requests the cabinet to call on Thames Water to find an alternative non-residential site to Chambers Wharf that will have no impact on Southwark residents and welcomes the report of the Selborne Commission which has been set up by a number of riverside London councils to examine alternatives to the Thames Tunnel.
7. That council assembly calls on all political groups in Southwark and local MPs to stand up to Thames Water in opposing Chambers Wharf as a construction site and to respond to the phase 2 consultation. Council assembly also welcomes Simon Hughes MP's calls for a debate on the floor of the House of Commons and calls for all Southwark's MPs to take part in this.
8. That council assembly recognises and formally thanks the Save Your Riverside campaign for all their hard work in raising awareness of the issue and detailing credible technical arguments to challenge Thames Water.

We noted and agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – MOTION ON THEMED DEBATE – OLDER PEOPLE**

Cabinet on 15 May 2012 considered the following motion referred from council assembly on 28 March 2012 which had been moved by Councillor Michael Situ and seconded by Councillor Kevin Ahern.

1. That council assembly acknowledges that:
  - 10 million people in the UK are over the age of 65 and this will rise to 15.5 million by 2035
  - 3 million are over the age of 80 and this is set to double in 20 years time.
2. That council assembly welcomes and celebrates the fact that we are all living longer and pays tribute to the amazing contribution older people make to Southwark's diverse communities, economy and society as a whole.
3. That council assembly calls on members to recognise this contribution and discuss how more can be made of the opportunities that longer lives bring with particular focus on:

- How the council can recognise the role that people in later life often play in their communities, through volunteering, caring and by playing an active role in neighbourhood life
  - How people in Southwark can take advantage of the wide variety of sporting, educational and social activities available as they get older
  - How the council can promote the greater role that more active grandparents play in their families' lives
  - How the council can work with the NHS and other partners to give older people more choice in the services they receive, enabling them to live healthy lives and stay in their own homes and communities for longer.
4. That council assembly also recognises the council's important role in caring for older people who require care and support.
  5. That council assembly notes that £1.3 billion has already been cut from local council budgets for older people's social care and believes the council should strive to create an adult care system that helps older people to find the support they need, enabling them to live healthy, independent lives in their own communities and homes, rather than retaining a long-term dependency on council services, whilst also protecting our most vulnerable older residents.
  6. That council assembly also recognises that many of the groups in Southwark that provide services to older people have lost their funding through government cuts and so welcomes the council's "innovation fund" which is enabling local organisations to become more self-sustaining going forward.

We noted and agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – UNIVERSAL CREDIT**

Cabinet on 15 May 2012 considered the following motion referred from council assembly on 28 March 2012 which had been moved by Councillor Richard Livingstone and seconded by Councillor Chris Brown and subsequently amended.

1. That council assembly notes that, starting in October 2013, universal credit will begin to replace income support, job seekers allowance, employment and support allowance, housing benefit, working tax credit, child tax credit and support for mortgage interest.
2. That council assembly recognises that universal credit is a household benefit and that the income from universal credit will therefore be critical to the household incomes of thousands of its residents who are both in and out of work.
3. That council assembly therefore believes that the quality of the universal credit 'service' will be important to the lives of its citizens and that the planned reliance on a web based delivery model backed up by remote call centres without the inclusion of a local, easily accessible, face to face service element puts the successful introduction of universal credit at significant risk.
4. That council assembly therefore calls on the cabinet:
  - 1) To approach Department for Work and Pensions (DWP) and raise its concerns.



- 2) To develop jointly with DWP local arrangements for the delivery of universal credit and to report back on progress to the cabinet member for finance, resources and community safety, specifically addressing the resources required and responses to the following basic questions:
  - How will someone apply locally?
  - Where will they apply locally?
  - Where will they take required documents locally?
  - Where will the local 'universal credit' office be and what office accommodation will be required?
  - How will the skills and experience of existing benefits staff be utilised and how many staff will be needed?
  - How does an individual citizen get face to face advice and help if they have a problem?
  
- 3) To support the Local Government Association in pressing for universal credit to be administered by local authorities.

We noted and agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – POST OFFICES FOR SOUTHWARK**

Cabinet on 15 May 2012 considered the following motion referred from council assembly on 28 March 2012 which had been moved by Councillor Catherine Bowman and seconded by Councillor Anood Al-Samerai and subsequently amended.

1. That council assembly notes the importance of local post office branches in Southwark for local people, small businesses and the community as a whole.
2. That council assembly regrets the closure of post offices in Southwark in 2002 and 2008. It notes that Essex Council acted to save the post offices in Essex that were under threat in 2008. It further notes that Labour in Southwark campaigned for the Liberal Democrat/Tory council in Southwark to take similar action at the time, but that it chose not to.
3. That council assembly notes that 48% of the £1.34 billion of 'new money' announced by the government for investment in the post office to aid the privatisation of Royal Mail is existing subsidy and that the four year package of funding is £360m less than the last Labour government's funding package of £1.7bn in 2006.
4. That council assembly notes that under the government's network transformation plans thousands of post offices will be closed and replaced with counters in shops, off licences and petrol stations – known as 'Post Office Locals'. Locals will not provide:
  - international parcels and parcels weighing over 5kg and 6kg respectively
  - Parcel Force Express Services parcels
  - manual cash deposits and withdrawals
  - change giving service to small businesses
  - post office financial services and insurance products
  - manual bill payment services

- passport, car tax and DVLA services
  - on-demand foreign currency
  - payment by cheque.
5. That council assembly notes the widespread concern about the effects of network transformation has led to 75 MPs, including five Liberal Democrats, to call for a moratorium on the plans, and the Business, Innovation and Skills select committee will be holding an inquiry in May.
  6. That council assembly notes the comments of the cabinet member for finance, resources and community safety in 5 January's Southwark News, welcoming the Southwark Liberal Democrats' "Damascene conversion" and committing the council to working "with the post office to look into whether it is possible to combine post office services with other facilities".
  7. That council assembly calls on the cabinet to follow through with this commitment and report back on progress in not more than six months.
  8. That council assembly notes the previous Liberal Democrat and Tory administration's decision to relocate Bermondsey One Stop Shop and welcomes the decision to locate alternative facilities at 11 Market Place in The Blue.
  9. That council assembly condemns Southwark Liberal Democrats' proposal to delay the introduction of these facilities at The Blue which could potentially result in a period where those services would be unavailable in the north-east of the borough.

We noted and agreed the motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – SOUTH LONDON LINE REPLACEMENT**

Cabinet on 15 May 2012 considered the following motion referred from council assembly on 28 March 2012 which had been moved by Councillor Renate Hamvas and seconded by Councillor Mark Glover.

1. That council assembly notes that the South London Line is a well-used regular train service linking Victoria and London Bridge. Thousands of Southwark residents use it on a daily basis, as it serves Denmark Hill, Peckham Rye, Queens Road, Peckham Station, South Bermondsey and London Bridge from early morning until late evening seven days a week.
2. That council assembly regrets that this service is due to be cancelled later this year when the East London Line spur from Surrey Quays to Clapham Junction is opened. There will be a reduced service from Peckham Rye, Queens Road and South Bermondsey to London Bridge. As a consequence of the cancellation of the South London Line, Southwark residents will no longer have a train connection to Victoria in the evenings and early mornings and half the current service at other times.
3. That council assembly notes that the service that will remain if no replacement is offered is the Victoria to Dartford service that starts at rush hour and finishes in the early evening. The Victoria to Dartford service is already unfit for purpose. Southwark residents are walking to New Cross to get southbound trains in the morning as the service starts too late. Also, residents cannot access by train, a

key connection with the Docklands Light Railway/train hub at Lewisham outside Monday to Saturday peak hours. For two years, the First Capital Connect service has been diverted to Victoria in the evenings. The level of use of this service and the soon to be axed South London Line has shown there is great demand for an evening service to Victoria from the Southwark stations.

4. That council assembly believes the new East London Line is a welcome addition to transport links for Southwark residents. It is however, very much a supplement rather than a substitute to existing routes, as Clapham Junction is geographically a very different destination to Victoria. It is understood that due to routing challenges, with the increased line use that changes to the current service may be necessary. However, suitable substitutes need to be in place.
5. That council assembly supports the proposal for the Victoria to Dartford service to become a full, early morning until midnight seven-day a week service (two trains per hour in each direction), complementing a full First Capital Connect Sevenoaks to Bedford service via Blackfriars. Additional service would be provided during peak hours (similar to the current Victoria to Dartford service) with two trains per hour between Victoria and Bellingham. This would result in maintenance of the current train frequency at Denmark Hill and Peckham Rye to and from Victoria and an increase of two trains per hour at Nunhead. Two trains per hour would still be lost from Queen's Road Station; however, Nunhead Station is 10 minutes walk from Queen's Road.

We noted and agreed the motion.

#### **MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – GAY MARRIAGE**

Cabinet on 15 May 2012 considered the following motion referred from council assembly on 28 March 2012 which had been moved by Councillor David Noakes and seconded by Councillor Abdul Mohamed.

1. That this council acknowledges the role of individual parliamentarians, of all parties and no parties, and successive governments since the early 1990's to introduce legislation to provide equal rights for lesbian, gay, bisexual and transgender people in the UK.
2. That this council notes and welcomed the introduction of civil partnerships for same-sex couples by the last government.
3. That this council supports the current government's proposals to consult on how to enable same-sex couples to have a civil marriage and the subsequent introduction of legislation in this parliament to make this a reality.

We noted and agreed the motion.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Cabinet agenda and minutes – 24 January, 20 March and 15 May 2012.	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395

**AUDIT TRAIL**

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Paula Thornton, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	21 June 2012	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Finance Director	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	21 June 2012	

<b>Item No:</b> 8.1	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Treasury Management Performance - 2011/12 Annual Report, and update on HRA self-financing settlement	
<b>Wards or groups affected:</b>		All	
<b>From:</b>		Finance Director	

### RECOMMENDATIONS

1. That council assembly notes this 2011/12 outturn report on debt, investments and prudential indicators.
2. That council assembly notes 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 HRA and the General Fund, as set out in paragraph 18.

### BACKGROUND INFORMATION

3. This item reports the outturn on the council's debt and investment activities in 2011/12, as part of the annual cycle of reports on treasury matters. Council assembly also receives a treasury strategy report before the start of a year, in February, and a half year update after September. The cabinet receives quarterly updates, and a review and scrutiny of the treasury strategy is carried out by the audit and governance committee before the council assembly meets in February.
4. The borrowing and investment activity is supported by a series of prudential indicators (estimates and limits on capital finance, debt and investments), which are agreed by council assembly each year. Under financial delegation all executive, managerial and operational decisions are the responsibility of the finance director. This area of finance falls under the Local Government Act 2003 and is supplemented by investment guidance issued by the government and codes of practice issued by the Chartered Institute of Public Finance and Accountancy (CIPFA). The CIPFA codes have statutory force under the 2003 Act and supporting regulations.

### KEY ISSUES FOR CONSIDERATION

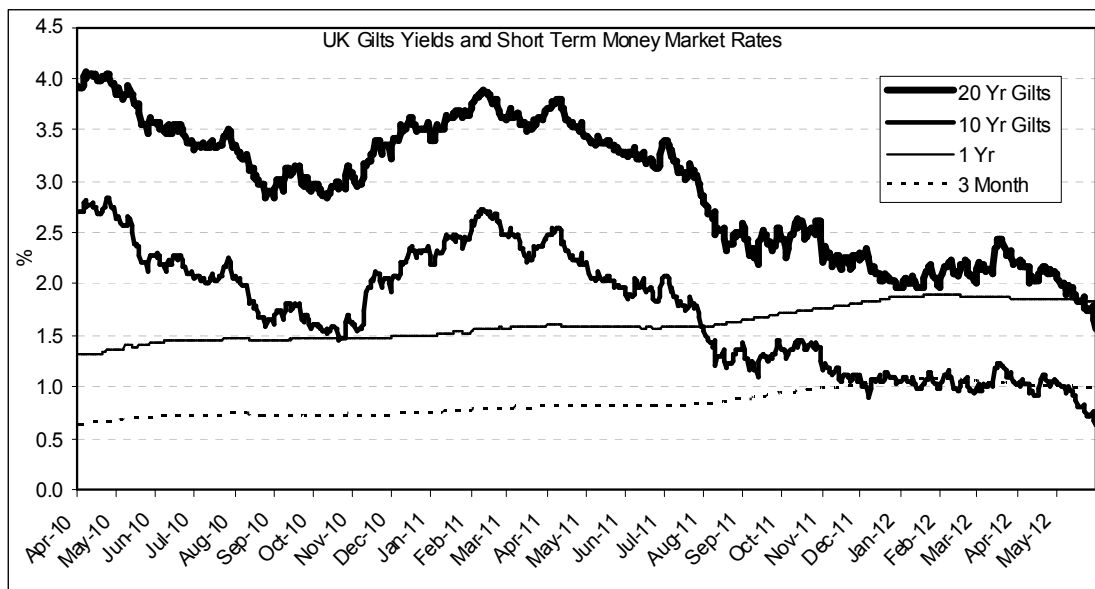
#### Treasury Management Borrowing and Investments

#### Financial Market Backdrop

5. Throughout 2011 concerns about the financial stability of some euro zone countries dominated investor attention. The cost of borrowing from the financial markets soared for peripheral sovereign governments as declining expectations of economic growth raised uncertainty over the fiscal path of those economies. Banks in those sovereigns also faced increased funding pressure, and bank shares underperformed.

6. However, towards the end of 2011 and into the first quarter of 2012, conditions in European markets improved markedly as central banks across the globe took co-ordinated action to improve short-term funding conditions, and the European Central Bank (ECB) provided unlimited three-year liquidity to banks in December 2011 and February 2012. The cost of sovereign borrowing fell in many euro zone countries, and lessened banking sector tension. Agreement was also reached on further International Monetary Fund and European Union assistance for the Greek government, and several countries in the euro zone agreed reforms to reduce fiscal deficits and improve competitiveness.
7. Since March 2012 the cost of borrowing in euro zone periphery countries and the larger Spanish and Italian sovereigns have risen, reflecting continuing concern about the indebtedness and competitiveness of these economies. As before, the ECB stands ready to take further action to support the financial system and continues to make unlimited liquidity available to banks.
8. In the meantime safe-haven flows kept the cost of sovereign borrowing in Germany, the US and the UK low (see UK rates on chart 1 below).

CHART 1



### Investment Activity and Position

9. Throughout the market turmoil, the council has maintained a cautious approach to lending. Exposure to banks is biased in favour of large institutions in stronger sovereigns where the likelihood of support, in the event it were needed, is high and the provider of that support has a very high propensity to provide the support. Credit exposure is further reduced by use of money market funds which diversify exposure to any one bank, and the uses of liquid call accounts and certificates of deposits. There is also exposure to gilts issued by the UK government, and supranational bonds (i.e. those issued by the European Investment Bank (EIB) and the International Bank for Reconstruction and Development (IBRD, the 'World Bank'). All exposure beyond one year is limited to gilts or EIB and IBRD bonds.

10. Ratings agencies responded to developments in financial markets by lowering the rating of many previously high rated sovereigns and systemically important banks in Europe, including in the UK. To ensure that the council can continue to have flexibility to lend to major high rated banks, including UK banks where the likelihood of support is high, the minimum long term rating recommended to the council assembly in February 2012 within the annual investment strategy was lowered by one notch. The minimum rating still represents high credit quality, with a strong capacity for timely repayments. The short term rating was unchanged at F1/P-1/A-1 (Fitch, Moody's and S&P respectively) and is the highest it can be. The support rating issued by Fitch also remained unchanged at 1 and 2 (1=extremely high likelihood of support, 2=high likelihood of support).
11. The cash held in investments averaged £299m over the course of 2011/12 (£238m in 2010/11). Investments at the end of March 2012 were £187m (£236m at March 2011), affected by the £100m debt repayment and refinancing carried out on 22 March 2012, set out in paragraph 15 below. The counterparty, type of investment, rating and maturity analysis of the investments at 31 March 2012 is set out in chart 2 and tables 1 and 2, below. The average return for 2011/12 was 1.03% (1.08% in 2010/11), reflecting the prolonged period of very low money market rates, as expressed by the Bank of England's base rate of 0.5% throughout the year.

Chart 2

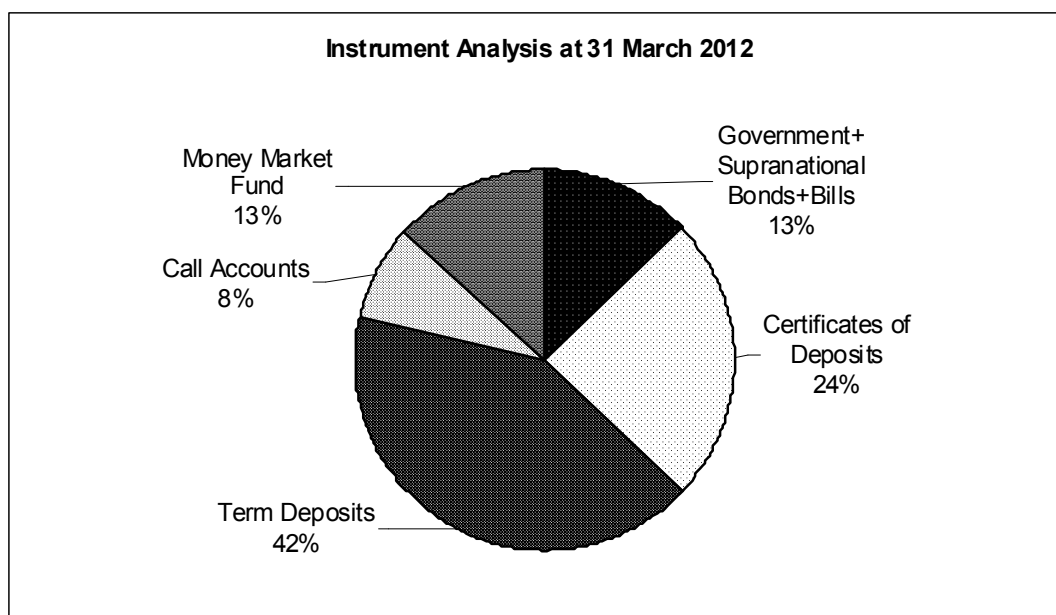


Table1

COUNTERPARTY EXPOSURE AND RATING at 31 March 2012										
COUNTERPARTY	FUND					FITCH RATING				
	ABER DEEN	ALLIANCE BERNSTEIN	INVESCO	IN HOUSE	Total £m	Long	Short	Sup port	Country	Country Rating
BARCLAYS BK		1.0	6.5	12.8	20.3	A	F1	1	UK	AAA
CREDIT INDST COMRCL	1.0				1.0	A+	F1+	1	FRANCE	AAA
DEUTSCHE BK				15.0	15.0	A+	F1+	1	GERMANY	AAA
EUROPEAN INVST BK	6.2	5.9			12.1	AAA	F1+	1	SUPRANATION	AAA
GLOBAL TREAS FNDS PLC MMF				25.0	25.0	0	AAA	1	GLOBAL	0
HSBC	0.4		0.7		1.1	AA	F1+	1	UK	AAA
ING BK	5.0	1.0	3.5		9.5	A+	F1+		NETHERLANDS	AAA
INTL BK RECON & DEV	3.5	5.8			9.3	AAA	F1+		SUPRANATION	AAA
LLOYDS/BK SCOTLAND		1.0			1.0	A	F1	1	UK	AAA
NATIONWIDE B/SOC	4.0	1.5		10.0	15.5	A+	F1	1	UK	AAA
NORDEA BK				15.0	15.0	AA-	F1+		FINLAND	AAA
RBS/NATWEST					-	A	F1	1	UK	AAA
SANTANDER UK	4.5			15.0	19.5	A+	F1	1	UK	AAA
SVENSKA HANDELSBKN	2.7	1.0			3.7	AA-	F1+	1	SWEDEN	AAA
UBS	3.1			15.0	18.1	A+	F1	1	SWITZERLAND	AAA
UK TREASURY	2.1	1.1			3.2	AAA	F1+	1	UK	AAA
COMMONWLTH BK AUSTRALIA				10.0	10.0	AA-	F1+	1	AUSTRALIA	AAA
NATIONAL AUSTRALIA		0.5			0.5	AA-	F1+	1	AUSTRALIA	AAA
BK NOVA SCOTIA	3.5				3.5	AA-	F1+	1	CANADA	AAA
ABN AMRO	5.0				5.0	A+	F1+	1	NETHERLANDS	AAA
<b>Total £m</b>	<b>41.0</b>	<b>18.8</b>	<b>10.7</b>	<b>117.8</b>	<b>188.3</b>					

(Includes £1.5m held on behalf of trust funds)

Table 2

Rating and Investment Maturity Profile				
Fitch Rating	AAA	AA+ to AA-	A+ to A	Total
2-5 Years	9%			9%
1-2 Years	4%			4%
Up to 1 Year	14%	18%	56%	88%
<b>Total</b>	<b>27%</b>	<b>18%</b>	<b>56%</b>	<b>100%</b>

12. Investments are managed by a combination of an in-house operation and external investment management firms. During 2011/12 three firms were used: Invesco Asset Management Ltd, AllianceBernstein Ltd and Aberdeen Investment Managers Ltd. The external managers hold portfolios totalling £150m plus accrued interest, although these portfolios were reduced in March 2012 in order to finance the cashflow on debt refinancing carried out, see paragraphs 14 and 15 below, with the external portfolios planned to be restored to £150m following the debt refinancing.
13. The use of external fund managers, and the types of investments they use, requires the use of custodian bank accounts. The current custodian, HSBC Bank plc, gave short notice that it wished to stop providing this service from the end of June 2012, due to a change in its business requirement. A replacement custodian is being sought, and terms are being discussed with a major global custodian bank. There is a risk that the HSBC service may come to an end before a replacement is in place, in which case the investments held by the managers may need to be sold and the proceeds transferred in-house pending the start of the new appointment.

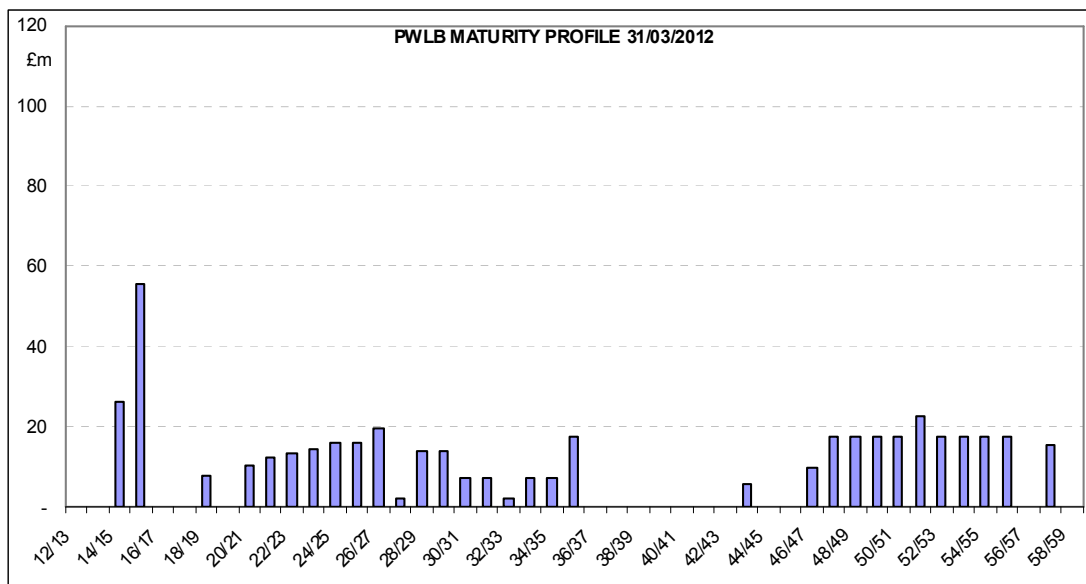
### Debt Activity and Position

14. The council took on no new debt to finance capital spend in 2011/12. At 31 March 2012 the debt outstanding stood at £462m (£761m at 31 March 2011). All debt is from the Public Works Loans Board (PWLb), the local authority lending arm of HM Treasury. On 28 March the government paid off £199m under HRA self-financing. In conjunction with the government's action, on 22



March 2012 £100m was redeemed and refinanced with new loans on 26 April 2012, the new loans being for a period of 20 years. This brought the level of debt down to £462m at 31 March 2012, the maturity profile of which is shown in chart 3 below

Chart 3



15. The £100m refinancing was carried out using cash supported by General Fund balances and reserves. It involved repaying high interest loans at 9.00% or more, maturing between 2014 and 2015 and replacing them with loans at 3.20% repayable over twenty years in equal instalments to match the General Fund's statutory minimum revenue provision requirements. A premium of £20.6m was also incurred and will be spread out over twenty years - £17.2m will fall on the HRA and £3.4m on the General Fund. As discussed further below the refinancing enables the General Fund, after the debt is disaggregated between the General Fund and the HRA, to reduce the average rate of interest (from 6.78% in 2011/12 to 3.56% in 2012/13), whilst ensuring HRA's substantial unsupported debt remains affordable. The HRA also benefited from the interest reduction, offsetting the premiums cost, so that there was no net effect on the HRA from this action.
16. 2011/12 was the final year that the HRA and the General Fund debt needed to be managed in a single pool. From 01 April 2012 it has been disaggregated and each fund can manage its debt in a way that best suits its financing requirement.
17. CIPFA have issued guidance on disaggregating debt and it envisages allocating the long term debt outstanding on 1 April 2012 between the HRA and the General Fund by allotting the HRA in full with loans up to its capital financing requirement (excluding long term liabilities like PFI and leases), with the residual allotted to the General Fund. Where the residual is lower than General Fund's own capital financing requirement (excluding long term liabilities), CIPFA treats it as internal borrowing funded with cash represented by General Fund reserves and balances.
18. At Southwark, the HRA capital financing requirement (excluding long term liabilities) is £451m and the General Fund requirement is £127m at 01 April

2012. After the HRA self-financing payment and the £100m refinancing on 22 March, using General Fund cash, the long term debt outstanding at 01 April 2012 was £462m. This means the HRA can be allotted £451m, with the remainder, £11m, taken up by the General Fund. The General Fund also takes on a further £100m in low interest long term debt on 26 April 2012, which replaces the 22 March repayment. This allotment properly recognises the use of General Fund cash in the refinancing and ensures that the resulting allocation is both affordable and sustainable by each fund. It also lowers the average rate of interest on General Fund loans to 3.56% and improves its resilience and capacity to manage debt flexibly and, as far as possible, independently of the HRA. The average rate on HRA loans would be 6.56% and from 2015 will fall as maturing debt is refinanced at lower rates. It is attractive for the council as a whole to disaggregate debt between the HRA and General Fund and the council assembly is asked to note the allotment between the two funds as set out above.

### **Prudential Indicators**

19. Prudential indicators bring together elements of capital finance, borrowing and investment in a series of estimates and limits to give a general picture of the affordability, prudence and sustainability of financing activities. The outturn for each indicator based on the 2011/12 draft accounts is set out in Appendix A and includes the authorised debt limit, which is a self imposed cap on borrowing and other long term liabilities (like leases and PFI schemes) outstanding on any one day. The limit for 2011/12 was £997m and included operational flexibility for temporary borrowing and prudent refinancing in a risk controlled framework. The opening debt was £761m. No new borrowing was taken in 2011/12 and £299m was paid off to leave a closing debt of £462m. The value of long term liabilities at 31 March 2012 was £107m. Taken together, actual borrowing and other long term liabilities remained below the £997m limit throughout the year.

### **SUPPLEMENTAL ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Communities, Law & Governance**

20. The constitution determines that agreeing the treasury management strategy is a function of council assembly. All executive and operational decisions are the responsibility of the finance director.
21. The Local Government Act 2003 and supporting regulations require local authorities to determine annual borrowing limits and have regard to the Prudential Code for Capital Finance, and the Treasury Management in the Public Services Code of Practice, both published by the Chartered Institute of Public Finance and Accountancy, when considering borrowing and investment strategies, determining or changing borrowing limits or prudential indicators.
22. Section 15(1) of the 2003 Act requires a local authority “to have regard (a) to such guidance as the Secretary of State may issue”. This guidance is found in the Department of Communities and Local Government Guidance on Local Authority Investments updated March 2011 and statutory guidance on the Minimum Revenue Provision (MRP) produced under amendments made to section 21(1A) of the Local Government Act 2003 by section 238(2) of the Local Government and Public Involvement in Health Act to 2007.

23. Members are advised to give approval to the recommendations contained in this report ensuring compliance with CIPFA's codes.

## BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
DCLG Guidance on Local Authority Investments.	Finance and Resources Department, 160 Tooley Street London SE1 2QH	Dennis Callaghan, Chief Accountant 020 7525 4375

## APPENDICES

No.	Title
Appendix A	Prudential Indicators 2011/12 Outturn

## AUDIT TRAIL

<b>Lead Officer</b>	Duncan Whitfield, Finance Director	
<b>Report Author</b>	Dennis Callaghan, Chief Accountant	
<b>Version</b>	Final	
<b>Version Date</b>	21 June 2012	
<b>Key Decision</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Final report sent to Constitutional Team</b>	21 June 2012	

**PRUDENTIAL INDICATORS 2011/12****PRUDENTIAL INDICATORS**

1. Capital finance, borrowing and investment arrangements are brought together in a series of prudential indicators (estimates and limits) to give a general picture of the affordability, prudence and sustainability of financing activities. The indicators are grouped into three broad areas (affordability, prudence, capital expenditure and treasury management) and are drawn from the Prudential Code on Capital Finance for Local Authorities and the Treasury Management in the Public Services Code of Practice plus Guidance, published by CIPFA and updated in November 2011. The Local Government Act 2003 requires that councils have regard to these codes.
2. This appendix sets out the 2011/12 outturn indicators drawn from the council's draft account for 2011/12.

**CRITERIA ONE: AFFORDABILITY AND PRUDENTIAL INDICATORS ON AFFORDABILITY**
**INDICATOR ONE: RATIO OF FINANCING COSTS TO NET REVENUE STREAM**

The financing ratio is the cost of financing capital expenditure (including PFI and leases) net of cash income as a proportion of the net revenue stream. The ratio for the HRA and the General Fund (GF) are set out below. The different level of the two ratios reflects the different way the two services are organised.

Financing Ratios	2010/11 Actual	<b>2011/12 Actual</b>
<b>HRA</b>	29.0%	<b>27.0%</b>
<b>GF</b>	4.0%	<b>4.0%</b>

**INDICATOR TWO: THE INCREMENTAL IMPACT OF CAPITAL INVESTMENT ON THE COUNCIL TAX AND HOUSING RENTS**

This indicator is about the impact on council tax and rents of the capital programme. No increase in council tax or rents was sought as a result of capital spend funded through borrowing.

Notional Rent or Council Tax Increases	2010/11	<b>2011/12</b>
<b>Weekly housing rent increase as a result of capital programme</b>	Nil	<b>Nil</b>
<b>Council tax band D increase as a result of capital programme</b>	Nil	<b>Nil</b>

<b>CRITERIA TWO: PRUDENCE AND PRUDENTIAL INDICATORS FOR PRUDENCE</b>
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**INDICATOR THREE: DEBT AND CAPITAL FINANCING REQUIREMENT**

This indicator compares debt to the capital financing requirement (CFR), which is borrowing plus long term liabilities like PFI and leases. Debt should not exceed the CFR over the medium term, but may do so over the short-term in the interest of prudent financing and management of debt.

This indicator is met as actual debt at 31 March 2012 stands at £462m, which is below the closing CFR for 2011/12 of £685m. At Southwark the average debt is also usually held close to the CFR excluding PFI and lease.

<b>CRITERIA THREE: PRUDENTIAL INDICATORS FOR CAPITAL EXPENDITURE AND TREASURY</b>
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**INDICATOR FOUR: CAPITAL EXPENDITURE**

The actual capital expenditure for 2011/12 including leases and certain PFI arrangements is set out below. The General Fund spend has been amended to exclude PFI spending on St Michael's and St Thomas the Apostle schools following new advice on accounting treatment.

Capital Expenditure	2010/11 Actual £m	2011/12 Actual £m
<b>HRA</b>	71	<b>53</b>
<b>GF</b>	104	<b>157</b>
<b>Total</b>	175	<b>210</b>

**INDICATOR FIVE: CAPITAL FINANCING REQUIREMENTS.**

The capital financing requirement reflects the use of borrowing and long term liabilities (e.g. PFI and leases) to pay for capital expenditure, net of sums set aside as minimum revenue payment (MRP) in accordance with the MRP policy agreed by council assembly annually. The 2011/12 HRA actual reflects the £199m self-financing settlement of 28 March 2012.

CFR at Year End	2010/11 Actual £m	2011/12 Actual £m
<b>HRA</b>	650	<b>451</b>
<b>GF</b>	157	<b>234</b>
<b>Total</b>	807	<b>685</b>

## INDICATOR SIX: THE AUTHORISED AND OPERATIONAL LIMITS

These limits are the maximum sum that may be outstanding on debt and long term liabilities outstanding on any one day. The lower limit is the operational boundary and takes account of ordinary activity. The authorised limit is the higher limit to accommodate unexpected borrowing that may be needed for very short periods and managed within a risk controlled framework. It is not intended for long periods. The total authorised limit is the limit councils have to determine under the Local Government Act 2003.

At Southwark the average level of borrowing in any one year is usually close to the capital financing requirement, before PFI and leases, but may be higher or lower depending on cash flow needs and timing of borrowing decisions. The limits accommodate such variation where prudent and taken in a risk controlled framework.

Operational Boundary and Authorised Limits for External debt -	2010/11 Actual Max	2011/12 Actual Max	2011/12 Limit £m
<b>Operational Boundary for Debt</b>			
Borrowing	761	<b>761</b>	860
Other long term liabilities	25	<b>107</b>	107(*)
Total Operational (*)	786	<b>868</b>	967
<b>Authorised Limit for Debt -</b>			
Borrowing	761	<b>761</b>	890
Other long term liabilities	25	<b>107</b>	107(*)
Total Authorised (*)	786	<b>868</b>	997

Note \* - The council assembly agreed in February 2011 that the limits from 2011/12 be treated as increased for increase in long term liabilities arising from accounting changes in leasing and PFI. These liabilities are £107m in 2011/12 and the limits for that year have been updated to reflect that.

## INDICATOR SEVEN: ADOPTION OF THE CIPFA CODE OF PRACTICE ON TREASURY MANAGEMENT IN THE PUBLIC SERVICES

This indicator concerns adoption of Treasury Management in the Public Services Code of Practice issued by CIPFA. The council adopted the 2009 code at its meeting in February 2010. The 2011 code is an update and basic principles remain unchanged.

## INDICATOR EIGHT: INTEREST RATE EXPOSURES – FIXED

## INDICATOR NINE: INTEREST RATE EXPOSURES - VARIABLE

## INDICATOR TEN: MATURITIES

Council debt currently consists entirely of fixed rate loans and the limits accommodate flexibility to take on new fixed or variable rate loans where prudent in a risk controlled framework. The actuals show the maximum actual exposure to fixed and variable debt on any one day in 2011/12. And the maturity profile shows the position at the start of the year.

LIMITS ON FIXED AND VARIABLE RATES	2010/11 Maximum Actual £m	<b>2011/12 Maximum Actual £m</b>	2011/12  Limit £m
<b>Upper limit for fixed interest rate exposure</b>	761	<b>761</b>	890
<b>Upper limit for variable rate exposure</b>	0	<b>0</b>	225

Maturity structure of fixed rate borrowing at year end	2010/11 Actual	<b>2011/12 Actual</b>	2011/12 Lower Limit	2011/12 Upper Limit
<b>Under 12 months</b>	0%	<b>0%</b>	0%	30%
<b>12 months and within 24 months</b>	0%	<b>0%</b>	0%	30%
<b>24 months and within 5 years</b>	18%	<b>29%</b>	0%	60%
<b>5 years and within 10 years</b>	12%	<b>3%</b>	0%	80%
<b>10 years and above</b>	70%	<b>68%</b>	0%	100%

### INDICATOR ELEVEN: TOTAL PRINCIPAL SUMS INVESTED FOR PERIODS LONGER THAN 364 DAYS.

The council's cash balances are invested across a number of counterparties which can include the Government, local authorities, and large high rated banks and building societies. Exposure to investments beyond one year raises investment options and helps raise returns. However, as returns can be vulnerable to unexpected market volatility, limits are placed on such exposure. The maximum actual exposure to investments longer than one year on any one day in 2011/12 is set out below.

Upper limit on investments greater than 364 days	2010/11 Actual	<b>2011/12 Actual</b>	2011/12 Limit
<b>Upper limit / Actual</b>	Actual max exposure 16% of investments greater than 364 days  Overall maximum average maturity 7 months Longest investment 5 years	<b>14% of investments greater than 364 days</b>  <b>Overall maximum average maturity 7 months</b> <b>Longest investment 5 yrs</b>	Up to 50% of investments greater than 364 days  Overall average maturity 3 years, but any one investment may be longer as referred to in the Annual Investment Strategy

<b>Item No.</b> 8.2	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Adoption of Code of Conduct and consequential changes	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Constitutional Steering Panel	

## RECOMMENDATIONS

1. That Council Assembly adopts the Code of Conduct for Members attached as Appendix A.
2. That Council Assembly agrees the changes to the member officer protocol attached as Appendix B.
3. That Council Assembly agrees the changes to the Committee Procedure Rules as detail in paragraph 11.

## BACKGROUND INFORMATION

4. The Localism Act 2011 (“the Act”) provides for the abolition of the current standards regime including Standards for England, standards committees, the jurisdiction of the First Tier Tribunal over standards of conduct, and a nationally set code of conduct for councillors.
5. Standards for England was abolished on 31 January 2012. The remaining standards provisions will come into force on 1 July 2012.
6. All constitutional changes are considered by constitutional steering panel, which then recommends changes to council assembly. The adoption of the Code of Conduct and the changes in this report were recommended by the constitutional steering panel, which met on 18 June 2012.

## KEY ISSUES FOR CONSIDERATION

### Code of Conduct

7. Southwark needs to formally adopt a Code of Conduct in accordance with section 28 of the Act. Standards Committee at their meeting on 12 June 2012 decided on the code and the information required on interests was appropriate for the authority. This is attached as Appendix A.
8. Following the meeting of the Standards Committee on 12 June 2012, members favoured dealing with interests through guidance and by amending the member and officer protocol. Appropriate amendments are attached as Appendix B.
9. The Monitoring Officer will issue guidance to all members once the Code of conduct is adopted.



10. The Standards Committee also proposed that an amendment to the Committee Procedure Rules should be made to deal with disclosable pecuniary interest at licensing and planning meetings. Under the proposed Code of Conduct members do not have to withdraw from the room if they have a disclosable pecuniary interest (unlike the position previously where they had a prejudicial interest) but cannot take part in the discussion on the matter or vote on the matter.
11. In order to protect both members and the council from accusations of bias in relation to the planning and licensing functions, it is proposed that members should not stay in the room in relation to those matters. The amendment would be as follows:

**8. ADDITIONAL RULES APPLYING TO PLANNING COMMITTEE AND LICENSING COMMITTEE OR SUB-COMMITTEES**

4. At any meeting of the planning committee or licensing committee if the committee is determining any application for an approval, consent, licence, permit or permission any members has a disclosable pecuniary interest in any matter being considered at that meeting then they must withdraw from the room or chamber where a meeting considering the business is being held.
5. At any meeting of the planning sub-committee or licensing sub-committee if the sub-committee is determining any application for an approval, consent, licence, permit or permission any members has a disclosable pecuniary interest in any matter being considered at that meeting then they must withdraw from the room or chamber where a meeting considering the business is being held.

**Investigations**

12. Section 28 of the Act also requires provision for the appointment of at least one independent person whose views must be sought and taken into account before the authority makes a decision on an allegation. This matter is dealt with in another item on the agenda.
13. The Act requires local authorities to have arrangements to investigate allegations and make decisions on them. The previous system of sub-committees was time consuming and protracted. Standards Committee considered that a simplified procedure with a filtering system under which the monitoring officer in consultation with the whips and the independent person would determine whether a complaint should proceed for investigation.
14. The detailed arrangements are for Standards Committee to approve, and will be put to the first meeting of the new committee.

**Resource implications**

15. There are no additional resource requirements associated with the adoption of the changes.

**Legal implications**

16. Legal issues are outlined in the body of the report.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Southwark Constitution 2011	On-line on council's website	Ian Millichap 020 7525 7225

**APPENDICES**

No.	Title
Appendix A	Proposed Code of Conduct
Appendix B	Proposed changes to Member and Officer Protocol

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Norman Coombe, Head of Corporate Services (Legal Services)	
<b>Version</b>	Final	
<b>Dated</b>	19 June 2012	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes (included in body of report)
Finance Director	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		20 June 2012

## Part 1

### Code of Conduct

As a member or co-opted member of Southwark Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in Southwark Council this is outlined in Part 2 of this document.

Members are required to register these interests within 28 days of their election and keep the register up to date by notifying any changes with 28 days to the monitoring officer.

As a Member of Southwark Council, my conduct will in particular address the statutory principles of the code of conduct by:

1. Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
2. Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
3. Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Southwark Council or the good governance of the authority in a proper manner.
4. Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
5. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
6. Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
7. Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
8. Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources<sup>1</sup>.
9. Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
10. Always treating people with respect, including the organisations and public I engage with and those I work alongside.
11. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.
12. Assist in any investigation concerning possible breach of this Code.

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<sup>1</sup> A non exhaustive list will be attached as appendix to aid members

## **Part 2**

### **Interests**

This part explains the requirements of the Act and of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in relation to disclosable pecuniary interests. These are enforced by criminal sanction and not by the Standards Committee.

#### **Notification of disclosable pecuniary interests**

Within 28 days of becoming a member or co-opted member, the member must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

What is a 'Disclosable pecuniary interest' is detailed in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

A 'disclosable pecuniary interest' is an interest of the member or their partner (which means spouse or civil partner, a person with whom the member is living as husband or wife, or a person with whom the member is living as if they are civil partners).

#### **Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.



## PROPOSED CHANGES TO MEMBER AND OFFICER PROTOCOL

### Role and purpose

1. The purpose of this protocol is to set down principles and procedures, which have been jointly agreed by officers and members to guide their joint working in the public interest. The protocol supplements and interprets, but does not supplant:
  - statutory provisions, the code of conduct for members and other codes and guidance
  - the other provisions of the council's own adopted constitution and especially the rules of procedure
  - the disciplinary codes which regulate the conduct of officers, details of which can be found on the Source at:  
<http://thesource/SectionLandingPage.asp?id=2089>.
2. It contains interpretation and guidance on some of the issues which commonly arise. It cannot cover every matter which will arise in council life but it reflects an approach and sets standards which will serve as a guide to dealing with other issues. It is intended to guide new members and officers and explain to them what they can expect of each other. It also explains what to do when things go wrong.
3. This protocol also applies to voting non-elected members of committees and also to consultants and agency staff working for the council, to whom a copy should be supplied. With regard to associates from partnership organisations, where their organisation has no code of conduct, it is expected they will abide by the principles of Southwark's code and this protocol.
4. Members appointed to outside bodies or partnership organisation representative of Southwark Council need to be aware that the code of conduct for members will apply to these appointments. However, members are advised to be aware that other conduct arrangements of the outside body are likely to exist. In those circumstances, members should comply with both sets of conduct arrangements, unless the code of conduct for members conflicts with the lawful obligations of the outside body. Further assistance is given in the *guidance for councillors on membership of outside bodies* issued by the monitoring officer.

### Review

5. The standards committee and the monitoring officer will jointly keep the protocol under review and make recommendations for changes as appropriate. Review

will take place in time for an updated version to be circulated annually after annual council with the new constitution, to all members and officers.

### **Definition of the role of officers and members**

6. Both councillors and officers are servants of the public and they are indispensable to one another but their responsibilities are distinct.

#### *Members*

7. Councillors are responsible to the electorate and serve only so long as their term of office lasts. All councillors have responsibilities to determine the policy of the council, monitor its performance, represent the council externally and act as advocates on behalf of their constituents. Cabinet members, chair and vice-chairs of scrutiny and other committees may also have additional responsibilities. However, all councillors have the same rights and obligations in their relationship with officers and should be treated equally.

#### *Officers*

8. Officers are responsible to the council. Their job is to give full and impartial advice to councillors and the council, and to carry out the council's work under the direction and control of the council, its cabinet, committees and sub-committees. Within these guidelines all officers should endeavour to give every assistance to members carrying out their various roles. Officers have a duty to keep members of all political groups fully informed about developments of significance in relation to council activities.

### **Member officer relations**

9. One of the key issues addressed by the member and officer protocol is the question of member officer relations. Mutual trust and respect should be the key aim of both members and officers, as it is essential for good local government.

#### *Obtaining or granting favours*

10. The member code of conduct emphasises the need for members to avoid behaviour which could be viewed as conferring an advantage or disadvantage on an officer. Members should not seek personal favours from officers. Officers should not be tempted to give favours to please a councillor. An example of favour seeking would be asking whether a councillor's parking ticket could be withdrawn or whether an application for a service could be expedited. Similarly officers should not seek to circumvent agreed staff consultative procedures by lobbying councillors on matters which directly concern them as employees.

#### *Member involvement in officer issues*

11. Issues relating to the appointment, management and dismissal of most officers are reserved by law to the chief executive and officers appointed by her. Member involvement in employment issues generally, including where they relate to senior officers is set out in the Local Authorities (Standing Orders) (England) Regulations 2001 and within the council's constitution.

12. Where an employee is also a constituent it may be proper for the member to make written/oral representations to the relevant chief officer, or disciplinary hearing, but the member should not take a proactive part representing or in any other way advocating on behalf of any such employee in any disciplinary procedures brought by the council against the employee.

#### *Personal familiarity*

13. Personal familiarity between members and officers can undermine public confidence in the council. It is acknowledged that some close relationships will inevitably develop, particularly when officers and cabinet members or chairs of committees work closely together. It is important that close relationships between members and officers are openly declared and should never be allowed to become so close, or appear to be so close as to bring into question the officer's ability to deal impartially with other members and other party groups, nor to undermine public trust and confidence in the council. Where possible members and officers who have close personal relationships should try to avoid coming into contact on projects and in the day-to-day business of the council.

#### *Courtesy*

14. Members and officers should be courteous to each other at all times even if they disagree strongly with each others' views.

#### *Bullying*

15. Members and officers must not bully any person. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person whom the member or officer has some actual or perceived influence over.
16. Bad relations between members and officers can be equally destructive to good governance. Members may from time to time become frustrated by what they regard as unacceptable or incompetent officer behaviour. It is self-evident that sometimes these feelings may be entirely justified although sometimes there may be a legitimate reason why member expectations cannot be met, e.g. because of a council policy or a legal requirement such as confidentiality.
17. However, members should take up their concerns through the dispute procedure described in this document, rather than through public criticism. They should bear in mind that officers are instructed not to "answer back" in public. Attacking an officer's conduct in public can constitute bullying, as will undue pressure brought by either officers or members in private can be construed as bullying.

#### *Lines of contact between members and officers*

18. It must be remembered that officers within a department are accountable to their chief officer. Chief officers through their senior management are responsible for the allocation of work to, and the prioritising of work by, their staff.



19. Members should direct enquiries to staff through senior management, or if the matter is routine at least keep a senior manager informed by copying the manager in on correspondence or emails.
20. Officers should not leave confidential or sensitive paper visible on their workstation or in other areas and should lock them away if they have to leave that area for any reason.
21. Where members and officers share an office building particular care needs to be taken to maintain appropriate lines of contact. Members and officers are reminded that within an open plan environment office certain standards are expected to be maintained. In particular meetings should not be held at workstations, members and officers should use the meeting facilities provided and sensitive or confidential issues should not be discussed in the open plan environment. Further details of the standards can be found on the intranet.
22. Officers should always seek to assist members but in so doing they must not go beyond the bounds of whatever authority they have been given by their chief officer under the scheme of management.

### **Registration of disclosable pecuniary interests**

#### *Notification of disclosable pecuniary interests*

23. Within 28 days of becoming a member or co-opted member, the member must notify the Monitoring Officer of any 'disclosable pecuniary interests'.
24. What is a 'Disclosable pecuniary interest' is detailed in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The monitoring officer has provided guidance and will give advice should members require it.
25. A 'disclosable pecuniary interest' is an interest of the member or their partner (which means spouse or civil partner, a person with whom the member is living as husband or wife, or a person with whom the member is living as if they are civil partners).

#### *Register of interests*

26. Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.

#### *Sensitive interests*

27. Where the member considers that disclosure of the details of a disclosable pecuniary interest entered in the Register could lead to the member, or a person connected with the member, being subject to violence or intimidation, and the Monitoring Officer agrees, then copies of the register that are made available for inspection and any published version of the register will not include details of the interest, but may state that the member has a disclosable pecuniary interest, the details of which are withheld under Section 32 of the Localism Act 2011.

#### *Disclosable pecuniary interest in matters considered at meetings*

28. If the member is present at a meeting of the Council Assembly, or any committee, sub-committee, joint committee or joint sub-committee of the Council, or any meeting of the Cabinet or a committee of the Cabinet, and they are aware they have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,
- They may not participate in any discussion of the matter at the meeting
  - They may not participate in any vote taken on the matter at the meeting
  - If the interest is not registered, you must disclose the interest to the meeting
  - If the interest is not registered and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest within 28 days.
29. Members who have a disclosable pecuniary interest in any matter to be considered or being considered at any meeting or by an individual cabinet member must not seek improperly to influence a decision about that business.
30. Where a Cabinet Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Cabinet Member must notify the Monitoring Officer of the interest within 28 days and must not take any steps or further steps in the matter.

#### Dispensations

31. The Monitoring Officer may grant any member a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

#### **Gifts and Hospitality**

32. Members should not compromise their position by accepting any gifts or hospitality which may give the impression that they might be, or might be thought by others to have been, influenced in making an important decision as a consequence.
33. Member must register any gifts or hospitality given to them worth £50 or over. A copy of the register will be available for public inspection and will be published on the Council's website.
34. You must also register what the gift is, the donor (,the person, company or body) of the gift or hospitality; the date of the gift, and the value. You only have to register gifts that you receive in connection with your official duties as a member. You do not have to register other gifts and hospitality, such as birthday gifts from family.

#### **Visits to offices by members**

35. In relation to visits to front-line services by members, members should consider advising relevant chief officers in advance of such visits. In the case of unannounced visits to front-line services, members should take care not to

disrupt organisations unreasonably. If the visit is of a statutory inspection nature other procedures apply.

36. Making an agreed time to meet with an officer is a better way of working than arriving at an officer's desk. Managers will have agreed work priorities with staff.
37. Members are advised that they carry some personal responsibilities to ensure health and safety standards are maintained at all times while on council premises and also for their private guests. Members are advised that their private guests also have personal responsibilities regarding health and safety.

### **Reports**

38. Officers' reports should contain clear, evidence-based advice as to why a course of action is being recommended. From time to time corporate advice is given to officers on report writing and they should take care to follow it. The report should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should take care to include even unpopular options if they feel they are relevant. They should bear in mind that if they have not done so and the decision is later challenged or proved to be the wrong decision they may find themselves personally and professionally liable.
39. Members can refuse to agree recommendations and table amendments to any recommendations. The member should be clear about the reasons for making alternative recommendations, and any amendments or recommendations proposed at a meeting should have a clear and rational basis, which is accessible to the public.
40. With cabinet reports the report writer should consult with the relevant cabinet member(s). That member is able to write his or her report in addition to the report submitted by the chief officer.
41. Where there is disagreement about the right course of action, it is always best practice for this to be open with both opinions available for discussion. Sometimes, in the course of preparing reports, these disagreements can be reconciled. However, it is always poor practice to bring pressure to bear on officers unwilling to amend their professional judgement, and in some cases this could be construed as bullying.
42. In relation to action between meetings, it is important to remember that the law only allows for decisions (relating to the discharge of any of the council's functions) to be taken by the cabinet, a cabinet member, a committee, a sub-committee or an officer. It is however both legal and good practice for cabinet members individually and as a whole, and chairs of committees to be briefed by officers in advance of meetings and also to meet to plan agendas for meetings.

### **Officer advice to party groups**

43. There is now statutory recognition for party groups and it is common for such groups to give preliminary consideration to matters of council business in advance of such matters being considered by the relevant decision making body. The opposition groups may seek support to enable them to function as an effective opposition on the bodies on which they sit.

44. Officers may properly be called upon to support and contribute to such deliberations by party groups, provided they maintain a stance which is politically impartial. Officers should be required to give information and advice to political groups on matters relating to the council's functions only and not on matters which are primarily issues of party politics or political strategy. It is important that the political neutrality of officers is preserved. When engaging council officers at group meetings, party members should seek to avoid involving them in any political debate. With the exception of political assistants, officers should not attend, or be invited to attend, any political group meeting which includes non-council members.
45. Attendance at group meetings should normally be restricted to chief officers. If other officers are required this should be organised by the chief officer.
46. These briefings are confidential, to allow the free expression of views, and officers must be careful to maintain confidentiality. However, any written report supplied to a party political group must be accessible to members of other parties.

### **Support services for members**

47. The role of officers is to assist members in discharging their role as members of the council for council business and in their role as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes, and this includes the support offered by political assistants.
48. Council resources (e.g. stationery and photocopying) may only be used for council business or when they are directly required for any office to which the member has been elected or appointed by the council.
49. Support to members is a resource, which is subject to the same budget pressures as any other. Given its importance to how effective members can be, it is essential that its allocation is agreed to be fair and in proportion to the duties of all groups of members.
50. Direct support and administrative help is provided by member services. Information technology support and training responsibilities are shared between a number of sections but are organised through the member services manager. From time to time training and guidelines on the proper and effective use of council supplied IT resources will be issued. Requests for further assistance or clarification should be referred in the first instance to the member services manager.
51. Use of council resources includes the use of council owned facilities. Outside of council meetings, political groups represented on the council may use town hall meeting rooms for private meetings of their group which will include ordinary group meetings and training sessions. Non-town hall function rooms can be hired under the council's normal conditions of charging for other types of meetings.
52. Use of the council chamber for party political purposes will only rarely be permissible and applications will be referred to the monitoring officer.

### **Member development programme**

53. The council runs a member development scheme which is coordinated through the organisational development team. The scheme reflects the obligation on all parts of the council to ensure that all members are able to achieve their full potential in the position to which they have been elected. When this is achieved it benefits the council as a whole and the people of the borough but it also improves the mutual understanding of members and officers.
54. Further advice on support for members can be obtained from democratic services or member services.

### **Use of Information Technology**

55. Where a member is using or accessing the council's resources, s/he must act in accordance with the council's requirements and ensure such resources are not used for any unauthorised or political purpose. This includes information technology (IT) resources; the term 'IT', means computers and any systems used to create, store or exchange information electronically. Similarly 'computer' means an electronic device used for storing and processing information, such as desktop and notebook computers (laptops) and hand held devices (such as BlackBerrys).
56. Members must not use any computer equipment and systems supplied by the council to conduct any business activity other than for their role as a councillor.

### **Using and caring for equipment**

57. Members have a personal responsibility for any IT equipment supplied to them by the council and should take all reasonable steps to ensure that this equipment is kept safe and in good working order. Members should report any loss/theft to member services, but should note that only one issue and one upgrade will be paid for by the council in any 4-year term of office. Members should report any technical problems, lack of service etc. to the council's contractor.
58. Members are advised to consider adding council issued equipment to their home insurance arrangements. Members will be able to claim any additional related premium from the council.
59. A restricted level of personal use of the equipment is permitted provided it does not constitute misuse as detailed in the communication protocol. Members will need to:
  1. reimburse the council for any personal use of equipment that incurs a cost to the council or;
  2. confirm that all costs were associated with official council business.

Members will also be responsible for any use of equipment, authorised by them or not (unless reported lost or stolen), and hence any associated costs.

60. Members are reminded that details of expenses paid on their behalf are published on the Southwark website.
61. IT equipment supplied to members remains the property of the council and must be returned when their period of office ends.

### **Political assistants**

62. The Local Government and Housing Act 1989 gives councils a power to appoint political assistants to qualifying political groups. Southwark Council currently employs political assistants to the two largest groups. Political assistants are council officers who are employed to assist members of a political group, "in the discharge of any of their functions as members of a relevant authority". Unlike other officer appointments, the political affiliations and preferences of the political group for whom the assistant is hired can be taken into account in the selection process. They provide a useful means of broadening the base of advice to members.
63. The act also restricts the work that political assistants can do. A political assistant's role is to provide assistance to members in carrying out their duties as members of the authority, and not in any additional political, or other, activity. For example, political assistants are not employed to work on election campaigns. Political assistants hold politically restricted posts under the Local Government and Housing Act 1989, and therefore also face restrictions on their personal political activity.

### **Members' access to information and council documents and data information**

64. Members often require access to information to carry out their work in decision making, scrutiny, and representing their constituents. Officers should always process such requests promptly. They are required to ensure that the information required can be released. In some cases they will need to consult their managers or third parties who may hold the information, which may cause some delay.
65. The process for obtaining information is set out in the access to information rules in the council's constitution. Advice on the legal framework can be obtained from the monitoring officer.
66. The common law right of members is based on the principle that any member has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the "need to know" principle and it is well established that a member has no right to "a roving commission" to go and examine documents of the council. The crucial question is the determination of the "need to know" and this question must initially be determined by the particular chief officer whose department holds the document in question (with advice from the monitoring officer).
67. In some circumstances (e.g. a cabinet or scrutiny committee/sub-committee member wishing to inspect documents relating to the functions of their portfolio/committee/sub-committee) a member's "need to know" will normally be presumed, and also where the member is representing a constituent within his ward, although in these cases there may be legal reasons restricting the information that can be produced. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms, possibly in writing.

68. Guidance on holding and processing data to comply with the Data Protection Act can be found on the Source. Assistance with compliance is coordinated by member support services, but members should be aware that they are personally responsible under the act, and should take care to follow any guidance issued.

#### *Confidentiality*

69. Sometimes information will be supplied in confidence and paragraph 4 of the Southwark Council's code of conduct for members makes it clear that such information should not be disclosed without the consent of a person authorised to give it, or unless he or she is required by law to do so.
70. Recent case law confirms that a member may benefit from the public interest defence in some specific circumstances. However, those circumstances are rare and any member considering leaking confidential information should take legal advice immediately where their actions may impact on individuals.
71. Members are also reminded that there is an agreed process for applying for the release of information contained in the Freedom of Information Act 2000. Further details of this are available on the council's website

#### **Freedom of Information Act 2000**

72. Under the Freedom of Information Act (FOI), councillors like other members of the public have a general right, subject to any applicable exemption, of access to information. Requests under the Freedom of Information Act must be in writing and contain sufficient information to enable the document to be identified. There is a requirement under the act that for the information to be disclosed within 20 working days.
73. There is no requirement under the act for the member to specify whether or not the information is requested under the Freedom of Information Act. Officers should therefore in all cases ascertain from the member whether or not the information is sought under the Freedom of Information Act and if so to advise the member that the request will be dealt with within the statutory time limit of 20 working days.
74. Where the request is for access to documents that are unrelated to any council meeting or where the member requesting the information is not the ward member, officers must inform the member that the request is being treated as a freedom of information request and that a response will be provided within 20 working days.

#### **Operation of the overview & scrutiny committee and its sub-committees**

75. The overview & scrutiny committee and its sub-committees may require officers and members to attend and provide any information required to answer questions. It is the duty of any officer or member to attend and answer questions (other than those which he or she would be entitled to refuse to answer in a court of law) if the overview & scrutiny committee and its sub-committees so request. The council may consider that chief officers and other senior managers as described in the departmental schemes of management and not more junior staff are the appropriate officers to attend scrutiny meetings and answer questions.

76. Members of the overview & scrutiny committee or one of its sub-committees should explain the role and operation of the committee/sub-committee, particularly in relation to future policy development, before asking questions of witnesses. Members should adopt an inquisitorial (information seeking) approach to questioning rather than a confrontational one. They may be firm and assertive, but adopting a facilitative and exploratory way of working should generate an atmosphere in which members and officers can explore issues openly and honestly. Under no circumstance should members adopt a rude or aggressive style.
77. Officers should provide all relevant information in their possession, and they should use their best efforts to make sure that they possess all relevant information. They should never seek to conceal or 'improve' inconvenient facts, and more senior officers, or other members should never attempt to persuade them to do so.
78. Reports of scrutiny committees, while drafted by officers, are the reports of the committees themselves and there is nothing improper in members of those committees asking for draft reports to be amended.

#### **Ceremonial events**

79. Civic ceremonial events will normally be led by the Mayor or the Deputy Mayor with the leaders of all political groups and other local members informed or invited as appropriate.

#### **When things go wrong**

##### **Procedure for officers**

80. It is always preferable to resolve matters informally, through an appropriate senior manager. Officers however do have recourse to the staff complaints procedure (which is contained in [Managing@Southwark](mailto:Managing@Southwark)), the protections laid down in the officer employment procedure rules (contained in part 4 of the constitution) or to the council's monitoring officer. In some cases they may wish to utilise the council's whistleblowing procedure (again contained in [Managing@Southwark](mailto:Managing@Southwark)). In the event of a complaint being upheld, the matter will be referred to the chief executive. A local solution may be found after discussion with the leader of the council and the leader and/or whip of the group concerned. Referral of the matter to the Standards Board, should be considered, particularly in serious cases, and the advice of the monitoring officer should be sought.

##### **Procedure for councillors**

81. Where a councillor is dissatisfied with the conduct of an officer, and they have been unable to resolve the issue, they should refer the matter to the officer's relevant chief officer, who will nominate an appropriate manager to carry out any investigation required. The manager should then make a preliminary investigation and consider whether the council's disciplinary and capability procedure is appropriate, and then follow the appropriate procedure. The manager should then report back to the member concerned that the appropriate procedures have been followed.



82. Where the complaint relates to a chief officer or monitoring officer, the complaint may be referred to the chief executive for an informal review, conciliation and resolution where possible. If the matter is not resolved at this preliminary stage or in cases of serious complaints, the chief executive, taking appropriate advice will consider whether any formal process under the council's employment procedures and as set out in the officer employment procedure rules, as appropriate.
83. Where a complaint relates to the chief executive both the member concerned and the chief executive should consider whether a meeting may resolve the situation and whether that could be facilitated by the whip or leader of the relevant political group, if any, attending. The chief executive will provide the member with a written response to their complaint.
84. If the member remains dissatisfied with the response of the chief executive he or she will notify the monitoring officer and the head of human resources in writing and they will prepare a report for consideration by the leader of the council. The leader of the council, taking advice as appropriate, will have regard as to whether a formal process, as set out in the Local Authorities (Standing Orders)(England) 2001 is appropriate.

#### **Standards committee**

85. The function of the standards committee is set out in the council's constitution. It has a role in offering guidance on the content and working of this protocol, although it will not arbitrate, except in considering cases relating to potential breaches of the code of conduct for members.

<b>Item No.</b> 8.3	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Proposed changes to the Monitoring Officer roles and functions	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## RECOMMENDATIONS

1. That council assembly adopts 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 this report).
2. That council assembly authorises officers to make any consequential amendments to the constitution

## BACKGROUND INFORMATION

3. On 15 May 2012 Cabinet agreed amendments to the strategic management arrangements which included the deletion of the posts of strategic director of communities, law & governance effective from 1 October 2012. Cabinet also agreed that, subject to consideration by the appointments committee, the director of legal services would take on the monitoring officer function. However, the constitutional functions previously within the community engagement division would be passed to the director of corporate strategy.
4. The appointments committee appointed Doreen Forrester-Brown as the council's statutory monitoring officer. The committee made its decision when it met on 7 June 2012. Council assembly is now asked to redesignate this post and the chief financial officer post, and subject to approval the corporate elements of the new structure will take effect from 5 July 2012.
5. All constitutional changes are required by the constitution to be considered by constitutional steering panel, which then recommends changes to council assembly. The changes in this report were recommended by the constitutional steering panel, which met on 18 June 2012.

## KEY ISSUES FOR CONSIDERATION

6. The current monitoring officer has responsibility for both legal and constitutional services, and officers have therefore considered how those functions should be separated to reflect the new structure. This has some constitutional implications. A proper constitutional officer role has been included in Appendix 1 which reflects the functions which were previously the responsibility of the monitoring officer, but which are essentially procedural in nature.

7. Council assembly is asked to approve the redesignation of the section 151 officer (strategic director of finance and corporate services) and monitoring officer (director of legal services).
8. The constitution requires amendment to reflect these changes to the monitoring officer role and function as detailed in Appendix 1 of this report.
9. Proposed amendments to the constitution are set out in Appendix 1. Consequential changes such as titles, paragraph renumbering and references will be made by the proper constitutional officer. The constitutional steering panel felt it would be helpful if the proper constitutional officer was identified on the council's website.

### **Consequential changes**

10. As a result of the changes agreed by cabinet on 15 May 2012 to the strategic management arrangements, officers will be required to update the constitution, to reflect the redesignation and renaming of posts. Therefore council assembly is requested to authorise officers to undertake any necessary consequential changes.

### **Community impact statements**

11. There are no specific implications associated with the recommended changes.

### **Resource implications**

12. There are no additional resource requirements associated with the adoption of the changes.

### **Legal implications**

13. Legal issues are outlined in the body of the report.

## **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Southwark Constitution 2012	On-line on council's website	Ian Millichap 020 7525 7225

## **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Schedule of Constitutional Changes for 2012/13

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Graham Love, Business and Performance Manager	
<b>Version</b>	Final	
<b>Dated</b>	20 June 2012	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes (included in body of report)
Finance Director	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	21 June 2012	

SCHEDULE OF CONSTITUTIONAL CHANGES FOR 2012/13

The following proposed changes are a consequence of the senior management reorganisation and the transfer of the monitoring officer functions. For the sake of clarity all references to the monitoring officer in the constitution are included below and shown in bold italics where no change is proposed. Otherwise insertions are shown as underlined and deletions are shown with a strikethrough.

No.	Issue / Constitution Reference	Page A4	Recommendation			Comment
	<b>PART 1 INTRODUCTION</b>					
	None					
	<b>PART 2 - ARTICLES</b>					
1	1.5 <b>Changes to the constitution</b>	10	<b>Part</b>	<b>Title</b>	<b>Changes by:</b>	The proposed changes are process driven and not defined by statute as functions of the monitoring officer.
			1.	<b>Introduction</b>	Agreed by council assembly, subsequently updated by the <u>proper constitutional monitoring officer</u> as necessary. Changes notified to all members by the <u>proper constitutional monitoring officer</u> .	
				Decision making structure	Maintained and published by the <u>proper constitutional monitoring officer</u> .	
			2.	<b>Articles</b>	Agreed by council assembly. Exception – in article 10.02, head of paid service to determine and publicise a description of overall departmental structure showing the management structure.	
			3.	<b>Who takes decisions?</b>	Any executive function or local choice function to be discharged by the cabinet: Agreed by the leader Any other function: Agreed by council assembly. Exceptions – the <u>proper constitutional monitoring officer</u> to: (1) update list of plans and strategies to be agreed by cabinet (in Part 3B) (2) update the details of cabinet members (3) maintain Part 3S: Appointments to outside	

No.	Issue / Constitution Reference	Page A4		Recommendation	Comment
				bodies, as required.	
			<b>4. Procedure rules</b>		
			Access to information	Agreed by council assembly.	
			Budget and policy framework	Agreed by council assembly.	
			Council assembly	Agreed by council assembly.	
			Committee	Agreed by council assembly.	
			Community council	Agreed by council assembly.	
			Cabinet	Agreed by council assembly.	
			Overview and Scrutiny	Agreed by council assembly.	
			Contract standing orders (CSOs)	Agreed by council assembly, with minor changes (as defined in the CSOs) being made by the monitoring officer, after consultation with the <u>finance strategic director of finance and corporate services</u> . Changes notified to all members by the monitoring officer.	
			Financial standing orders (FSOs)	Agreed by council assembly, with minor changes (as defined in the FSOs) being made by the <u>finance strategic director of finance and corporate services</u> , after consultation with <b>the monitoring officer</b> . Changes notified to all members by the <u>proper constitutional monitoring officer</u> .	
			Officer employment	Agreed by council assembly.	
			<b>5. Codes</b>		
			Code of conduct	Agreed by council assembly.	
			<b>6. Protocols</b>		
			Member and officer	Agreed by council assembly.	
			Communication	Agreed by council assembly.	
			Members' allowances scheme	Agreed by council assembly.	
			<b>7. Other information</b>		
			List of councillors	Maintained and published by the <u>proper constitutional monitoring officer</u> .	

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment												
			<table border="1"> <tr> <td data-bbox="651 251 735 397"></td> <td data-bbox="735 251 1060 397">Overall departmental structure showing the management structure.</td> <td data-bbox="1060 251 1743 397">Determined and published by the chief executive (Article 10.02).</td> </tr> <tr> <td data-bbox="651 397 735 462"></td> <td data-bbox="735 397 1060 462">Glossary</td> <td data-bbox="1060 397 1743 462">Maintained and published by the <u>proper constitutional monitoring</u> officer.</td> </tr> <tr> <td data-bbox="651 462 735 527"></td> <td data-bbox="735 462 1060 527">Index</td> <td data-bbox="1060 462 1743 527">Maintained and published by the <u>proper constitutional monitoring</u> officer.</td> </tr> <tr> <td data-bbox="651 527 735 665"></td> <td data-bbox="735 527 1060 665">Other</td> <td data-bbox="1060 527 1743 665">Background information on constitution and decision making including flow charts. Maintained and published by the <u>proper constitutional monitoring</u> officer.</td> </tr> </table> <p data-bbox="651 698 1743 771"><u>c) For the purposes of the constitution the proper constitutional officer will be designated by the Chief Executive and will include his/her authorised representative.</u></p>		Overall departmental structure showing the management structure.	Determined and published by the chief executive (Article 10.02).		Glossary	Maintained and published by the <u>proper constitutional monitoring</u> officer.		Index	Maintained and published by the <u>proper constitutional monitoring</u> officer.		Other	Background information on constitution and decision making including flow charts. Maintained and published by the <u>proper constitutional monitoring</u> officer.	
	Overall departmental structure showing the management structure.	Determined and published by the chief executive (Article 10.02).														
	Glossary	Maintained and published by the <u>proper constitutional monitoring</u> officer.														
	Index	Maintained and published by the <u>proper constitutional monitoring</u> officer.														
	Other	Background information on constitution and decision making including flow charts. Maintained and published by the <u>proper constitutional monitoring</u> officer.														
2	6.3 <b>Leader</b>	15	<p>The leader will be a councillor elected to the position of leader by the council assembly. The leader will hold office until:</p> <p>a) he/she resigns from the office by giving notice in writing to <b><i>the monitoring officer</i></b></p>	NO CHANGE												
3	6.4 <b>Other cabinet members</b>	16	<p>Other cabinet members shall be appointed by the leader and hold office until:</p> <p>a) they resign from office by giving notice in writing to the leader and <b><i>the monitoring officer</i></b></p> <p>.....</p> <p>d) they are removed by the leader.</p> <p>.....</p> <p>The leader shall immediately communicate any such changes to <b><i>the monitoring officer</i></b> who shall circulate a formal notification to all members.</p>	NO CHANGE												

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
4	6.5 <b>Deputy leader of the council</b>	16	<p>The leader shall appoint one of the members of the cabinet to be his/her deputy.</p> <p>The leader may, if he thinks fit, remove the deputy leader from office. Where a vacancy occurs in the office of deputy leader, the leader must appoint another person in his/her place.</p> <p>The deputy leader shall hold office until:</p> <p>a) he/she resigns from office by giving notice in writing to the leader and <b>the monitoring officer</b></p>	NO CHANGE
5	6.10 <b>Deputy cabinet members</b>	18	<p>.....</p> <p>The leader shall notify <b>the monitoring officer</b> of the appointment of a deputy, including the responsibilities allocated and the period for which the deputy will act.</p>	NO CHANGE
6	10.1 <b>Management structure</b>	21	<p>a) <b>General.</b> The council may engage such staff (referred to as officers), as it considers necessary to carry out its functions.</p> <p>b) <b>Chief officers.</b> The council will engage, on the advice of the head of paid service, persons for the posts designated as chief officers for prescribed service portfolios. The head of paid service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers.</p> <p>c) <b>Head of paid service, monitoring officer, chief finance officer and scrutiny officer.</b> The council assembly will designate the following posts as shown:</p>	



No.	Issue / Constitution Reference	Page A4	Recommendation	Comment	
			Post Chief executive <del>Strategic director of communities, law &amp; governance</del> <u>Director of legal services</u> <del>Finance director</del> <u>Strategic director of finance and corporate services</u> Head of overview and scrutiny	Designation Head of paid service Monitoring officer Chief finance officer Scrutiny officer	
7	10.2 Functions of the head of paid service	22	..... c) <b>Restrictions on functions.</b> The head of paid service may not be <i>the monitoring officer</i> but may hold the post of finance director if a qualified accountant.	NO CHANGE	
8	10.3 Functions of the monitoring officer	22	a) <b>Legal proceedings.</b> <i>The monitoring officer</i> is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where he/she considers that such action is necessary to protect the council's interests. b) <del><b>Maintaining the constitution.</b> The monitoring officer will maintain an up-to-date version of the constitution and will ensure that it is available for consultation by members, staff and the public.</del>	Not a statutory function - becomes a function of the proper constitutional officer	

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			<p>c) <b>Ensuring lawfulness and fairness of decision making.</b> After consulting with the head of paid service and <del>finance</del> <b>strategic director of corporate resources, the monitoring officer</b> will report to the council assembly (or to the cabinet in relation to an executive function) if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.</p> <p>d) <b>Supporting the standards committee.</b> <i>The monitoring officer</i> will contribute to the promotion and maintenance of high standards of conduct through provision of support to the standards committee.</p> <p>e) <del><b>Receiving reports.</b> The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.</del></p> <p>f) <b>Conducting investigations.</b> <i>The monitoring officer</i> will arrange for investigations into matters referred <u>to him or her</u> <del>by the Standards Board for England</del> and make reports or recommendations in respect of them to the standards committee.</p> <p>g) <b>Advising whether executive decisions are within the budget and policy framework.</b> <i>The monitoring officer</i> will advise whether decisions of the cabinet are in accordance with the budget and policy framework.</p> <p>h) <b>Providing advice.</b> <i>The monitoring officer</i> will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity, and budget and policy framework issues to all councillors and to officers. <i>The monitoring officer</i> shall also provide advice to officers and members in relation to personal and prejudicial</p>	<p>Agreed by CA in May 2012</p>

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			<p>interests.</p> <p>i) <b>Appointment of a deputy.</b> <i>The monitoring officer</i> shall appoint a deputy to act in his/her absence and when <i>the monitoring officer</i> is unable to act as defined in section 5 of the Local Government and Housing Act 1989.</p> <p>j) <b>Restrictions on posts.</b> <i>The monitoring officer</i> cannot be the finance director or the head of paid service.</p> <p>k) <b>Proper officer for freedom of information.</b> <i>The monitoring officer</i> will act as the “qualified person” for the purposes of freedom of information requests and application of the public interest tests.</p>	
9	10.4 <b>Functions of the finance chief finance officer</b>	23	<p>a) <b>Ensuring lawfulness and financial prudence of decision making.</b> After consulting with the head of paid service and <i>the monitoring officer</i>, the <del>finance</del> <b>strategic director of finance and corporate services</b> will report to the council assembly or to the cabinet in relation to an executive function and the council’s external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the council is about to enter an item of account unlawfully.</p>	NO CHANGE
10	10.5 <b>Functions of the scrutiny officer</b>	24	<p>d) <b>Restrictions on functions.</b> The scrutiny officer may not be the head of paid service, <i>monitoring officer</i> or <b>chief finance officer</b> <del>director</del>.</p>	NO CHANGE
11	10.6 <b>Duty to provide sufficient resources to the monitoring officer and finance</b>	24	<p>The council will provide <i>the monitoring officer</i> and <del>finance</del> <b>strategic director of finance and corporate services</b> with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.</p>	NO CHANGE

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	strategic director of corporate resources			
12	11.1 Authentication of documents	24	Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by <b>the monitoring officer</b> or other person authorised by him/her, unless any enactment is otherwise authorised or required, or the council has given requisite authority to some other person.	NO CHANGE
13	11.2 Common seal of the council	25	The common seal of the council will be kept in a safe place in the custody of <b>the monitoring officer</b> . A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of <b>the monitoring officer</b> should be sealed. The affixing of the common seal will be attested by <b>the monitoring officer</b> or some other person authorised by him/her.	NO CHANGE
14	12.2 Publication	25	<p>a) <u>The proper constitutional officer</u> will make copies of this constitution available to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on their first being elected to the council. Printed copies of the constitution are available to members on request.</p> <p>b) The <u>proper constitutional monitoring officer</u> will ensure that the introduction to the constitution is made widely available within the area and is updated as necessary.</p>	
	<b>PART 3 – WHO TAKES DECISIONS/</b>			
15	<b>Strong leader and delegations by the leader</b>	26	<p>During the course of the year the leader of the council can at any time vary the delegation of executive functions in a number of ways:</p> <ul style="list-style-type: none"> <li>On the forward plan the leader can specify that a decision is to be taken by a</li> </ul>	

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			<p>particular decision maker.</p> <ul style="list-style-type: none"> <li>By submitting a notice of variation to <b><i>the monitoring officer</i></b>, the leader can change the delegations set out in the constitution. The <u>proper constitutional officer</u> will then notify all councillors of the change.</li> <li>In a report to full cabinet by agreeing a separate recommendation, the leader can give authority to delegate to a cabinet member or chief officer individually, including details of the limitation on their authority.</li> <li>By removing or replacing members of the cabinet or making changes to portfolios.</li> </ul>	
16	<b>CABINET PORTFOLIOS</b>	37a	<p><b>All deputy cabinet members</b> ..... Deputy cabinet members will:</p> <ul style="list-style-type: none"> <li>be appointed by the leader using his “strong leader” responsibilities</li> <li>hold responsibility for specific tasks designated by the leader, following consultation with <b><i>the monitoring officer</i></b></li> </ul>	NO CHANGE
17	<b>APPOINTMENTS COMMITTEE</b>	54	<p><b>Role and functions</b> 1. To make recommendations to council assembly as to the appointment of the head of paid service. 2. To appoint <b><i>the monitoring officer</i></b>.</p>	NO CHANGE
18	<b>STANDARDS COMMITTEE</b>	59	<p><b>Role and functions</b> 9. To receive reports from <b><i>the monitoring officer</i></b> on unlawful expenditure and probity issues.</p>	NO CHANGE
19	<b>PANELS</b>	62	<p><b>VOLUNTARY BODIES APPOINTMENTS PANEL</b> <b>Note</b> Any recommendations to be submitted to the relevant lead officer: strategic director of children’s services or <b><i>monitoring officer</i></b>.</p>	NO CHANGE
20	<b>MATTERS DELEGATED TO OFFICERS</b>	63	<p>5. The <u>proper constitutional officer</u> will maintain a list of “proper officers”.</p>	

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<b>PART 4- RULES</b>				
21	<b>BUDGET AND POLICY FRAMEWORK PROCEDURE RULES</b>	98	<p><b>3. Decisions outside the budget or policy framework</b></p> <p>b) If the cabinet, committees of the cabinet and any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from <b><i>the monitoring officer</i></b> and/or the <del>finance</del> <b>strategic director of finance and corporate services</b> as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the council assembly for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 shall apply.</p> <p>.....</p> <p>c) Council assembly may either:</p> <p>.....</p> <p>iii) where council assembly accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, refer the decision back and require the decision taker to reconsider the matter in accordance with the advice of either <b><i>the monitoring officer</i></b> and/or <del>finance</del> <b>strategic director of finance and corporate resources</b>. The decision maker must reconsider within seven working days of the council assembly meeting. The decision taken by the decision maker is final.</p>	NO CHANGE
22	<b>GENERAL PROCEDURES APPLYING TO COUNCIL ASSEMBLY MEETINGS</b>	103	<p><b>1.5 POWERS OF THE CHAIR</b> <i>This rule cannot be suspended.</i></p> <p>1. Having received the views of the council assembly business panel, the chair shall decide, having taken the advice of <b><i>the monitoring officer</i></b>, the council assembly agenda and the timings for relevant sections of the meeting.</p> <p>2. The chair shall decide, having taken the advice of <b><i>the monitoring officer</i></b>, all matters of order, competence, relevancy, interpretation of council assembly procedure rules relating to the conduct of the meeting and the appropriateness of</p>	NO CHANGE

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			council questions.	
		105	<p><b>1.9 BROADCASTING AND RECORDING</b></p> <p>3. The circumstances in which termination or suspension might occur could include:</p> <p>a) Public disturbance or suspension of the meeting</p> <p>b) Exclusion of public and press being moved and supported</p> <p>c) The Mayor, on advice of <i>the monitoring officer</i>, considering that continued recording/photograph/filming/webcasting might infringe the rights of any individual, and</p> <p>d) The Mayor, on advice of <i>the monitoring officer</i>, considering that a defamatory statement has been made.</p>	NO CHANGE
23		105	<p><b>1.11 PREVIOUS DECISIONS AND MOTIONS Notice</b></p> <p>3. Notice of a motion to rescind or reject a previous motion shall be submitted to <u>proper constitutional officer</u> four clear working days in advance of the meeting.</p>	
24		113	<p><b>1.16 RECORDED VOTE BY ROLL CALL Procedure for recording the vote by roll call at council assembly meetings</b></p> <p>4. The Mayor shall cause the bell to be rung, after which the doors of the meeting room shall be closed and no members will be admitted until after the voting is completed. The Mayor shall put the question again. The <del>monitoring</del> <u>proper constitutional</u> officer shall call the names of all members in alphabetical order and each member present shall declare herself or himself 'for or against' the motion or amendment or that he/she abstains.</p>	
25		114	<p><b>1.17 FORMAL RECORDS TO BE MAINTAINED</b></p> <p>All meetings of the council assembly are to be clerked by a <del>representative</del> of the <u>proper constitutional</u> <del>monitoring</del> officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the <u>proper constitutional</u> <del>monitoring</del> officer.</p>	
26		115	<p><b>2.3 AGENDAS AND MINUTES</b></p> <p>1. The <del>monitoring</del> <u>proper constitutional</u> officer shall ensure that an agenda and summons for the meeting is despatched to each councillor and available to the</p>	





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29		119	<b>2.6 DEPUTATIONS TO COUNCIL ASSEMBLY</b> <b>Scope of deputations</b> 4. The Mayor in consultation with <i>the monitoring officer</i> may reject a deputation if it: .....	NO CHANGE
		119	<b>Deadlines</b> 7. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the <del>monitoring</del> <u>proper constitutional</u> officer no later than three clear working days before the day of the council assembly meeting. The date and time of receipt of such requests will be recorded. Rejected deputations will include reasons for rejection.	
		120	<b>What happens at council assembly meetings?</b> 12. The meeting, without debate, shall decide whether the deputation will: a) be received at this meeting or a future meeting b) not be received c) be referred to the most appropriate committee/sub committee/community council. The <del>monitoring</del> <u>proper constitutional</u> officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the council assembly has discretion as to whether or not to receive the deputation.	
		121	<b>Following up and feedback after council assembly</b> 19. The <del>monitoring</del> <u>proper constitutional</u> officer will arrange for a summary of the deputation and any decision which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet <del>minister</del> <u>member</u> to follow up and feed back to the deputation.	
30		122	<b>2.8 URGENT QUESTIONS BY GROUP LEADERS</b> <b>Deadline for submission of questions</b> 8. Urgent questions must be received by the <del>monitoring</del> <u>proper constitutional</u> officer no later than 10.00am on the morning of an ordinary council assembly meeting. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend	

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31		124	<p>this deadline shall be no later than 10.00am on the working day prior to the meeting.</p> <p><b>2.9 QUESTIONS BY MEMBERS</b></p> <p>8. Questions to any individual cabinet member or chair shall not exceed 15 minutes. It shall not be in order to move an extension of these time limits. Questions shall be taken in the following order: the leader, followed by questions from community council councillors, followed by other cabinet members (the order to be rotated by the <del>monitoring</del> <u>proper constitutional</u> officer at every meeting) and chairs of committees, sub-committees and community councils. At the expiry of members' question time, all questions not reached shall be deemed as noted.</p> <p><b>Deadline for submission of questions</b></p> <p>9. Questions must be received by the <del>monitoring</del> <u>proper constitutional</u> officer no later than midnight, nine clear working days prior to the day of the council meeting. Questions to the leader will either be listed in the order received or, if notified, listed by whip prioritisation and rotation by the political groups/independent members (see council assembly procedure rules 2.9(12) and (13)). All other questions will be listed in the order of receipt.</p>	
32		125	<p><b>Written answers to questions naming an individual member</b></p> <p>14. In the event that a member of the council is named in a response to another member's question, <u>proper constitutional officer</u> shall make the written response available to the individual member concerned prior to the day of the council assembly meeting. The individual member shall make any representations to <i>the monitoring officer</i>.</p> <p><b>2.10 SUBMISSION OF MEMBERS' MOTIONS ON NOTICE</b></p> <p><b>Notice</b></p> <p>3. Except for motions that can be moved without notice under rule 1.13, notice of every motion must be delivered to the <del>monitoring</del> <u>proper constitutional</u> officer not later than thirteen clear working days before the date of the meeting. All motions must be accompanied by a named mover and seconder by this deadline. A record of the date and time of receipt will be</p>	

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33		125	<p>maintained. A member shall only move one such motion and second one such motion to a meeting. Any subsequent changes can only be agreed with the consent of the meeting.</p> <p>4. Notice of every member's amendment to a motion shall be delivered before 12.00 midday on the second clear working day before the day of the meeting at which the motion is to be moved. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 12.00 midday on the third clear working day before the day of the meeting. Amendments shall be submitted to the <del>office of the monitoring</del> <u>proper constitutional</u> officer. Each member is limited to proposing one and seconding one amendment per item of business. All amendments must be accompanied by a named mover and seconder by this deadline. Amendments shall be placed on the agenda in order of receipt. Any subsequent changes can only be agreed with the consent of the meeting. Amendments will be circulated by 2.00pm on the working day before the meeting.</p>	
		126	<p><b>2.11 NOTICE FOR MOTIONS AND AMENDMENTS ON REPORTS FROM THE CABINET, COMMITTEES AND OFFICERS</b></p> <p><b>Notice required for amendments</b></p> <p>3. Notice of every member's amendment for a report from the cabinet, committee or officer shall be given in writing, signed by the member, and delivered before 12.00 midday on the second clear working day before the day of the meeting at which the motion is to be moved. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 12.00 midday on the third clear working day before the day of the meeting. Amendments shall be submitted to the <del>office of the monitoring</del> <u>proper constitutional</u> officer. Each member is limited to proposing one and seconding one amendment per item of business. Amendments shall be placed on the agenda in order of receipt. Amendments will be circulated by 2.00pm on the working day before the meeting.</p>	

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34		127	<p><b>Notice required for questions on reports</b></p> <p>4. Notice of all questions on reports shall be given in writing, signed by the member and delivered at least one clear working day before the day of the meeting at which the motion is to be moved, <del>at to the office of the monitoring</del> <u>proper constitutional</u> officer (i.e. by midnight of the Monday in the week of an ordinary Wednesday council assembly meeting). If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be delivered at least two clear working days before the day of the meeting. Each member is limited to one question per item of business.</p>	
		127	<p><b>Circulation of questions and amendments</b></p> <p>5. The <del>monitoring</del> <u>proper constitutional</u> officer shall arrange for copies of all questions received in accordance with paragraph (4) above, to be circulated to members on the evening before the day of the meeting at which they are to be considered.</p>	
35		127	<p><b>2.12 RECORDING OF RECEIPT OF MOTIONS, PETITIONS, DEPUTATIONS, AMENDMENTS AND QUESTIONS</b></p> <p>A record of the date of receipt of all motions, petitions, deputations, amendments and questions received under council assembly procedure rules 2.4(2), 2.5(6), 2.6(7), 2.7(8), 2.7(9), 2.8(8), 2.9(9), 2.10(3), 2.10(4), 2.11(3) and 2.11(4) be kept by the <del>monitoring</del> <u>proper constitutional</u> officer which shall be open to inspection by every member of the council.</p> <p><b>3.1 CALLING OF EXTRAORDINARY MEETINGS</b></p> <p>Those listed below may request <i>the monitoring officer</i> to call council meetings in addition to ordinary meetings:</p> <ul style="list-style-type: none"> <li>a) the council by resolution</li> <li>b) the Mayor</li> <li>c) the chief executive</li> <li>d) any five members of the council if they have presented a signed</li> </ul>	NO CHANGE

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36		129	<p>requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition.</p> <p><b>4.2 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) – BUSINESS</b></p> <p>1. The annual meeting will:</p> <p>.....</p> <p>i) receive a report from <u>proper constitutional officer</u> as to the appointment of the leader of the majority group, the leader of the opposition, leaders of other party groups (if any) and the chief and deputy whip of each party group</p> <p>j) consider a report from the <del>monitoring</del> <u>proper constitutional</u> officer on constitutional matters for the municipal year including:</p> <ul style="list-style-type: none"> <li>• the draft calendar of meetings for the coming year</li> <li>• establishment of the voluntary bodies appointments panel as set out in Part 3</li> <li>• establishment of the constitutional steering panel as set out in Part 3</li> <li>• the appointment of representatives to outside bodies and joint committees</li> </ul>	
37		130	<p><b>4.6 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY</b></p> <p>1. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper <u>constitutional</u> officer shall make <del>or terminate the appointment accordingly</del> <u>the relevant changes</u> and inform the appropriate committee or sub-committee at its next available meeting. The proper <u>constitutional</u> officer shall maintain a full list of committee and sub-committee memberships. In the</p>	



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		137	<p>1. The chair shall decide, having taken the advice of <b><i>the monitoring officer</i></b>, all matters of order, competence, relevancy and interpretation of committee procedure rules relating to the conduct of the meeting.</p> <p><b>1.9 FORMAL RECORDS TO BE MAINTAINED</b></p> <p>All meetings of the council committees and sub-committees are to be clerked by a representative of the <del>monitoring proper constitutional</del> officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the <del>monitoring proper constitutional</del> officer.</p>	NO CHANGE
		138	<p><b>2.2 PROPER <u>CONSTITUTIONAL</u> OFFICER SHALL MAKE RELEVANT CHANGES TO APPOINTMENTS IF NECESSARY</b></p> <p>1. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper <u>constitutional</u> officer shall make <u>relevant changes to</u> <del>or terminate the</del> appointments accordingly and inform the appropriate committee or sub-committee at its next available meeting. The proper <u>constitutional</u> officer shall maintain a full list of committee and sub-committee memberships. In the event of the termination of an appointment, in accordance with the wishes of a political group, the proper <u>constitutional</u> officer is to inform the individual concerned, in writing, within three days of notice being received.</p>	
		138	<p><b>Notification of appointments, resignations and termination of appointments</b></p> <p>2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the <del>monitoring proper constitutional</del> officer. A minimum of five clear working days must elapse</p>	

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		138	<p>from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.</p> <p><b>3. AGENDA AND MINUTES</b>  <b>3.2 VARIATION IN ORDER OF BUSINESS</b></p> <p>Business falling under paragraph 3.1a) and c) shall not be moved but, subject thereto, the order of business or the timing of the business may be varied:</p> <p>a) by the chair in consultation with <i>the monitoring officer</i></p>	NO CHANGE
		139	<p>.....</p> <p><b>3.3 MINUTES</b></p> <p><b>Minutes</b></p> <p>1. The <del>monitoring</del> <u>proper constitutional</u> officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.</p>	
		140	<p><b>4. DEPUTATIONS</b>  <b>Scope of deputations</b></p> <p>3. The chair in consultation with <i>the monitoring officer</i> may reject a deputation if it:</p>	NO CHANGE
		140	<p>.....</p> <p><b>Deadline</b></p> <p>5. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the <del>monitoring</del> <u>proper constitutional</u> officer no later than three clear working days before the</p>	



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		140	<p>day of the meeting. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation and certainly no later than three clear working days before the day of the meeting.</p> <p><b>What happens at the meeting?</b></p> <p>8. The <del>monitoring</del> <u>proper constitutional</u> officer shall report the request for the deputation to the meeting. The meeting, without debate, shall decide whether the deputation will:</p> <ul style="list-style-type: none"> <li>a) be received at this meeting or a future meeting</li> <li>b) not be received</li> <li>c) be referred to the most appropriate committee/sub-committee.</li> </ul> <p>The <del>monitoring</del> <u>proper constitutional</u> officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the meeting has discretion as to whether or not to receive the deputation.</p>	
		141	<p><b>Formal communication of the meeting's decision</b></p> <p>16. The <del>monitoring</del> <u>proper constitutional</u> officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.</p>	
		142	<p><b>5. PETITIONS TO COMMITTEES</b> <i>This rule cannot be suspended.</i></p> <p><b>Deadline</b></p> <p>2. The petition must be submitted to the <del>monitoring</del> <u>proper constitutional</u> officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.</p> <p><b>Procedure at meeting</b></p>	

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			<p>4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p>5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The committee will debate the petition for a period of up to 15 minutes. The committee may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The <del>monitoring</del> <u>proper constitutional</u> officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.</p>	
	<p><b>COMMUNITY COUNCIL PROCEDURE RULES</b></p>	<p>147</p> <p>148</p>	<p><b>2. NOTICE AND SUMMONS OF MEETINGS</b> <i>This rule cannot be suspended.</i></p> <p>2. The <del>monitoring</del> <u>proper constitutional</u> officer will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before a meeting, the chief executive will send a summons signed by him or her by post to every councillor who is a member of the relevant community council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.</p> <p><b>Dates and frequency of meetings</b> .....</p> <p>6. The chair of a community council, in consultation with <b><i>the monitoring officer</i></b>, may direct the chief executive to call a special meeting of the community council at any time or in exceptional circumstances change the date and venue of a meeting.</p> <p><b>Cancellation of meetings</b></p>	<p>NO CHANGE</p>

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			7. The chair, in consultation with the <del>monitoring</del> <u>proper constitutional</u> officer may cancel a meeting or direct that an ordinary meeting of the community council be not called.	
		148	<p><b>3. QUORUM</b> <i>This rule cannot be suspended.</i></p> <p><b>Meeting becoming inquorate</b></p> <p>1. During the course of the meeting if there is no longer a quorum of voting councillors, the meeting may continue for the purposes of consultation/discussion only, at the chair's discretion subject to advice from the monitoring or <u>proper constitutional</u> officer. The meeting shall not take any decisions.</p>	
		149	<p><b>5. BREACHES AND PREVENTION OF DISORDERLY CONDUCT</b> <i>This rule cannot be suspended.</i></p> <p>1. The chair, having taken the advice of <b>the monitoring officer</b>, will decide whether a person or persons have breached the rules on conduct. If there has been a breach, then the chair will point out to that person that their behaviour is not acceptable. If necessary the chair will consider taking the following action.</p>	NO CHANGE
		149  150	<p><b>6. POWERS OF THE CHAIR</b> <i>This rule cannot be suspended.</i></p> <p>1. The chair shall decide, having taken the advice of the <del>monitoring</del> <u>proper constitutional</u> officer, all matters of order, competence, relevancy and interpretation of community councils procedure rules relating to the conduct of the meeting.</p>	
		151	<p><b>7.3. PUBLIC QUESTIONS</b></p> <p><b>Public question time</b></p> <p>1. The chair, in consultation with the <del>monitoring</del> <u>proper constitutional</u></p>	



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		153	<p>applicants that the meeting has discretion as to whether or not to receive the deputation.</p> <p><b>Formal communication of the meeting's decision</b></p> <p>13. The <del>monitoring</del> <u>proper constitutional</u> officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.</p>	
		153  153  154	<p><b>7.5 PETITIONS</b></p> <p><b>Deadline</b></p> <p>2. The petition must be submitted to the <del>monitoring</del> <u>proper constitutional</u> officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.</p> <p><b>Procedure at meeting</b></p> <p>4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p>5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The community council will debate the petition for a period of up to 15 minutes. The community council may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The <del>monitoring</del> <u>proper constitutional</u> officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.</p>	
		154	<p><b>8. RULES OF DEBATE</b></p> <p><b>Application of rules of debate</b></p> <p>2. The chair shall use his or her powers, in consultation with the <u>proper constitutional officer</u> <del>monitoring officer's representative</del>, in applying the</p>	

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			following rules of debate. The ruling of the chair will be final.	
		156	<p><b>9. VOTING</b>  <b>Other appointments</b>  6. Informal appointments can be made by an affirmation of those councillors present. <del>The chair shall, in consultation with the monitoring officer, apply this clause as appropriate.</del></p>	
		156	<p><b>10. FORMAL RECORDS TO BE MAINTAINED</b></p> <p>All meetings of the community councils are to be clerked by a representative of the <del>monitoring</del> <u>proper constitutional</u> officer, with minutes to be produced including details of each councillor attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the <del>monitoring</del> <u>proper constitutional</u> officer.</p>	
		157	<p><b>11. BROADCASTING AND RECORDING</b></p> <p>Electronic recording, photographing or filming of the proceedings of a community council meeting by any member of the public, media or councillor shall only take place with the agreement of the meeting.</p> <p>Any request shall be submitted to <u>proper constitutional officer</u>. The chair, <del>following consultation with</del> <b><i>the monitoring officer</i></b>, shall decide to:</p>	
			<p><b>13. AGENDA AND MINUTES</b>  13.1 Order of business at community council</p> <p>The order of business at every meeting shall be:</p> <p>a) to choose a person to preside if the chair and vice-chair are absent  b) apologies for absence  c) declarations of interest</p>	

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			<p>d) to approve the minutes of the previous meeting, which shall then be signed by the person presiding</p> <p>e) to receive reports of the officers</p> <p>f) any other business specified in the summons.</p> <p>The chair, in consultation with the <del>monitoring</del> <u>proper constitutional</u> officer, may vary the order or timings of business.</p>	
		158	<p><b>14. MINUTES</b></p> <p><b>Minutes</b></p> <ul style="list-style-type: none"> <li>The <del>monitoring</del> <u>proper constitutional</u> officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.</li> </ul>	
			<p><b>16. AMENDMENT OF THE COMMUNITY COUNCIL PROCEDURE RULES</b></p> <p>2. Any proposed amendments should be sent to the <del>monitoring</del> <u>proper constitutional</u> officer who will report it to the appropriate body.</p>	
	<b>CABINET PROCEDURE RULES</b>	161	<p><b>2. HOW CABINET MEETINGS ARE CONDUCTED</b></p> <p><b>2.8 Who can put items on the cabinet agenda</b></p> <p>The leader will decide upon the schedule for the meetings of the cabinet. He/she may put on the agenda of any cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the cabinet, a committee of it or any officer in respect of that matter. The <u>proper constitutional</u> officer will comply with the leader's requests in this respect.</p>	

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		161	<p>Any member of the cabinet may require the proper <u>constitutional</u> officer to make sure that an item is placed on the agenda of the next available meeting of the cabinet for consideration. If he/she receives such a request the proper <u>constitutional</u> officer will comply.</p> <p>The proper <u>constitutional</u> officer will make sure that an item is placed on the agenda of the next available meeting of the cabinet where the overview and scrutiny committee or the full council have resolved that an item be considered by the cabinet.</p> <p>.....</p> <p><b>The monitoring officer</b> and/or the finance director may include an item for consideration on the agenda of a cabinet meeting and may require the proper <u>constitutional</u> officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, finance director and <b>monitoring officer</b> are of the opinion that a meeting of the cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a cabinet meeting. If there is no meeting of the cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.</p>	
		162	<p><b>2.9 Formal records to be maintained</b></p> <p>No meeting of the cabinet shall commence or conduct business unless <b>the monitoring officer</b> or her/his representative is present. All meetings are to be clerked by a representative of the <del>monitoring</del> <u>proper constitutional</u> officer, with minutes to be produced including details of members attending each meetings and details of decisions taken. Copies of all agendas and minutes are to be maintained by the <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p><b>2.10 Public questions at cabinet meetings</b></p> <p>2. A resident or business ratepayer of the borough may ask one written</p>	



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		162	<p>question (limited to 50 words) on any matter in relation to which the council have powers. The question must be received three clear working days in advance of the cabinet meeting by the <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p><b>Scope of questions</b></p> <p>4. The leader in consultation with <i>the monitoring officer</i> may reject a question if it: .....</p> <p><b>Record of questions</b></p> <p>5. The <del>monitoring</del> <u>proper constitutional</u> officer will maintain a record of each question which will be open to public inspection. Rejected questions will include reasons for rejection.</p>	NO CHANGE
		163     164    164	<p><b>2.11 Deputations to the cabinet</b></p> <p><b>Scope of deputations</b></p> <p>3. The chair in consultation with <i>the monitoring officer</i> may reject a deputation if it: .....</p> <p><b>Deadlines</b></p> <p>6. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the <del>monitoring</del> <u>proper constitutional</u> officer no later than three clear working days before the day of the cabinet meeting.</p> <p><b>What happens at the meeting?</b></p>	NO CHANGE

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			<p>11. The <del>monitoring</del> <u>proper constitutional</u> officer shall report the request for the deputation to the cabinet. The meeting, without debate, shall decide whether:</p> <ul style="list-style-type: none"> <li>a) the deputation be received at this meeting or a future meeting</li> <li>b) the deputation not be received</li> <li>c) the deputation be referred to the most appropriate committee/sub-committee/community council.</li> </ul> <p>The <del>monitoring</del> <u>proper constitutional</u> officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the cabinet has discretion as to whether or not to receive the deputation.</p> <p><b>Formal communication of the cabinet’s decision</b></p> <p>17. The <del>monitoring</del> <u>proper constitutional</u> officer shall, in writing, formally communicate the decision of the cabinet to the person who submitted the request for the deputation to be received.</p>	
		<p>165</p> <p>166</p>	<p><b>2.12 Petitions to the cabinet</b></p> <p><b>Deadline</b></p> <p>2. The petition must be submitted to the <del>monitoring</del> <u>proper constitutional</u> officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.</p> <p><b>Procedure at meeting</b></p> <p>4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p>5. The spokesperson presenting the petition may speak for up to five minutes</p>	

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			<p>on the subject matter and number of signatories contained within the petition. The cabinet will debate the petition for a period of up to 15 minutes. The cabinet may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The <del>monitoring</del> <u>proper constitutional</u> officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.</p>	
		167	<p><b>3. HOW INDIVIDUAL CABINET MEMBER DECISION MAKING IS CONDUCTED</b></p> <p><b>3.5 Formal records to be maintained</b></p> <p>The decision maker must complete and sign a decision sheet for each decision. The decision sheet has sections to be filled in giving the decision, date of the decision, reason for the decision, alternatives considered and any representations received by the individual decision maker.</p> <p>All completed decision sheets must be forwarded to the <del>monitoring</del> <u>proper constitutional</u> officer. Copies of all reports and decision sheets are to be maintained by the <del>monitoring</del> <u>proper constitutional</u> officer.</p>	
		167	<p><b>3.7 All other decisions</b></p> <p>All other decisions delegated to an individual in accordance with rule 1 above, will be subject to rule 21 of the overview and scrutiny procedure rules. The <del>monitoring</del> <u>proper constitutional</u> officer or his/her representative will circulate the decision to all members in accordance with the scrutiny call-in process (see paragraph 21 of the overview and scrutiny procedure rules).</p>	
	<b>OVERVIEW AND SCRUTINY PROCEDURE</b>	173	<p><b>13. Formal records to be maintained</b></p> <p>13.1 No meeting of overview and scrutiny committee or any of its sub-committees</p>	

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	<b>RULES</b>		<p>shall commence or conduct business unless <b><i>the monitoring officer</i></b> or their representative is present. All meetings are to be clerked by a representative of the <del>monitoring</del> <u>scrutiny</u> officer, with minutes to be produced including details of members attending and details of decisions taken. Copies of all agendas and minutes are to be maintained by the <del>monitoring</del> <u>scrutiny</u> officer.</p> <p><b>15. Agenda items</b></p> <p>173 15.1 Any member of the overview and scrutiny committee or a sub-committee shall be entitled to give notice to the <del>proper</del> <u>scrutiny</u> officer that he/she wishes an item relevant to the functions of the committee/sub-committee of which they are a member to be included on the agenda for the next available meeting. On receipt of such a request the <del>proper</del> <u>scrutiny</u> officer will ensure that it is included on the next available agenda. This rule will apply where the councillor call for action procedure set out in paragraph 15.3 does not apply.</p> <p>173 15.2 Any two members of the council who are not members of the overview and scrutiny committee or a sub-committee may give written notice to the <del>proper</del> <u>scrutiny</u> officer that they wish an item to be included on the agenda of that committee/sub-committee. If the <del>proper</del> <u>scrutiny</u> officer receives such a notification, then he/she will include the item on the first available agenda of the committee/sub-committee for consideration. This rule will apply where the councillor call for action procedure set out in paragraph 15.3 does not apply.</p> <p>173 15.3 Any member of the council may give written notice to the <del>proper</del> <u>scrutiny</u> officer that they wish to refer a councillor call for action to overview and scrutiny. If the <del>proper</del> <u>scrutiny</u> officer receives such a notification then he/she will include the item on the agenda of the first appropriate committee or sub-committee for consideration as to whether it is valid in accordance with the councillor call for action scheme.</p> <p>174 <b>17. Members and officers giving account</b></p>	

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			17.3 Where any member or officer is required to attend a scrutiny committee/sub-committee under this provision, the chair of the committee/sub-committee will inform the <del>proper</del> <u>scrutiny</u> officer. The <del>proper</del> <u>scrutiny</u> officer shall inform the member or officer in writing giving at least five clear working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account, the specific area of inquiry and whether any papers are required to be produced for the committee/sub-committee.	
		174	17.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the <del>proper</del> <u>scrutiny</u> officer in consultation with the committee/sub-committee and the member or officer shall arrange an alternative date for attendance.	
		175	<b>19. Reports from the overview and scrutiny committee and its sub-committees</b>	
			19.1 Once it has formed recommendations on proposals for development, the overview and scrutiny committee or a sub-committee will prepare a formal report and submit it to the proper <u>constitutional</u> officer for consideration by the cabinet. The committee/sub-committee will also report to council assembly as appropriate (in respect of the budget setting process, relevant scrutiny reports should be forwarded with cabinet recommendations to council assembly).	
		176	<b>21. Procedure to call-in a decision</b>	
			21.3 During that period, the <del>proper</del> <u>scrutiny</u> officer shall call-in a decision for scrutiny if so requested by the chair or vice-chair of the overview and scrutiny committee, plus three members of the committee, including education representatives for the purpose of education decisions only.	

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		177	<p><b>23. Procedure following call-in</b></p> <p>23.1 If the <del>head of overview and</del> scrutiny <u>officer</u> is of the opinion that a request for a call-in may not be valid, because of a breach of procedure or other reason under this constitution, they shall inform the relevant members (this must always include the chair and vice chair) within one clear working day of receipt of the request. In the event of dispute, the decision of <b>the monitoring officer</b> shall be final.</p> <p>23.2 Following call-in of a decision, the <del>head of overview and</del> scrutiny <u>officer</u> shall notify the decision maker and the relevant chief officer, who shall suspend implementation of the decision. If the request for call-in states that the reason for call-in is that the decision is outside the budget or policy framework, the <del>head of overview and</del> scrutiny <u>officer</u> shall also notify <b>the monitoring officer</b> <del>or</del> <b>and strategic director of finance and corporate services director</b> in order for a report to be prepared for the overview and scrutiny committee.</p>	
		177	<p>23.3 Within five clear working days of the call-in request, and where possible in consultation with the chair of the overview and scrutiny committee, the <del>head of overview and</del> scrutiny <u>officer</u> shall either:</p> <ul style="list-style-type: none"> <li>a) refer the called-in decision to the next meeting of the overview and scrutiny committee, if that meeting is within ten clear working days of the receipt of the call-in request, or</li> <li>b) call an extraordinary meeting of the overview and scrutiny committee to consider the called-in decision, to take place as soon as possible and in any case within ten clear working days of the call-in request, or</li> <li>c) arrange, where a called-in decision cannot reasonably be considered within the timescale in clauses a) or b) above, an extraordinary meeting of the overview and scrutiny committee to consider the matter outside the normal timetable, unless in the view of <b>the monitoring officer</b> and/or</li> </ul>	

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		178	<p>the <b>strategic director of finance and corporate services</b> director, in consultation with the relevant chief officer, the matter cannot wait and in which case it shall be considered in accordance with the timescale set out above.</p> <p><b>24. Call-in meeting and action required of decision-makers</b></p>	NO CHANGE
		178	<p>24.2 On meeting, the overview and scrutiny committee will consider the call-in request and in particular whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget. Advice should be sought from appropriate chief officers, <b>the monitoring officer</b> or the finance director. <b>The monitoring officer's</b> report and/or <b>the strategic director of finance and corporate services'</b> director's report shall be copied to every member of the council.</p> <p>.....</p>	NO CHANGE
		178	<p>24.4 If referred to the decision maker, with the exception of community councils they shall then reconsider their decision within a further seven clear working days. If referred back to a community council, reconsideration will wait until the next scheduled meeting of the community council, unless <b>the monitoring officer</b> determines, following consultation with the relevant chief officer and chair of the relevant community council (or in his or her absence the vice-chair), that the matter can not wait in which case it will be considered within seven working days. If it is the view of <b>the monitoring officer</b> or the <b>strategic director of finance and corporate services</b> director that the decision falls within the policy and budget framework, the decision maker may amend the decision or not, before adopting a final decision.</p>	NO CHANGE
			<p>24.5 If referred to council assembly, the decision is further suspended pending a meeting of council assembly, which must take place within seven clear working days of the decision to refer to council. Within this time, the decision maker must decide what action to take in respect of <b>the monitoring officer's</b> and/or finance— <b>strategic director of finance and corporate services'</b> advice and to prepare a report to council assembly.</p>	

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			<p>24.7 The council assembly will receive details of the decision, the advice of <b>the monitoring officer</b> and/or the <del>finance</del> <b>strategic director of finance and corporate services</b>, the comments of the overview and scrutiny committee and the report from the decision maker.</p> <p>24.9 Where the council assembly accepts that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget, it may either:</p> <p>a) amend the council's budget or policy framework to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the council assembly be minuted and circulated to all councillors in the normal way, or</p> <p>b) require the decision maker to reconsider the matter in accordance with the advice of either <b>the monitoring officer</b> or <b>strategic director of finance and corporate services</b> <del>director</del> within five working days to reconsider/amend the decision and this will be reported to the overview and scrutiny committee.</p>	
	<p><b>CONTRACT STANDING ORDERS 2011/12</b></p>	<p>184</p>	<p><b>2. General principles</b></p> <p><b>2.9 Changes to CSOs</b></p> <p>As set out in article 1, the monitoring officer may make minor changes to the Contract Standing Orders, after consultation with the <del>finance</del> <u>strategic director of finance and corporate services, and the monitoring officer.</u></p> <p>Minor changes are defined as:</p> <ul style="list-style-type: none"> <li>• typographical/presentational/explanatory changes</li> <li>• changes in statutory framework, i.e. references to new or updated</li> </ul>	



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			legislation <ul style="list-style-type: none"> <li>• changes in titles, names or terminology</li> <li>• changes consequential to other constitutional changes already made.</li> </ul>	
		187	<b>4.3 Supplemental advice from other officers in Gateway and other reports</b>  Where the Estimated Contract Value or, in relation to a Variation, the Contract Value is over the relevant EU threshold or where required elsewhere in the CSOs, any Gateway report or other report containing a contract matter (such as a Variation report) must include legal advice from the monitoring officer and financial and procurement advice from the <del>finance</del> <u>strategic</u> director <u>of finance and corporate services</u> or delegated officer(s).	
		189	<b>4.6 Decision to allow Variations during contract term – Gateway 3</b> <b>4.6.2</b> Any decision to allow a Variation of a contract is to be taken on the basis of a written report by the relevant chief officer or under his/her delegated authority in line with the department’s scheme of management, except where:  ..... d) an additional amount is to be paid in respect of an outstanding sum for works, services or supplies already provided or where an Urgent Payment is required, written confirmation from <b>the monitoring officer</b> that the sums are legally payable must be obtained and the decision to make the payment must be reported in writing to the <del>finance</del> <b>strategic director of finance and corporate services</b> within five clear working days	NO CHANGE
		192	<b>6. Tender procedure</b> <b>6.5</b> Tenders where the Estimated Contract Value is £500,000 or more must be returned to <b>the monitoring officer</b> and shall be opened by his/her authorised representative. Where the Estimated Contract Value is less than £500,000, tenders may be returned to the chief officer or their authorised	NO CHANGE But moves responsibility

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			representative who will arrange for tender opening in the presence of at least two officers, one of whom will be the witness and will not have been directly involved in that particular contract.	to LS
		192	<p><b>8. Contract termination</b></p> <p>8.1 A contract may only be terminated early or suspended by a chief officer, and only after obtaining approval from <b>the monitoring officer</b> and <del>finance</del> <u>strategic director of finance and corporate services</u>; all such decisions will be advised in writing by the chief officer to the relevant member of the cabinet and cabinet member for finance and resources.</p>	
			<p><b>9. Contractor insolvency</b></p> <p>9.1 Where it appears that a contractor is at risk of becoming insolvent, or the council is notified that insolvency proceedings have been brought, the chief officer must inform <b>the monitoring officer</b> and <del>finance</del> <u>strategic director of finance and corporate services</u> as early as possible, in order to enable appropriate advice to be given.</p>	NO CHANGE
	<b>FINANCIAL STANDING ORDERS 2011/12</b>	198	<p><b>1. Financial administration</b></p> <p>i) <b>Companies in which the council has an interest</b></p> <p>The <del>finance</del> <u>strategic director of finance and corporate services</u> and <b>monitoring officer</b> must be consulted on all proposals relating to the establishment of companies in which the council is to have an interest.</p>	NO CHANGE
	<b>OFFICER EMPLOYMENT PROCEDURE RULES</b>	209	<p><b>2. Recruitment of head of paid service and chief officers</b></p> <p>Where the council proposes to appoint the head of paid service, a chief officer, <del>finance</del> <u>strategic director of finance and corporate services</u> or <b>the monitoring officer</b> and it is not proposed that the appointment be made exclusively from among its existing officers, the council will as a minimum:</p>	NO CHANGE

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		210	<p>.....</p> <p><b>4. Appointment of the monitoring officer</b></p> <p>This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>(a) The appointments committee will appoint <b>the monitoring officer</b>.</p> <p>(b) An offer of employment as <b>monitoring officer</b> shall only be made where no well-founded and material objection from any member of the cabinet has been received.</p>	NO CHANGE
		211	<p><b>9. Disciplinary action</b></p> <p>This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>(a) <b>Suspension.</b> The head of paid service, <b>monitoring officer</b> and <del>finance</del> <u>strategic director of finance and corporate services</u> may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.</p>	NO CHANGE
		212	<p><b>10. Dismissal</b></p> <p>This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>.....</p> <p>(b) <b>Chief officers, chief finance officer, monitoring officer, deputy chief officers</b></p> <p>A notice of dismissal shall only be given to an officer specified in paragraph (b)</p>	NO CHANGE

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			<p>where, in accordance with the regulations, no well-founded and material objection from any member of the cabinet has been received.</p> <p>(c) <b>Application of Paragraphs (a) and (b)</b></p> <p>Paragraphs (a) and (b) applies to the dismissal of the head of paid service, a chief officer (as defined by regulation 3(a) or 3(b) of the Local Authorities (Standing Orders) (England) Regulations, <b>the monitoring officer</b>, chief finance officer, or to any deputy chief officer as defined by regulation 3(c) of the Local Authorities (Standing Orders) (England) Regulations.</p>	NO CHANGE
	<b>PART 5 - CODES</b>			
	<b>THE CODE OF CONDUCT FOR MEMBERS</b>		Changes addressed elsewhere	
	<b>PART 6 - PROTOCOLS</b>			
	<b>MEMBER AND OFFICER PROTOCOL</b>	222	<p><b>Review</b></p> <p>5. The standards committee and <b>the monitoring officer</b> will jointly keep the protocol under review and make recommendations for changes as appropriate. Review will take place in time for an updated version to be circulated annually after annual council with the new constitution, to all members and officers.</p>	NO CHANGE
		229	<p><b>Members' access to information and council documents and data information</b></p> <p>54. The process for obtaining information is set out in the access to information rules in the council's constitution. Advice on the legal framework can be obtained from <b>the monitoring officer</b>.</p>	NO CHANGE
		229	<p>55. The common law right of members is based on the principle that any member</p>	NO

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			<p>has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the “need to know” principle and it is well established that a member has no right to “a roving commission” to go and examine documents of the council. The crucial question is the determination of the “need to know” and this question must initially be determined by the particular chief officer whose department holds the document in question (with advice from <b>the monitoring officer</b>).</p> <p><b>When things go wrong</b></p> <p><b>Procedure for officers</b></p>	CHANGE
		231	<p>69. It is always preferable to resolve matters informally, through an appropriate senior manager. Officers however do have recourse to the staff complaints procedure (which is contained in Managing@Southwark), the protections laid down in the officer employment procedure rules (contained in part 4 of the constitution) or to the council’s <b>monitoring officer</b>. In some cases they may wish to utilise the council’s whistleblowing procedure (again contained in Managing@Southwark). In the event of a complaint being upheld, the matter will be referred to the chief executive. A local solution may be found after discussion with the leader of the council and the leader and/or whip of the group concerned. The advice of <b>the monitoring officer</b> should be sought.</p>	NO CHANGE
		231	<p><b>Procedure for councillors</b></p> <p>70. Where the complaint relates to a chief officer or <b>monitoring officer</b>, the complaint may be referred to the chief executive for an informal review, conciliation and resolution where possible. If the matter is not resolved at this preliminary stage or in cases of serious complaints, the chief executive, taking appropriate advice will consider whether any formal process under the council’s employment procedures and as set out in the officer employment procedure rules, as appropriate.</p>	NO CHANGE

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			72. If the member remains dissatisfied with the response of the chief executive he or she will notify <b>the monitoring officer</b> and the head of human resources in writing and they will prepare a report for consideration by the leader of the council. The leader of the council, taking advice as appropriate, will have regard as to whether a formal process, as set out in the Local Authorities (Standing Orders)(England) 2001 is appropriate.	NO CHANGE
	<b>COMMUNICATION PROTOCOL</b>	234	<p><b>Official visits by government and shadow ministers</b></p> <p>12. The head of communications will liaise with their counterpart at the relevant government department to ascertain the purpose of the visit. The head of communications in consultation with the chief executive and <b>monitoring officer</b> will authorise the visit if satisfied that the visit would assist the council in promoting one or more of its policies and or objectives or would be purely for fact finding.</p> <p><b>Obligations on officers in relation to documents being prepared for public consumption</b></p> <p>237 36. Where officers are uncertain as to whether a communication or publicity is appropriate they should seek advice from the communications unit and <b>the monitoring officer</b> in those cases.</p> <p>237 37. If something cannot go out as a member has suggested then officers can explain why and offer an alternative form of words. Again the communications unit or <b>the monitoring officer</b> can offer you guidance on what would be appropriate.</p> <p><b>Postage</b></p> <p>238 44. Preparation and postage of correspondence are a significant part of the support given to members. The content and purpose of letters, leaflets, and other correspondence must relate to the member's role in the authority. The members' services manager will arrange for monitoring arrangements to be put in place, and refer doubtful cases to <b>the monitoring officer</b>.</p>	NO CHANGE

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
		238a	47. Where members are uncertain as to whether a communication or publicity is appropriate they should seek advice from the head of communications and <i>the monitoring officer</i> in those cases.	NO CHANGE
	<b>MEMBER ALLOWANCES SCHEME 2011/12</b>	242          243       244	<p><b>Pedal cycles</b></p> <p>13. A monthly cycle allowance is payable to councillors, independent and co-opted members who use their own cycles in connection with their official duties. The rate is currently £20 per month. Members must notify the <del>monitoring officer</del> <u>proper constitutional officer</u> of their intention to claim this allowance as unlike other travel allowances it is not paid as an expense. Except in circumstances agreed by the <del>monitoring officer</del> <u>proper constitutional officer</u> members in receipt of the cycle allowance may not claim other travel allowances. Except in circumstances agreed by the <del>monitoring officer</del> <u>proper constitutional officer</u> members who have taken advantage of the Bikes4Work scheme are required to use their cycle for normal council business whether they claim the cycle allowance or not and will not be eligible to claim other travel allowances.</p> <p><b>Co-opted members</b></p> <p>20. Co-optees may, in writing to the <del>monitoring officer</del> <u>proper constitutional officer</u>, elect not to receive allowances.</p> <p><b>Waiving right to receive allowances</b></p> <p>29. Members do not have to take their allowance(s) – if a member wishes to waive their right to receive a basic allowance, SRA, any other allowance, or part thereof, they must notify the <del>monitoring officer</del> <u>proper constitutional officer</u> in writing.</p>	
	<b>PART 7 ADDITIONAL INFORMATION</b>	-		

No.	Issue / Constitution Reference	Page A4	Recommendation		Comment												
	<b>GLOSSARY OF TERMS FOUND IN THE CONSTITUTION</b>	252	Monitoring officer	The officer responsible for ensuring that everything that the council does is fair and lawful. In Southwark the monitoring officer is the <u>director of legal services</u> <del>strategic director of communities, law &amp; governance</del> .													
	<b>STATUTORY OFFICERS AND PROPER OFFICER FUNCTIONS</b>		<p><b>1. Statutory Officers</b>  Legislation requires local authorities to appoint certain officers with statutory responsibilities. These appointments and the officer to whom the council has allocated responsibility are listed below.</p> <table border="1" data-bbox="646 602 1734 1388"> <thead> <tr> <th data-bbox="646 602 1192 672">Title/Description (and statutory derivation)</th> <th data-bbox="1192 602 1734 672">Officer appointed</th> </tr> </thead> <tbody> <tr> <td data-bbox="646 672 1192 776">Head of Paid Service (Section 4 – Local Government &amp; Housing Act 1989)</td> <td data-bbox="1192 672 1734 776">Chief Executive</td> </tr> <tr> <td data-bbox="646 776 1192 911">Monitoring Officer (Section 5 – Local Government &amp; Housing Act 1989)</td> <td data-bbox="1192 776 1734 911"><del>Strategic Director of Communities, Law &amp; Governance</del> <u>Director of Legal Services</u></td> </tr> <tr> <td data-bbox="646 911 1192 1084">Officer responsible for financial administration (Section 151 – Local Government Act 1972)</td> <td data-bbox="1192 911 1734 1084"><del>Finance</del> <u>Strategic Director of Finance and Corporate Services</u></td> </tr> <tr> <td data-bbox="646 1084 1192 1252">Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)</td> <td data-bbox="1192 1084 1734 1252"><del>Monitoring Officer</del> Strategic Director of Environment &amp; Leisure</td> </tr> <tr> <td data-bbox="646 1252 1192 1356">Chief Education Officer (Section 532 – Education Act 1996)</td> <td data-bbox="1192 1252 1734 1356">Strategic Director of Children’s Services</td> </tr> </tbody> </table>		Title/Description (and statutory derivation)	Officer appointed	Head of Paid Service (Section 4 – Local Government & Housing Act 1989)	Chief Executive	Monitoring Officer (Section 5 – Local Government & Housing Act 1989)	<del>Strategic Director of Communities, Law &amp; Governance</del> <u>Director of Legal Services</u>	Officer responsible for financial administration (Section 151 – Local Government Act 1972)	<del>Finance</del> <u>Strategic Director of Finance and Corporate Services</u>	Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)	<del>Monitoring Officer</del> Strategic Director of Environment & Leisure	Chief Education Officer (Section 532 – Education Act 1996)	Strategic Director of Children’s Services	
Title/Description (and statutory derivation)	Officer appointed																
Head of Paid Service (Section 4 – Local Government & Housing Act 1989)	Chief Executive																
Monitoring Officer (Section 5 – Local Government & Housing Act 1989)	<del>Strategic Director of Communities, Law &amp; Governance</del> <u>Director of Legal Services</u>																
Officer responsible for financial administration (Section 151 – Local Government Act 1972)	<del>Finance</del> <u>Strategic Director of Finance and Corporate Services</u>																
Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)	<del>Monitoring Officer</del> Strategic Director of Environment & Leisure																
Chief Education Officer (Section 532 – Education Act 1996)	Strategic Director of Children’s Services																



No.	Issue / Constitution Reference	Page A4	Recommendation		Comment
			Director of Children's Services (Section 18 – Children Act 2004)	Strategic Director of Children's Services	
			Director of Adult Social Services (Section 6 – Local Authority Social Act 1970)	Strategic Director of Health and Services Community Services	
			Scrutiny Officer (Section 31 – Local Democracy, Economic Development and Construction Act 2009)	Head of Overview and Scrutiny	
			<p><b>2. Proper officer functions</b></p> <p>The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.</p>		

<b>Item No.</b> 8.4	<b>Classification:</b> Open	<b>Date:</b> 4 July 2012	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Appointment of Chief Executive – Recommendation to Council Assembly	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Appointments Committee	

**RECOMMENDATION**

1. That Ms Eleanor Kelly is appointed to the Chief Executive vacancy and thus becomes the statutory Head of Paid Services. Base salary to be £160,767, effective date to be the day following council assembly resolution.

**BACKGROUND INFORMATION**

2. The appointments committee met on 7 June 2012 and considered a report on the appointment of Head of Paid Service. Following discussion and an interview of Ms Kelly on 14 June 2012, the committee agreed that council assembly be recommended to appoint Ms Kelly to the post of Chief Executive with a base salary of £160,767.
3. A copy of the job description and person specification relating to the post is attached as Appendix 1.

**KEY ISSUES FOR CONSIDERATION**

**Constitutional issues**

4. The Head of Paid Services statutory role resides with the Chief Executive post which is currently vacant. The responsibilities currently fall to the Deputy Chief Executive who has been made acting Chief Executive by the Leader. The permanent appointment of Chief Executive is a decision reserved to Council Assembly on recommendation of the Appointments Committee. There is no constitutional requirement to conduct an external recruitment exercise or to interview candidates before such an appointment.

**Personnel issues**

5. Attached to the report is the summary work history of Eleanor Kelly (see Appendix 2) including work/performance assessments. It should be highlighted that Eleanor Kelly has performed the duties of the statutory role in her deputising function on many occasions.

**Salary on appointment - Chief Executive**

6. Council Assembly on 28 March 2012 approved the Pay Policy Statement for the Council for 2012/13, including the salary scale for Chief Executive.

7. The salary scale for Chief Executive (CEX) in Southwark is:

<b>37</b>	<b>£145,317</b>
<b>38</b>	<b>£150,297</b>
<b>39</b>	<b>£155,439</b>
<b>40</b>	<b>£160,767</b>
<b>41</b>	<b>£166,275</b>

8. Eleanor Kelly currently receives an annual salary of £155,439 as interim Chief Executive. She did not receive an increment in April 2012. It is recommended her starting salary on appointment to the permanent role is £160,767 which will recognise her contribution and performance over the last year as well as her experience and skills. This is in accordance with the approved pay policy and notably less than the prevailing market of comparable London authorities.

### **Community impact statement**

9. The recommendation has no equality implications as a result. The composition of the top team remains mixed in terms of gender and race (albeit greater female numbers than the comparison management cadre). This compares favourably to the overall market of top managers.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Communities, Law & Governance**

10. This appointment is subject to the Local Authorities (Standing Orders) (England) Regulations 2001. This requires each member of the cabinet to be informed of the proposal to appoint Ms Kelly to the post of chief executive and to afford each cabinet member the opportunity to object to the appointment. On 19 June 2012 the strategic director of communities, law & governance wrote to all members of the cabinet informing them of this and that the deadline for making an objection was Midnight, Thursday 21 June 2012.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Cabinet report 15 May 2012 Reorganisation, redeployment and redundancy; policy & procedures	Human Resources 160 Tooley Street, London SE1 2QH	Bernard Nawrat 020 7525 7185
Appointments Committee report 7 June 2012	Constitutional Team 160 Tooley Street, London SE1 2QH	Everton Roberts 020 7525 7221

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Job Description and Personnel Specification
Appendix 2	Work History

**AUDIT TRAIL**

<b>Lead Officer</b>	Bernard Nawrat, Human Resources Director	
<b>Report Author</b>	Everton Roberts, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	19 June 2012	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	21 June 2012	

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## London Borough of Southwark

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### JOB DESCRIPTION

**JOB TITLE:** Chief Executive

**DATE:** April 2012

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#### Job purpose

Collectively with elected members and as a member of the Council's senior leadership team, ensure that the needs of Southwark's residents are articulated, their interests progressed and services optimally delivered by the Council, contractors, or other competent agencies.

As the Head of Paid Service, ensure that statutory and other service obligations are discharged effectively and efficiently to agreed standards. Work with the political leadership to ensure alignment with priorities and areas for improvement and/or transformational change across the Council.

#### Principal accountabilities

As the Head of Paid Service and a member of the Council's senior leadership team:

- Work with the political leadership to define the Council's strategic objectives and ensure that effective plans are agreed that support implementation.
- Ensure the effective development and deployment of the Council's people, systems and processes so that organisational performance can be improved for the longer term.
- Ensure Southwark's interests are promoted in policy, resource and planning decisions at the London and national levels in support of the Council's political objectives.

As Head of Paid Service:

- Work with the Leader to ensure cultural and organisational alignment with the Council's strategic objectives and priorities.
  - Lead the Corporate Management Team (CMT) to ensure plans are in place for the effective and efficient development and delivery of the Council's statutory and other services.
  - As appropriate, build and maintain effective relationships with important external stakeholders that will support service delivery and improvement.
  - Provide clear, purposeful, supportive and effective leadership across the Council to ensure all employees understand the strategic objectives, the implications for their service area and are aligned with Council aims and priorities.
  - Ensure that directly managed services are effectively organised, have clear objectives and are delivering results.
  - Ensure effective performance management processes are in place across the Council; take direct action to improve performance where issues are identified.
-

**Chief Executive  
Person Specification (minimum criteria)**

1. Extensive track record of consistent achievement at senior management level within a complex public sector organisation.
2. Proven track record of corporate management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation.
3. Demonstrable and effective strategic planning expertise.
4. Experience of effective working within the democratic process and evidence of a clear understanding of the legal, financial and political workings of local government and the current social policy issues to be faced in a multi-cultural urban environment.
5. Successful track record of building effective and productive working relationships with elected Members, a variety of communities, government bodies, partner organisations, private sector providers, public agencies, statutory authorities and other stakeholders.
6. Proven track record in the promotion and maintenance of the corporate reputation of a local authority (or equivalent multi-disciplined organisation).
7. A record of success in people, financial and resource management.
8. Successful track record of establishing effective performance measures evaluating service quality and delivering significant improvements in performance.
9. Demonstrable experience of effective change management on a large scale.
10. Clear understanding and track record of promoting diversity in both employment and service delivery.

## APPENDIX 2

## Eleanor Kelly - Work History

<b>Roles</b>	<b>Organisation</b>	<b>Dates (most recent first)</b>
Acting Chief Executive	LB Southwark	From February 2012
Deputy Chief Executive	LB Southwark	From September 2008
As interim <ul style="list-style-type: none"> <li>Deputy Chief Executive</li> <li>Strategic Director of Customer and Corporate Services</li> <li>Assistant Chief Executive (maternity cover)</li> </ul>	LB Southwark	From September 2006
(as interim strategic manager) <ul style="list-style-type: none"> <li>IDA – review public services in Northern Ireland</li> <li>GLA – Head of Financial Services</li> <li>LB Southwark - Director of Finance</li> <li>Chief Executive – LB Merton</li> <li>Strategic Advisor – West Lindsey District Council</li> </ul>	Various organisations	From 2002
Various appointments <ul style="list-style-type: none"> <li>Chief Executive (inc S151 officer)</li> <li>Corporate Director (support services) &amp; Deputy Chief Executive</li> <li>Director of Finance and Administration &amp; Deputy Chief Executive.</li> </ul>	LB Tower Hamlets	From 1994 to 2002
Management Consultant	KMPG	1988 - 1994
<b>Professional qualifications held</b>	<b>Body/Organisation</b>	
CIPFA	Chartered Institute of Public Finance and Accounting	

Assessment by Peter John (Leader)

Eleanor has a good track record of success which is evident from her performance management outcomes since starting permanently with the Council in 2007; she has been recognised at the top level of performance.

Most marked has been her personal success in leading complex regeneration projects to successful resolution especially over the last year or so. These are now set to meet the Council's aspirations and achieve a good deal for the people of Southwark.

Since September 11 Eleanor has been vital in helping me manage the transition of power from the previous chief executive which is why I had no hesitation in appointing her to acting chief executive in February. In practice Eleanor has performed many of the functions for some months beforehand.

I believe she possesses the experience and skills to be Southwark's Chief Executive and has displayed the attributes necessary to guide the Council through some turbulent but exciting times.



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MUNICIPAL YEAR 2012/13**

**NOTE:** Original held by Constitutional Team; all amendments/queries to  
Lesley John Tel: 020 7525 7228

<b>ONE COPY TO ALL UNLESS OTHERWISE STATED</b>	Copies	To	Copies
<b>All Councillors</b>	1 each	<b>Officers</b>	<b>4</b>
<b>Group Offices</b>	<b>2</b>	Ian Millichap	1
Alex Doel, Labour Group Office	1	Sonia Sutton	1
Tom Greenwood, Liberal Democrat Group Office	1	Robin Campbell	1
		Doreen Forrester-Brown	1
<b>Libraries</b>	<b>1</b>	<b>Constitutional Team</b>	<b>25</b>
Local History Library	1	(Copies to Lesley John , 2 <sup>nd</sup> Floor, Hub 4, Tooley Street)	
<b>Press</b>	<b>2</b>	<b>Trade Unions</b>	
Southwark News	1		<b>9</b>
South London Press	1	Roy Fielding, GMB	
		Mick Young, Unite	1
<b>Corporate Management Team</b>	<b>6</b>	Chris Cooper, Unison	1
Eleanor Kelly	1	Tony O'Brien, UCATT	1
Deborah Collins	1	Michael Davern, NUT	1
Romi Bowen	1	James Lewis, NASUWT	1
Duncan Whitfield	1	Pat Reeves, ATL	1
Susanna White	1	Miss Sylvia Morris, NAHT	1
Gerri Scott	1	Irene Bishop, ASCL	1
		<b>Local M.P.</b>	<b>1</b>
		Simon Hughes M.P.	
		<b>Others</b>	<b>3</b>
		Ann-Marie Connolly	1
		Shahida Nasim, Audit Commission, Ground Floor, Tooley Street	1
		Mr. Mark Roelofsen	1
		<b>Total:</b>	<b>123</b>