

## Council Assembly (Ordinary)

Wednesday 26 March 2014  
7.00 pm

Council Offices, 160 Tooley Street, London SE1 2QH

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

Eleanor Kelly  
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.

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#### Contact

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Date: 14 March 2014



# **Council Assembly (Ordinary)**

Wednesday 26 March 2014  
7.00 pm  
Council Offices, 160 Tooley Street, London SE1 2QH

## **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 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 26 February 2014 (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 is Midnight, Thursday 20 March 2014. 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 is Midnight, Thursday 20 March 2014. 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 - FUTURE VISION FOR SOUTHWARK****3.1. CABINET MEMBER STATEMENT**

The leader of the council 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, Thursday 20 March 2014. 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.

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<b>3.3. MEMBERS' MOTIONS ON THE THEME</b>	1 - 6
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To consider the following motions on the theme submitted by members of the council:

- Future Vision for Southwark
- A Vision for Southwark
- Vision for Localism

**4. OTHER DEPUTATIONS**

The deadline for deputation requests is Midnight, Thursday 20 March 2014. 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.

**5. ISSUES RAISED BY MEMBERS**

<b>5.1. MEMBERS' QUESTION TIME</b>	7 - 14
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To receive any questions from members of the council.

<b>5.2. MEMBERS' MOTIONS</b>	15 - 20
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To consider the following motions:

- Local Decision Making
- Free School Meals
- Meat Free Mondays
- Regulation of Payday Lenders
- Fixed Odds Betting Terminals
- Peckham and Nunhead Community Council.

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<b>6.</b>	<b>REPORTS FOR INFORMATION</b>	
	<b>6.1. REPORT BACK ON MOTIONS REFERRED TO CABINET FROM COUNCIL ASSEMBLY</b>	21 - 30
	Council assembly referred several motions to the cabinet for consideration, this report sets out the cabinet's decision in relation to each motion.	
	<b>6.2. SPECIAL URGENCY AND URGENT IMPLEMENTATION DECISIONS - ANNUAL REPORT</b>	31 - 40
	Council assembly to note the schedule of special urgency and urgent implementation decisions taken in accordance with overview and scrutiny procedure rules 18 and 19.	
<b>7.</b>	<b>OTHER REPORTS</b>	
	<b>7.1. SECTION 15 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989 - PROPORTIONALITY</b>	41 - 48
	Council assembly to consider proposals in respect of the representation of different political groups at committees of the council.	
	<b>7.2. CONSTITUTIONAL CHANGES 2013/14</b>	49 - 56
	Council assembly to consider constitutional issues referred from the constitutional steering panel.	
	<b>7.3. COUNCIL'S PAY POLICY STATEMENT</b>	57 - 70
	In accord with the Localism Act 2011 council assembly is to agree the council's annual pay policy statement.	
	<b>7.4. ANNUAL REPORT ON THE WORK AND PERFORMANCE OF THE AUDIT AND GOVERNANCE COMMITTEE IN 2013/14</b>	71 - 79
	Council assembly to note the work and performance of the audit and governance committee in 2013/14.	
<b>8.</b>	<b>AMENDMENTS</b>	
	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.	

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**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**

**ANY CLOSED ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING**

Date: 14 March 2014

<b>Item No.</b> 3.3	<b>Classification:</b> Open	<b>Date:</b> 26 March 2014	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Motions on the Theme – Future Vision for Southwark	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## 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 LISA RAJAN** (Seconded by Councillor Rosie Shimell)

#### **Future Vision for Southwark**

1. Council assembly notes the Liberal Democrats' ambitious vision for Southwark which prioritises:
  - i. Stopping Labour's council homes sell-off
  - ii. Offering free childcare hours for all 2, 3 and 4 year olds
  - iii. Creating 1,000 new apprenticeships
  - iv. Cutting council tax for all residents.
2. Council assembly regrets the failure of Southwark's current Labour administration which has:
  - i. Rolled over to property developers instead of fighting for more affordable homes
  - ii. Failed to get the basics right on school places and housing repairs
  - iii. Wasted money on drinks parties and council propaganda whilst residents struggle to make ends meet.
3. Council assembly therefore supports the Liberal Democrat plan for Southwark, as outlined below, and urges residents to help create a new era

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

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

for the borough by backing a Liberal Democrat administration in May's local elections.

#### **4. Value for money, on the side of residents**

- 4.1. Cut council tax for all residents.
- 4.2. Cut Labour's £9.3m bill for catering, cabs and council waste.
- 4.3. Invest the council's pension fund into new homes instead of tobacco firms.
- 4.4. Give council decisions and money back to communities rather than town hall bureaucrats.
- 4.5. Give the voluntary sector a commission with a real say in council decisions.

#### **5. Creating jobs, supporting local business**

- 5.1 Create 1,000 new apprenticeships.
- 5.2 Open a new 'Jobs & Enterprise Hub' offering training, support and desk space for job hunters and start-up businesses.
- 5.3. Offer flexible business rates to fill empty shops and support startup businesses.
- 5.4. Create a new "I'm shopping locally" parking scheme to revitalise our high streets and markets.
- 5.5. Roll out free public wireless internet across the borough.

#### **6. Education and childcare**

- 6.1. Offer one day a month free childcare for all 2, 3 and 4 year olds.
- 6.2. Build new primary and secondary schools where they are needed to bring an end to Labour's school places crisis.
- 6.3. Maintain free universal school meals for all primary school children.
- 6.4. Establish a new University Technical College in the north of the borough.
- 6.5. Provide free extra tuition for children requiring additional support.

#### **7. Fixing the broken housing market**

- 7.1. Fight for 1 in 3 homes in every new development to be affordable.
- 7.2. Bring empty homes back into use, turning neglected and forgotten properties into council homes.
- 7.3. Get tough on rogue landlords and unfair letting agent charges.
- 7.4. Help those on middle incomes who can't get on the property ladder with more shared ownership homes.
- 7.5. Support Simon Hughes MP's 'Homes not investments' campaign to stop foreign firms buying up flats and leaving them empty.

#### **8. Championing council housing**

- 8.1. Stop Labour's mass sell-off of council homes and build new ones across the borough.
- 8.2. Bring fairness to council housing waiting lists and help people to swap homes more easily.
- 8.3. Fix the repairs service by offering one-hour time slots and sorting out other problems in the same visit.



- 8.4. Put right Labour's 'Warm, Dry & Safe' sham by giving tenants the basics they deserve including new kitchens and bathrooms.
- 8.5. Stop the rip-off of leaseholders by getting value for money from contracts and photographic evidence of work.

## **9. Walking, cycling and transport**

- 9.1. Introduce protected cycle lanes along all main roads in Southwark.
- 9.2. Roll out a new network of cycle stands, lockers and community bike repair stations.
- 9.3. Extend the London bike hire scheme further into Southwark
- 9.4. Give neighbourhoods money to sort out potholes, pavements and walking signs.
- 9.5. Push the Mayor and TfL for a Bakerloo line extension south beyond Elephant & Castle.

## **10. Backing local arts, sports and culture**

- 10.1. Invest in local sports and leisure including bringing Southwark Park athletics track back into use and a building a new lido.
- 10.2. Open up school facilities outside of school hours for sports, adult education and arts.
- 10.3. Provide a dedicated pot of local cash for children's play areas and youth clubs.
- 10.4. Make better use of the huge cultural wealth in the borough to make sure it is accessible to all ages and backgrounds.
- 10.5. Protect and improve the council's libraries.

## **11. A cleaner and greener Southwark**

- 11.1. Make Southwark Council carbon-neutral by 2018.
- 11.2. Clamp down on high-polluting vehicles to tackle poor air quality.
- 11.3. Protect trees and green spaces with decisions about them going to community councils.
- 11.4. Clean up Southwark's streets and tackle the huge rise in fly-tipping under Labour.
- 11.5. Install split bins across the borough to raise recycling rates.

## **12. Supporting older and vulnerable people**

- 12.1. Introduce a dedicated phone line for older people - staffed by older people - to give specialised advice about all council services.
- 12.2. Build housing designed for older people that can be easily adapted as needs change.
- 12.3. Support high quality day centres and offer personalised help to those who need it.
- 12.4. Launch a review of the help offered to carers to make sure they get the support they deserve.
- 12.5. Help pensioners and people with disabilities to lead active lives by supporting their involvement in arts and leisure.

## **13. Keeping Southwark safe**

- 13.1. Continue to fight the Tory Mayor of London's police and fire cuts.
- 13.2. Restore funding to the noise and anti-social behaviour teams which

was cut by Labour.

- 13.4. Tackle alcohol-related crime and disorder in trouble hotspots
- 13.3. Invest in CCTV and door-entry systems on estates. and remove licenses from irresponsible bars.
- 13.5. Help victims of domestic violence and troubled families get the support they need to turn their lives around.

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

**2. MOTION FROM COUNCILLOR MARK WILLIAMS** (Seconded by Councillor Michael Situ)

**A Vision for Southwark**

- 1. Council assembly welcomes the work that this administration has done over the last four years to deliver the council's vision of creating a fairer future for Southwark.
- 2. Council assembly notes that since 2010, the council has faced almost £80 million in government funding cuts, which have caused significant budget pressures. This year alone the council has lost over £25 million in funding, equating to £249 for every single person in Southwark.

These cuts have meant the council has been required to do more with less. Council assembly welcomes the fact that the administration – in line with the preferences of Southwark residents - has protected frontline services and delivered savings through efficiencies in back-office and support services, cutting councillor allowances, cutting the cost of consultants and temps and cutting bills for catering, taxis and publicity.

- 3. Council assembly applauds the success of this administration in delivering on its "Fairer Future" promises, including:
  - i. Ensuring every primary school child in Southwark receives a free healthy, nutritious hot meal every day – delivering nearly four million free school meals each year and saving families £340 a year per child
  - ii. Supporting residents in Southwark through the current cost of living crisis by freezing council tax for four years in a row and keeping council rents low
  - iii. Ensuring that every employee, contractor and agency staff employed by the council are paid the London Living Wage
  - iv. Doubling Southwark's recycling rate and bringing a record 17 council parks up to green flag standard
  - v. Investing £326 million to make every council home in the borough warm, dry and safe
  - vi. Supporting older people in the borough by halving the price of meals on wheels, introducing a social care hotline providing expert advice, and building a new Centre of Excellence to deliver cutting edge facilities for dementia patients

- vii. Supporting 26 talented young people from Southwark facing financial hardship to go to university
  - viii. Supporting 1,000 Southwark residents to find work through the council's employment programmes in the last 18 months.
4. Council assembly calls on the cabinet to continue working towards delivering a fairer future for all in Southwark, and in particular by:
- i. Creating quality affordable homes in Southwark, building more homes of every kind for local people, including 11,000 new council homes, improving the quality of existing council homes, driving up standards in the private rented sector and keeping rents in Southwark among the lowest in London
  - ii. Supporting the best start in life by continuing to deliver free school meals for all primary school children, investing in affordable childcare for families in Southwark and expanding school places across the borough
  - iii. Building a strong local economy by leading the campaign for the London Living Wage, working with local businesses to support job creation and ensuring that young people in Southwark are ready for work
  - iv. Continuing to deliver value for money and get the basics right in the face of significant government cuts, continuing to drive up recycling rates, investing in our roads and working to keep our streets clean and safe
  - v. Supporting people of all ages in Southwark to lead healthy and active lives, preventing barriers that prevent people from getting fit, investing in cycling to improve safety and take up, supporting our more vulnerable residents and becoming an "Age Friendly Borough", to help people get the best out of Southwark, whatever their age
  - vi. Taking pride in our borough, investing in our parks and libraries, continuing to invest in green energy and transforming our town centres through regeneration to make them places that we can all live, work and enjoy.

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

**3. MOTION FROM COUNCILLOR MICHAEL MITCHELL** (Seconded by Councillor Lewis Robinson)

**Vision for Localism**

Council assembly notes the persistently low turnouts in local elections, indicating a lack of connection with the voters; and also the wide disparity in turnout between the wards.

Council assembly believes the future of Southwark will be best served when the people are empowered and encouraged to engage with local politicians.

To that end this council assembly calls on Southwark Council to come forward with policies which:

1. Address the priorities of the people
2. Increase local decision making through an increased number of community councils which in turn have more devolved powers, including executive and planning powers, and funding for the effective discharge of such responsibilities.

**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>	7 March 2014

<b>Item No.</b> 5.1	<b>Classification:</b> Open	<b>Date:</b> 26 March 2014	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Members' Question Time	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

### **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.
3. A question from a community council must have been previously considered and noted by the relevant community council (CAPR 2.9.2).

**1. QUESTION TO THE LEADER FROM COUNCILLOR ALTHEA SMITH**

By gender, ethnicity and pay-grade, will the leader of Southwark Council detail how many council posts and/or jobs have been added or lost since 2003 and of those posts and jobs how many individuals have been redeployed/made redundant?

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

What advice would the Leader give to residents with ongoing and regular noise complaints which the council's noise team are unable to monitor as they occur outside the team's operational hours?

**3. QUESTION TO THE LEADER FROM COUNCILLOR REBECCA LURY**

How many council homes have been sold or demolished in Southwark since 2010 and how does this compare with the number sold or demolished under the previous administration from 2002 to 2010?

**4. QUESTION TO THE LEADER FROM COUNCILLOR STEPHEN GOVIER**

Following statements by members of his cabinet to the council assembly (council tax setting meeting) on Wednesday 26 February 2014 - will the leader, for each year since 2003 and until 2043 list:

- a) The number of actual and proposed council homes (the council rented stock as local authority rented landlord)
- b) The number of affordable homes (homes deemed affordable to those with a median household income which in Southwark in 2008 was £16,800)
- c) The number of other social rented homes?

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

How many council homes were built in Southwark between 2002 and 2010?

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

During the last administration the Taxpayers Alliance criticised the council for having a £5.05 million publicity bill – the highest borough in London. Can the leader confirm if this bill has gone down and by how much?

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

How does the leader think existing residents will benefit from the approval of the Blackfriars Road supplemental planning document (SPD)?

**8. QUESTION TO THE LEADER FROM COUNCILLOR LORRAINE LAUDER**

Following on from the success of National Apprenticeship Week, what are the leader's plans for expanding apprenticeships in Southwark and ensuring young people in the borough have access to education, training and employment opportunities?

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

What action has the leader taken to help alleviate the issue of overseas buyers who buy up properties in Southwark and then leave them empty?

**10. QUESTION TO THE LEADER FROM COUNCILLOR RENATA HAMVAS**

What effect have cuts in government support for childcare had on parents in Southwark?

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

Does the Leader agree with his Labour colleague, Councillor Gavin Edwards, that performance-related pay does not boost staff performance?

**12. QUESTION TO THE LEADER FROM COUNCILLOR ANDY SIMMONS**

Can the leader provide the latest figures on the number of people the council has supported into work?

**13. QUESTION TO THE LEADER FROM COUNCILLOR ROSIE SHIMELL**

When is the council going to deliver the free childcare hours it voted to offer parents at January's council assembly?

**14. QUESTION TO THE LEADER FROM COUNCILLOR KEVIN AHERN**

Liberal Democrat councillors have accused the council of 'wasting money' on catering and taxi bills – can the leader confirm whether the council's bills for catering and taxis are higher or lower than under the previous administration?

**15. QUESTION TO THE LEADER FROM COUNCILLOR DAVID HUBBER**

Can the leader confirm whether there has been any realistic offer to take over the South Dock and Greenland Dock Marina from the council? If not, how does he see the future of this valuable asset?

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

Could the cabinet member list what measures are being taken to increase resident satisfaction with the quality of void properties and the numbers the council has turned around over the last four years?

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

Does he believe it is right that affordable housing payments negotiated as part of new developments in Bermondsey, such as the old town hall on Spa Road, should be taken out of the area and spent in communities over three miles away?

**18. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR GRAHAM NEALE (BERMONDSEY AND ROTHERHITHE COMMUNITY COUNCIL)**

In the next 10 years, how many residents are you expecting to live in Rotherhithe and where will they go to school? What percentage of students of Bacon's College live in Rotherhithe?

**19. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR HELEN HAYES (DULWICH COMMUNITY COUNCIL)**

In view of the up-coming "soft market testing" of the uses to which Dulwich Hospital site could be put, would the cabinet member for regeneration and corporate strategy outline the council's likely input to this process?

**20. QUESTION TO THE LEADER FROM COUNCILLOR MARTIN SEATON (BOROUGH, BANKSIDE AND WALWORTH COMMUNITY COUNCIL)**

Given the recent closure of fire stations in the borough by the Mayor of London, will the council continue to pressure and lobby to regain more fire safety in the borough?

**21. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR SOANES (PECKHAM AND NUNHEAD COMMUNITY COUNCIL)**

Do leaseholders have any discretion when alterations are required to their property such as installing new windows and doors? Do leaseholders have to agree to works arranged by the council when they have not been consulted on options and cost implications?

**22. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR MARK WILLIAMS (CAMBERWELL COMMUNITY COUNCIL)**

What steps are the council taking to make sure that drains and sewage works are maintained properly within the borough including those owned and operated by Thames Water?

**23. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR MICHAEL BUKOLA**

What plans does he have to implement the Liberal Democrat Decent Homes Plus programme?

**24. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR CATHERINE BOWMAN**

What proportion of repeat calls to the customer call centre are housing related?



**25. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR TIM MCNALLY**

How many empty homes are there in the borough? How many of these have been empty for more than a) six months and b) 18 months?

**26. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR GRAHAM NEALE**

What was the total council housing stock in May 2010? What is it now?

**27. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR JAMES BARBER**

How many properties and, specifically, acquired street properties have been made 'warm, dry and safe' in each ward since 2010? What plans does the council have to complete these programmes?

**28. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR ELIZA MANN**

What were the estimated and actual leaseholder service charges at the Four Squares Estate in each of the past three years available? What were the estimates for major works charges for each of the past three years?

**29. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR WILMA NELSON**

What is the council doing to tackle moss and slippery underfoot conditions in Gomm Road and other estates in Rotherhithe which are causing concern for residents? Will the cabinet member look at what can be done to improve this situation for residents?

**30. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR ROBIN CROOKSHANK HILTON**

Will the cabinet member please give an update on the current status of the warm, dry and safe works to the Lytcott Grove Estate. Why has this work been delayed?

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

Four years after promising to make every council home 'warm, dry and safe', why are there still ongoing damp and condensation problems in Southwark's housing blocks? What is it specifically doing to tackle the long-standing problems at the Arnold Estate?

**32. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR MICHAEL SITU**

Given the current housing shortage and increase in residents sub-letting council flats from council tenants, does the council have any plan to raise awareness amongst our residents of the dangers and implications of renting a council flat without the council's knowledge?

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

Could the cabinet member identify the checks that are in place to make sure that the council disposes of its empty properties wisely in accordance with its public duty?

**34. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR THE RIGHT REVEREND EMMANUEL OYEWOLE**

Will the cabinet member describe what help is put in place by the council to enable those residents who are impacted by welfare reform measures to downsize their accommodation?

**35. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR NEIL COYLE**

Could the cabinet member comment on the success of the current annual tenancy checks in relation to identifying the amount of illegal occupancy uncovered to date, and on the cross-council departmental working to tackle internal fraud as identified by the Bundu case?

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

Could the cabinet member detail what are the plans for the council's implementation of fixed service charges to offer leaseholders cost certainty year on year?

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

Following complaints I have received about the redacting of information on service charge breakdowns does the deputy leader and cabinet member for housing management agree with me that at least where elected members raise works orders which are chargeable back and result in additional charges to leaseholders, they should be named as a matter of course for transparency in service charge breakdowns?

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

How much has been deducted by the council from payments to the major works contractors at Whitworth House and Bramwell House for failing to complete works to specification and schedule? What has been the result of the discussions regarding compensation for residents? Can the council assure leaseholders that there will be no further costs to them for major works on this project?

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

How many incidents of theft of electrical and fire safety equipment have there been from council housing in each of the last three years?

**40. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR MARK GLOVER**

How many new council homes are currently on site or have planning permission?

**41. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR PATRICK DIAMOND**

Can the cabinet member provide an update on funding allocated to open spaces around the Elephant and Castle regeneration area?

**42. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR HELEN HAYES**

Can the cabinet member provide an update on the number of new homes that have been given planning permission in Southwark since 2010?

**43. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR SUNIL CHOPRA**

Is the cabinet sufficiently prepared to deal with flooding in Southwark in light of government cuts to funding for lead local flood authorities?

**44. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR MARTIN SEATON**

Can the cabinet member provide an update on the council's use of Article 4 planning directions to curb the growth of betting shops and payday lenders?

**45. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR CLEO SOANES**

Can the cabinet member provide an update on the regeneration in Peckham, including the Gateway to Peckham project and town centre improvements?

**46. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR CLAIRE HICKSON**

How many empty homes has the council helped bring back into use since 2010?

**47. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR DARREN MERRILL**

How many affordable homes have been built in Southwark since 2010?

**48. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR ROWENNA DAVIS**

Can the cabinet member provide an update on what the council is doing to combat domestic violence in the borough?

**49. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR DENISE CAPSTICK**

What is the cabinet member's view about investing the staff pension fund into new homes for market rent or sale, similar to the scheme already undertaken by Manchester City Council?

**50. QUESTION TO THE CABINET MEMBER FOR CULTURE, LEISURE, SPORT AND VOLUNTEERING FROM COUNCILLOR JEFF HOOK**

What has the council done to ensure work at Southwark Park athletics track gets underway, other than putting out a press release? When will the track be brought back into use?

**51. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR PAUL KYRIACOU**

What is the future of the Blue Anchor Playroom premises? What plans does the council have to sell the site to private nursery providers or other buyers?

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

The council predicts that some 18 forms of entry for secondary school pupils are needed by September 2019. While recognising that secondary pupil place planning is carried out on a borough-wide basis, what evidence has the council collected on supply and demand in each of the five community council areas - especially those facing major regeneration projects - as a basis for ensuring that children do not have to travel long distances to schools in other parts of the borough or outside the borough?

**53. QUESTION TO THE CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING FROM COUNCILLOR LINDA MANCHESTER**

How many complaints have there been about the conduct of vehicles operated by the council and its contractors since 1 January 2011? Please list details of each complaint, including the date and the action taken by the council.

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

How many new cycle stands does the council intend to install across the borough this year?

**55. QUESTION TO THE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE FROM COUNCILLOR TOBY ECKERSLEY**

Would the chair of overview and scrutiny committee (OSC) outline progress on considering, and helping implementation of, measures to reduce the unfairness faced by leaseholders to be displaced by the regeneration of the Aylesbury Estate, notably as exemplified by their representations to OSC on 10 March 2014?

<b>Item No.</b> 5.2	<b>Classification:</b> Open	<b>Date:</b> 26 March 2014	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Motions	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

### 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 ANOOD AL-SAMERAI** (Seconded by Councillor Paul Noblet)

**Local Decision Making**

1. Council assembly believes that decisions are best made by the people closest to them and supports devolving decisions from central government to local government, as well as within local government to community councils, wards and neighbourhoods.
2. Council assembly therefore:
  - i. Welcomes efforts by government to introduce localism through such powers as neighbourhood plans, community right to bid and community right to challenge.
  - ii. Believes the council still has an important role to play in promoting the devolution of powers to local communities, and supporting ward councillors with local issues where appropriate.
  - iii. Calls on cabinet to review what further decisions and funding could be passed from the centre of Southwark Council to community councils and ward councillors.

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

2. **MOTION FROM COUNCILLOR CLEO SOANES** (Seconded by Councillor Gavin Edwards)

**Free School Meals**

1. Council assembly notes the recent London Assembly Labour report on food poverty in London, which shows that more people than ever in the capital are relying on food banks - the use of foodbanks in London has gone up by 400% in the last two years. Council assembly condemns the shameful rise in the numbers of families being forced to rely on emergency handouts from foodbanks, as Tory/Liberal Democrat welfare reforms push more families into poverty, and supports the report's call for free school meals for all children in London to combat the growing food poverty crisis.
2. Council assembly is concerned at reports that the national plan to give free school meals to the youngest primary school children across the country is "in chaos" and that young children are unlikely to get a hot, nutritious meal as promised by the government. Council assembly notes the concerns of primary schools about how the policy will be implemented, given that the Liberal Democrat Leader has failed to take into account the cost of upgrading school kitchen facilities in the plans for the national scheme.
3. Council assembly notes that a former Liberal Democrat Minister has described the policy as being dreamt up "on the back of a fag packet". Council assembly believes that the utterly shambolic implementation of free school meals by Liberal Democrats in government shows that free hot healthy school meals are not safe in the hands of the Liberal Democrats.

4. Council assembly urges the cabinet to call on government to put forward a fully costed, implementable plan for the roll out of free school meals nationally; to provide reassurance to schools that they will be given the necessary support to upgrade kitchen facilities in order to meet the demand of the new policy; and to follow Southwark's lead by extending free school meals to the youngest children.

Council assembly also calls on the cabinet to provide reassurance that regardless of the outcome of the national scheme, this council will continue to provide free, hot healthy school meals for every primary school child in the borough.

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

3. **MOTION FROM COUNCILLOR GRAHAM NEALE** (Seconded by Councillor James Barber)

#### **Meat Free Mondays**

1. Council assembly notes the benefits to personal health and the environment of lowering the consumption of meat.
2. Council assembly therefore calls on cabinet to promote meat free options in schools and council buildings every Monday, and also promote the benefits of reducing meat consumption to council staff.

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

4. **MOTION FROM COUNCILLOR NEIL COYLE** (Seconded by Councillor Rebecca Lury)

#### **Regulation of Payday Lenders**

Council Assembly:

1. Notes that payday lenders are trapping millions of people in spirals of debt.
2. Believes that the Financial Conduct Authority (FCA)'s new proposals for regulating payday lenders are a step in the right direction, but do not go far enough.
3. Considers the FCA's proposals:
  - i. Would not prevent payday lenders from drip feeding new loans to people who already have payday debts and are struggling to pay them back
  - ii. Would not prevent people from being hit with escalating penalty fees
  - iii. Would not stop payday lenders from raiding people's bank accounts without telling them.
4. Welcomes the steps that this administration has taken to stop the spread of payday lenders in Southwark, including:

- i. Refusing to let council buildings to pay day lenders
  - ii. Using Article 4 planning directions on change of use to protect high streets
  - iii. Reducing the exposure of residents to payday lenders by getting agreement from two of the council's billboard advertising contractors not to display payday loan adverts
  - iv. Lobbying the government for the power to levy payday lenders in Southwark.
5. Welcomes that some of Britain's biggest debt, consumer and anti-poverty organisations – including Which, Citizens Advice, StepChange Debt Charity, Church Action on Poverty and the Centre for Responsible Credit – and MPs from every party represented at Westminster have come together to support the Charter to Stop the Payday Loan Rip-Off.
6. Council assembly supports the Charter to Stop the Payday Loan Rip-Off which calls on the FCA to introduce tougher regulation of payday lenders. Council assembly calls on the cabinet to:
- i. Encourage residents of Southwark to support the Charter by signing the online petition at <http://www.change.org/paydayloancharter>
  - ii. Promote and support the development of local credit unions and more affordable lending
  - iii. Work with partners on campaigns against increasing levels of personal debt
  - iv. Send a copy of this motion to Martin Wheatley, Chief Executive of the Financial Conduct Authority, and the Chancellor of the Exchequer.

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

**5. MOTION FROM COUNCILLOR HELEN HAYES** (Seconded by Councillor Nick Dolezal)

**Fixed Odds Betting Terminals**

1. Council assembly notes:
- i. The prevalence of Fixed Odds Betting Terminals (FOBTs) in betting shops, often referred to in the media as “the crack cocaine of gambling”.
  - ii. That, unlike fruit machines in pubs, bingo halls and amusement arcades where cash stakes are limited to £2, gamblers can bet with cash or via a debit card up to £100 every 20 seconds on FOBTs, more than four times as fast as the rate of play in casinos.
  - iii. That in 2012, over £1.5 billion was lost on FOBTs across the UK. More profit was made from FOBTs than from the National Lottery, when according to the most recent British Gambling Prevalence



Survey, 56% of the population play the Lottery, but just 4% play FOBTs.

- iv. Empirical evidence that suggests FOBTs are the most addictive form of gambling.
  - v. Research carried out by Geofutures, which found there to be four times as many betting shops in areas of high unemployment than in areas of low unemployment.
  - vi. Research carried out by 2CV in Newham, which found that the average bet per spin on FOBTs is £17, and the average amount of cash inserted into the machine is £55 per session, with one in five putting in over £100 a time.
  - vii. Nationally, more than 80% of turnover in betting shops and more than half of profits are derived from FOBTs. Less than 20% of stakes in betting shops are over the counter.
  - viii. A recent economic analysis undertaken by Landman Economics, commissioned by the Campaign for Fairer Gambling, which assessed the impact of FOBTs on local economies and across the wider economy. The report concluded that every £1 billion spent on FOBTs produces a net reduction of 13,000 jobs, compared to if spent in the wider consumer economy. The projected doubling of revenue from FOBTs by 2023 could cost a further 23,000 jobs across the economy.
  - ix. The position in the Republic of Ireland where the government has introduced legislation to outlaw FOBTs in betting shops.
2. Council assembly notes with concern the prevalence of high-speed, high-stakes gambling machines in the most deprived areas of the country. In the 55 most deprived boroughs of the country £13 billion was gambled and £470 million lost to fixed-odds betting terminals last year, in 2,691 betting shops – double the amount staked in the richest areas. Council assembly is concerned that it appears bookmakers are targeting the poorest areas with the highest unemployment and lowest income level. In Southwark, £523 million was gambled and £18.6m lost at fixed odds betting terminals in 81 shops last year.
  3. Council assembly notes that the gambling industry has recently been announced a new code of conduct, introducing optional time and money limits for gamblers and mandatory alerts to betting shop staff, but believes that this voluntary code does not go far enough to protect people from the risks of these high-stakes betting machines.
  4. Council assembly is concerned that the government has not addressed the issues caused by fixed-odds betting terminals (FOTBs) and has resisted calls to reduce stakes on FOBT, claiming that “it is currently not clear how great an impact a reduction would have on gambling related harm”.
  5. Council assembly applauds the work of Labour MPs in calling for local authorities to be given new powers to restrict the growth of fixed-odds betting terminals (FOTBs) and is disappointed that this motion was rejected

by Tory and Liberal Democrat MPs, who failed to support the proposals despite the Liberal Democrats' previous support for "Stop FOBT" campaigns.

6. Council assembly believes that the increase in FOBTs is causing significant problems and believes that the government should either use the existing legislative framework, or introduce legislation to outlaw B2 casino games in betting shops. At the very least, local authorities should be given the powers to protect the local amenity and wellbeing of communities by (1) stopping the proliferation of betting shops and (2) reducing the maximum stakes and slowing down the speed of play.
7. Council assembly therefore calls on the cabinet to:
  - a) Write to the Secretary of state for Culture, Media and Sport to outline the terms of this motion and demand urgent action against FOBTs by the government
  - b) Explore the use of the Sustainable Communities Act as a means to reduce the maximum stake on Fixed Odds Betting Terminals to £2 per spin.

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

**6. MOTION FROM COUNCILLOR DAN GARFILED** (Seconded by Councillor Cleo Soanes)

**Peckham and Nunhead Community Council**

Council Assembly recommends that Councillor Althea Smith be removed as the Vice Chair of Peckham and Nunhead Community Council with immediate effect.

**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>	10 March 2014

<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 26 March 2014	<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) – LOCAL BUSINESS AND ENTERPRISE**

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor Sunil Chopra and seconded by Councillor Mark Glover.

1. That council assembly welcomes this administration's commitment to supporting our residents and businesses in tough economic times and the difference this administration is making to jobs and growth across our borough.
2. That council assembly notes the council's recent economic wellbeing strategy and its important commitment to:
  - Narrow the gap between the Southwark and London employment rate
  - Make Southwark the place of choice to start and grow a business
  - Get our town centres and high streets thriving
  - Promote financial independence and resilience.
3. That council assembly welcomes the steps that the council has already taken to progress these ambitions. Council assembly further warmly welcomes the £1 million business support fund, the £1 million of youth fund a year through to 2016/17, focused on employment and assisting young people to remain in education and training and the council's ongoing commitment to securing jobs, training and employment support through section 106 and community infrastructure levy agreements with developers.
4. That council assembly recognises the progress this administration has made including:
  - Over 1000 Southwark residents finding work as a direct result of the council's employment programmes in the last 18 months
  - Over £440,000 of investment in five of our town centres through the community restoration fund
  - A £100,000 emergency fund for Herne Hill businesses affected by the August 2013 flood

- Supporting Southwark businesses over the course of this year to secure public and private sector contracts worth £1.2 million through our supply Southwark project.
5. That council assembly warmly welcomes the commitment of this administration to keep making a difference, including by:
- Supporting 200 Southwark start-ups and small to medium enterprises (SMEs) to get investment-ready, helping to secure over £2 million worth of finance for Southwark businesses and making sure it is Southwark residents that get the job opportunities arising from this business growth
  - Supporting Southwark businesses to be 'fit to compete' for public and private sector contract opportunities, securing contracts with a value of £1.2 million this year and £3 million by the end of 2015
  - A £600,000 town centre growth initiative to help business-led groups to reinvigorate their local high streets.
6. That council assembly regrets the abject failure of the Tory Liberal Democrat government to introduce policies that would maximise the huge opportunities of regeneration in Southwark and the huge talent and potential of our residents and to instead oversee three years of austerity-induced stagnation and continuously failing living standards across the UK. Council assembly further regrets the decision of the Tory Liberal Democrat government to scrap Labour-backed schemes such as the future jobs fund which helped to get unemployed people into work, and which was scrapped by the government despite a report from the Department for Work and Pensions which showed it produced a net benefit to society of approximately £7,750 per participant.
7. That council assembly welcomes the cabinet's commitment to prioritise delivering jobs and growth across Southwark and urges them to continue to prioritise these efforts so that Southwark is a place where residents can get on and where businesses and high streets can continue to thrive.

We agreed this motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – SMALL BUSINESS SATURDAY**

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor Michael Mitchell, seconded by Councillor Lewis Robinson and subsequently amended.

1. That council assembly commends the council's efforts to encourage people to shop locally and assist small businesses in their communities by supporting the Small Business Saturday campaign.
2. That council assembly resolves to call on cabinet to back local businesses throughout the borough, to do all they can to ensure the East Dulwich Cracker, taking place on Small Business Saturday, is a roaring success and continue to support the Herne Hill Christmas re-launch of those businesses affected by the August floods, taking place on 14 December, to help bring back much needed foot fall to Herne Hill.

We agreed this motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY  
PROCEDURE RULE 2.10 (6) – INTRODUCING A SUPERMARKET LEVY**

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor Tim McNally, seconded by Councillor James Barber and subsequently amended.

That council assembly:

1. Welcomes Labour's commitment to reverse the Tory - Liberal Democrats' government cut in corporation tax from 21 per cent to 20 per cent.
2. Welcomes the £1 billion this policy would save over two year's and Labour's commitment to use this revenue to reduce business rates on properties and commercial premises with an annual rental value of £50,000 or less, providing a much needed boost to small businesses across Southwark.
3. Notes the Local Works campaign for a levy on large supermarkets and the use of such a scheme across the entirety of Northern Ireland.
4. Believes that to minimise any risk to Southwark residents, many of whom work and shop in large retail outlets in the borough, the best approach to a supermarket levy would be a pan-London one.
5. Therefore call on cabinet to:
  - Approach the Mayor of London to bring together all London boroughs to consult on introducing a supermarket levy
  - Discuss this proposal with neighbouring councils to ensure a joined up approach to local business in South London.

We agreed this motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY  
PROCEDURE RULE 2.10 (6) – PAY DAY LENDERS**

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor Neil Coyle, seconded by Councillor Martin Seaton and subsequently amended.

That council assembly:

1. Notes with concern the increase in "payday loan" outfits in our high streets, particularly in Peckham, the Walworth Road, Southwark Park Road and Tower Bridge Road.
2. Recognises the negative effect these lenders can have on people on low incomes, particularly given the very high interest rates that are often charged, and the tactics used by many lenders to encourage borrowing while failing to disclose the true cost of loans.

3. Believes lending of this kind is both socially and financially irresponsible and calls for all political parties in Southwark to support and prioritise alternative affordable models of lending.
4. Welcomes the cabinet's announcement that Southwark residents will face less exposure to payday lenders following the agreement from two of the council's billboard advertising contractors not to display payday loan adverts. Council assembly urges the council's other contractor, JC Decaux, to follow this example and end payday loan advertising in Southwark.
5. Recognises the importance of small businesses for the local economy and acknowledges that these businesses are often 'priced out' of our high streets, allowing an increased number of payday lenders to open shops.
6. Praises the work of the London Mutual Credit Union for their commitment to responsible lending in the borough and encourages the council to further promote credit unions as an alternative to irresponsible payday lenders.
7. Welcomes the commitment of the cabinet member for communities and economic wellbeing to work with officers to make it more difficult for payday lenders to open on our high streets, including tackling payday loan shops through planning powers.
8. Welcomes the council's groundbreaking approval to bring into force Article 4 planning directions on change of use to help protect our high streets. This makes Southwark the first authority nationally to make such a change.
9. Urges cabinet to call on government to follow Southwark's lead in finding new ways of tackling the scourge of payday lenders on our high streets and better supporting local businesses.
10. Welcomes that councils are now able to vary business rates under the Localism Act (2011), and calls on cabinet, in consultation with community councils, to introduce relevant local business rates discounts and exemptions to encourage mixed high streets.

We agreed this motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – BERMONDSEY BUSINESS IMPROVEMENT DISTRICT**

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor The Right Reverend Emmanuel Oyewole, seconded by Councillor Claire Hickson and subsequently amended.

That council assembly:

1. Congratulates the Bermondsey Business Association on the work they have done on supporting local businesses in Bermondsey and improving the local economy.
2. Supports the Bermondsey Business Association in their bid to create a business improvement district (BID) in Bermondsey.

3. Welcomes the council's £30,000 investment in Bermondsey through the community restoration fund which allowed the Bermondsey Business Association to start a full BID proposal and the council's continuing support to help make sure the BID becomes a reality.
4. Recognises the economic benefits that the creation of a BID will bring to the area, including marketing The Blue as a new and alternative shopping destination, partnering with existing and successful business districts such as Bankside and Borough Market, promoting the interests of The Blue and exploring opportunities for managing retail units as well as other initiatives to increase footfall, attract new businesses and further revitalise the town centre.
5. Also recognises the spate of burglaries which have occurred recently in and around The Blue, and commits to working with the police.
6. Welcomes Simon Bell opening the new butchers' shop in the Blue
7. Thanks Russell Dryden as the chair of the BBA and the work of the South Bermondsey Partnership in getting the Blue to a place where it is today.
8. Recognises that some shops in the area have been empty for many months, and calls on council to ensure that any prospective new businesses will add benefit to the area and its shopping mix.
9. Calls on the cabinet member for communities and economic development to continue to work with the Bermondsey Business Association to ensure that Bermondsey businesses have the support they need to thrive.

We agreed this motion.

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

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor Poddy Clark, seconded by Councillor Tim McNally and subsequently amended.

1. That council assembly welcomes the £130 million plus which has been spent (excluding the Leathermarket JMB) on this council's flagship warm, dry and safe (WDS) housing investment programme, which is on course to be fully complete by 2015/16. Through the WDS programme, funding to address the highest risk high rise blocks identified through fire risk assessments has been done, with over 5,000 individual boilers replaced and over 100 lifts refurbished. The major works programme continues to deliver for residents through a mixture of partnering contractors and traditional procurement. All of the original two year programme will complete this year (except for the Hawkstone). The 2012/13 programme is on site or completed and most of the 2013/14 is due on site this year. In addition the popularity and success of the WDS programme has allowed an estimated nearly £15 million of works to be brought forward from 2014/15 and another £13 million works from 2015/16 to commit in 2014/15.
2. That in addition the council assembly welcomes the new 100% target for tenancy checks which picks up repair and damp issues irrespective of major works noting that 60% tenants have been visited to date this year.

3. That council assembly notes that through this programme residents' concerns with the partnering contractors have been acted on immediately and that the council has already terminated two poorly performing contracts and installed a new framework for contractors to provide more choice than the current partnering arrangements. An example of this is Whitworth House, Falmouth Road on the Rockingham Estate, where in response to residents' concerns the council has tried to end the on-going relationship with the contractor on a mutually agreeable basis.
4. That in order to achieve this council assembly calls on the cabinet to:
  - Ensure all residents are visited to individually assess the outstanding issues relating to damp, repairs and door and window replacement as part of the major works and completions and through the 6 months and 12 months defects periods before any payment is made.
  - Agree with each resident a plan and timetable for resolving each issue by December before full and final payment is made.
  - Arrange for close supervision of the replacement contractor to ensure completion of the outstanding issues.
  - Provide compensation to the residents for the missed appointments and disruption for missed appointments
  - Review the management and oversight of major works and ensure that the WDS programme is subject to ongoing scrutiny through the major works core group composed of contractors, residents and officers and chaired by the cabinet member for housing management.

We agreed this motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – POP UP SHOPS ON CANADA WATER PLAZA**

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor Michael Situ and seconded by Councillor Nick Dolezal.

That council assembly:

1. Notes that several of the units for let on Canada Water Plaza, which are part of the new development, are currently empty.
2. Notes the success of temporary 'pop up shops' in vacant retail units in East Street and Nunhead and considers this a good use of otherwise empty units to promote local business, develop the local economy and improve our high streets.
3. Calls on cabinet to:
  - Explore the possibility of the council taking a one year lease for the empty units on Canada Water Plaza
  - Work with the owners of the shops on Canada Water Plaza to use these empty units as 'pop up shops', similar to those in East Street and Nunhead

We agreed this motion.



**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – ENDING COUNCIL INVESTMENT IN TOBACCO AND ARMS**

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor David Noakes, seconded by Councillor Poddy Clark and subsequently amended.

That council assembly:

1. Welcomes the commitment of the leader of the council to undertake a survey of current and former staff who are members of the borough's pension scheme to understand their views on investment into Southwark's pension scheme, including issues around ethical investment.
2. Recognises that decisions on individual investments in the pension fund are made by the strategic director of finance and corporate services, on the advice of our cross-party pensions advisory panel, which has equal representation from each of the three main political parties.
3. Acknowledges that the council's pension fund has a legal duty to put the financial wellbeing of members of the pension scheme as its foremost concern.
4. Further acknowledges that a £200 million funding gap already exists in the council's pension fund, which could become even larger if the council chose to invest in areas that do not provide a substantial return. Council assembly notes that this could open up the prospect of law suits from members on the basis that the council was not investing in their best interests. It also notes that riskier investments would impact on future actuarial reviews of the fund, resulting in a need for larger contributions to the fund from the council and other members of the scheme. This in turn would require new savings from elsewhere in the council budget to fund.
5. Notes that investments in the council's pension fund have remained largely unchanged since the previous administration and welcomes the fact that, after years of inaction from the Liberal Democrats, Labour is now working with the cross-party pension advisory group to find more ethical ways of investing in the pension fund.
6. Welcomes the agreement at the most recent pensions advisory panel meeting in September to further explore the adoption of ethical investment principles and further welcomes the commitment from the leader of the council that, subject to ensuring the best return for members, investment in some firms could be stopped. Council assembly calls on the pensions advisory panel to carefully consider how this can be done without negatively impacting the ability to pay employees who have invested in the fund in good faith during their working lives.

We agreed this motion.

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

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor Andy Simmons, seconded by Councillor Helen Hayes and subsequently amended.

1. That Southwark Council achieved Fairtrade borough status in July 2007 with cross-party support. Council assembly recognises the work of the whole community in achieving this.
2. That given the council's proactive role in supporting Fairtrade, council assembly reconfirms its commitment to Fairtrade and expresses its support for the use, expansion and promotion of the range of Fairtrade products in the council's office and other establishments.
3. That council assembly calls on cabinet to continue to work with its catering contractors, staff, residents, visitors, businesses, the public and the voluntary sector to increase the availability and take up of 'Fairtrade' marked food, drink and clothing options.

We agreed this motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – STOP THE DELAY ON SOUTHWARK PARK ATHLETICS TRACK**

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor Jeff Hook, seconded by Councillor Eliza Mann and subsequently amended.

That council assembly:

1. Notes with sadness the state of disrepair into which Southwark Park athletics track has fallen after 8 years of inaction, and welcomes the allocation of £1.09 million from various funding streams to redevelop the facility.
2. Further notes that the £1.09 million raised includes Olympic Legacy Funding for renewal work on the track and field. A capital bid will be made for 2014/15 for the remainder of the funding required to realise plans for a full development of the site, including re-modelling of the building and changing facilities.
3. Council assembly welcomes the current administration's commitment to the completion of all the projects funded by the Olympic Legacy Fund.

We agreed this motion.

**MOTION FROM MEMBERS IN ACCORDANCE WITH COUNCIL ASSEMBLY PROCEDURE RULE 2.10 (6) – SUPPORT FOR THE BRITISH NUCLEAR TEST VETERANS ASSOCIATION**

Cabinet on 28 January 2014 considered the following motion referred from council assembly on 27 November 2013 which had been moved by Councillor Ian Wingfield and seconded by Councillor Dan Garfield.

That council assembly:

1. Notes that its commitment to the Armed Forces Community Covenant ensures the need of those residents of Southwark who serve, of have served, the country are recognised and supported at a local level.

2. Further notes that many other residents have, through a range of professions, served the country in equally significant measure, such as in national security and defence – including those who participated in the testing of Britain’s nuclear weapons in the 1950s and 1960s.
3. Welcomes that, following a Ministry of Defence commissioned Health Needs Analysis in 2011 of British nuclear test veterans, the NHS have introduced a number of practical measures to support them.
4. Believes that other parts of the public and voluntary sector should seek to introduce similar measures to support nuclear test veterans – and that the council should lead this at a local level by extending the provisions of the Armed Forces Community Covenant to those veterans who live in Southwark.
5. Urges the government to support the campaign of the British Nuclear Test Veterans Association by:
  - officially recognising the unique service of these veterans and acknowledge the nation’s continuing debt to them; and
  - supporting the intention to establish a benevolent fund of £25 million to provide assistance for those veterans and their descendants in need.
6. Calls on Southwark’s Members of Parliament to back this campaign and join the council in urging the government to support the requests outlined in this motion.

We agreed this motion and noted that the deputy leader and cabinet member for housing management would write a letter in respect of recommendation 6 above.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet agenda and minutes – 28 January 2014. The document is available on this web page (item 18).	Constitutional Team, 160 Tooley Street, London SE1 2QH	Paula Thornton 020 7525 4395
<b>Link</b> <a href="http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&amp;MId=4554&amp;Ver=4">http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&amp;MId=4554&amp;Ver=4</a>		

## 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>	10 February 2014	
<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>
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		10 March 2014

<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 26 March 2014	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Special Urgency and Urgent Implementation Decisions – Annual Report	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

### RECOMMENDATION

1. That council assembly notes the schedule of special urgency and urgent implementation decisions (set out in Appendix 1) taken in accordance with access to information procedure rules 19 and 20.

### BACKGROUND INFORMATION

2. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires local authorities to consider an annual report detailing each executive decision where the making of the decision was agreed as a special urgency decision.
3. Special urgency decisions are decisions that need to be taken within five clear working days; i.e. the requirements of access to information procedure rule 18 (general exception) on notice cannot be complied with. The decision will be subject to call-in.
4. The procedure for special urgency decisions is set out in Rule 19 of the access to information procedure rules. It states:

“If the date by which a decision must be taken means that rule 18 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of the overview and scrutiny committee that the taking of the decision cannot be reasonably deferred.

If there is no chair of the overview and scrutiny committee, or the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the Mayor of the council, or in his/her absence the Deputy Mayor will suffice.”

5. Urgent implementation decisions are decisions that whether they have been included on the forward plan or not, need to be implemented immediately by virtue of the urgency of the actions that need to be taken. The decision will not be subject to call-in. Decisions taken under urgent implementation are not required to be reported to council assembly, however as urgency also applies these have been included.

6. The procedure for urgent implementation is set out in Rule 20 of the access to information procedure rules. It states:

“If a decision needs to be implemented immediately by virtue of the urgency of the actions that need to be taken, then the decision can only be taken if the decision maker (if an individual) or the chair of the body making the decision obtains the agreement of the chair of overview and scrutiny committee both that the decision proposed is:

- a) reasonable in all circumstances
- b) to be treated as a matter of urgency.”

#### KEY ISSUES FOR CONSIDERATION

7. The schedule listed as Appendix 1 contains details of those decisions which have been considered under the provisions of special urgency and or urgent implementation from 18 March 2013.

#### Community impact statement

8. There are no community impact implications arising from this report.

#### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Special Urgency and Urgent Implementation Decisions	Council Offices, 160 Tooley Street, SE1 2QH	Kenny Uzodike 020 7525 7236
<b>Link</b> <a href="http://moderngov.southwark.gov.uk/mgListPlans.aspx?RPId=50000003&amp;RD=0">http://moderngov.southwark.gov.uk/mgListPlans.aspx?RPId=50000003&amp;RD=0</a>		

#### APPENDICES

No.	Title
Appendix 1	Schedule of Special Urgency and Urgent Implementation Decisions

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Proper Constitutional Officer	
<b>Report Author</b>	Everton Roberts, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	13 March 2014	
<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>
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	13 March 2013	

## APPENDIX 1

### SCHEDULE OF SPECIAL URGENCY / URGENT IMPLEMENTATION DECISIONS – 2013/14

REPORT TITLE/DECISION SUMMARY	DATE AND MEMBER WHO AGREED TO SPECIAL URGENCY / URGENT IMPLEMENTATION	REASON FOR URGENCY	DATE DECISION AGREED
<p>Gateway 3 Contract Variation – Anchor Trust Contract for the provision of residential care homes.</p> <p>The leader of the council agreed the contract variation.</p>	<p>18.3.2013 (Special Urgency)</p> <p>Councillor Catherine Bowman, Chair of Overview and Scrutiny Committee</p>	<p>It was important that the decision was taken by the 19 March to enable the decision to be implemented in the current financial year following the end of the scrutiny call-in period, as budget provision had been made for the early repayment of capital in 2012/13 financial year.</p> <p>If the decision was delayed there was a significant risk that the revenue savings of £936.000 for 2013/14 would not be achieved and that the council would not have been able to secure the cumulative revenue savings of over £11million over the remaining term of the contract.</p>	20.3.2013
<p>Setting fees and charges for Burgess Park BMX track</p> <p>The cabinet member for transport, environment</p>	<p>31.7.2013 (Urgent Implementation)</p> <p>Councillor Gavin Edwards</p>	<p>The next forward plan related to decisions to be taken from September 2013 onwards. The BMX track was due to open in</p>	2.8.2013



REPORT TITLE/DECISION SUMMARY	DATE AND MEMBER WHO AGREED TO SPECIAL URGENCY / URGENT IMPLEMENTATION	REASON FOR URGENCY	DATE DECISION AGREED
and recycling agreed the proposed non-statutory fees and charges for the Burgess Park BMX track for 2013/14 with an implementation date of 6 August 2013.	Vice Chair of Overview and Scrutiny Committee	<p>Burgess Park on 6 August 2013 and as such the fees and charges needed to be approved by that date in order that they could be applied once the track was opened.</p> <p>If the decision was to wait for inclusion in the next forward plan it would have meant that there would be a period of time from the 6 August 2013 where fees and charges could not be applied which would have equated to a loss of approximately £2,000.</p>	
<p>Scrap Metal Dealers Act 2013 – Fees &amp; Charges</p> <p>The leader of the council agreed the schedule of fees and charges in respect of applications for licences under the Scrap metal Dealers Act 2013.</p>	<p>26.9.2013 (Urgent Implementation)</p> <p>Councillor Catherine Bowman, Chair of Overview and Scrutiny Committee</p>	<p>If the council had not set fees and charges by 1 October 2013, there was some debate as to whether the council would have retained the right to make a charge for a licence as of day 1 of the new process and/or potential for claims against the council if existing operators were unable to apply for a licence to continue their trade within the window provided.</p>	27.9.2013

REPORT TITLE/DECISION SUMMARY	DATE AND MEMBER WHO AGREED TO SPECIAL URGENCY / URGENT IMPLEMENTATION	REASON FOR URGENCY	DATE DECISION AGREED
		If the council was not in a position to charge licence fees through the transitional period this would have resulted in a potential loss of around £5000.	
<p>Waiving of car parking charges on Small Business Saturday (7 December 2013)</p> <p>The cabinet member for transport, environment and recycling agreed to the waiving of all car parking charges across the whole of the borough on Small Business Saturday (Saturday 7 December).</p>	<p>4.12.2013 (Urgent Implementation)</p> <p>Councillor Catherine Bowman, Chair of Overview and Scrutiny Committee</p>	<p>On 27 November 2013 council assembly considered a Motion on ("Small Business Saturday"). As part of the discussion around the motion it was announced that the car parking charges relating to high streets across the borough should be waived in support of small business Saturday taking place on 7 December 2013.</p> <p>Under the council's constitution decisions in relation to the setting of parking fees and charges are delegated to the cabinet member for transport, environment and recycling. The decision therefore needed to be taken through the cabinet member individual decision making process. The timescales for the individual decision making process relating to notice of decision and scrutiny process</p>	5.12.2013

REPORT TITLE/DECISION SUMMARY	DATE AND MEMBER WHO AGREED TO SPECIAL URGENCY / URGENT IMPLEMENTATION	REASON FOR URGENCY	DATE DECISION AGREED
		<p>needed to be waived to enable the required decision to take effect by Saturday 7 December.</p> <p>Agreement was therefore sought for the decision to be processed via the urgent implementation process which enabled the decision to be taken and implemented in time for Small Business Saturday.</p>	
<p>Representation to proposed Northern Line Extension (NLE)</p> <p>The cabinet member for transport, environment and recycling agreed to the formal withdrawal of the council's objections to the London Underground (Northern Line Extension) Order served upon the council by Transport for London ("TfL") on the 30 April 2013, with the exception of the ground of objection concerning the disapplication of street works.</p>	<p>19.12.2013 (Urgent Implementation)</p> <p>Councillor Catherine Bowman, Chair of Overview and Scrutiny Committee</p>	<p>The council was scheduled to appear at the Public Inquiry into the NLE on 19 December 2013. Therefore, the decision had to be taken by the cabinet member prior to this date to avoid an unnecessary appearance and to prevent any further costs being incurred by the council. The public inquiry programme officer and TfL also needed to be informed so that further costs were not incurred by these parties which could of potentially lead to the council being subject to a costs claim.</p>	<p>19.12.2013</p>

REPORT TITLE/DECISION SUMMARY	DATE AND MEMBER WHO AGREED TO SPECIAL URGENCY / URGENT IMPLEMENTATION	REASON FOR URGENCY	DATE DECISION AGREED
<p>Cleaner Greener Safer Revenue 2014/15 (All community councils) Cleaner Greener Safer Capital 2014/15 (All community councils)</p> <p>The community councils agreed the cleaner, greener safer, revenue and capital allocations.</p>	<p>30.01.2014 (Special Urgency)</p> <p>Councillor Catherine Bowman, Chair of Overview and Scrutiny Committee</p>	<p>The allocations needed to be made before 1 April 2014, the next round of community council meetings were not until March / April 2014. It was also necessary to make funding decisions so projects could commence from April 2014.</p>	<p>Bermondsey and Rotherhithe Community Council 29.01.2014</p> <p>Dulwich Community Council 29.01.2014</p> <p>Borough, Bankside and Walworth Community Council 01.02.2014</p> <p>Camberwell Community Council 12.02.2014</p> <p>Peckham and Nunhead Community Council 12.02.2014</p>

REPORT TITLE/DECISION SUMMARY	DATE AND MEMBER WHO AGREED TO SPECIAL URGENCY / URGENT IMPLEMENTATION	REASON FOR URGENCY	DATE DECISION AGREED
<p>Neighbourhood Planning – Application for a Neighbourhood Area for Elephant and Walworth</p> <p>The cabinet member for regeneration and corporate strategy noted the application from the Elephant and Walworth Neighbourhood Forum for the designation of the Elephant and Walworth Neighbourhood Development Area and agreed to the application be publicised.</p>	<p>26.2.2014 (Urgent Implementation)</p> <p>Councillor Catherine Bowman, Chair of Overview and Scrutiny Committee</p>	<p>In order to progress the Neighbourhood Planning process the application needed to be publicised in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012. A period of at least 6 weeks (from the date of first publication) was required for the receipt of representations in relation to the application.</p> <p>In order to avoid any part of the 6 week consultation taking place during the pre-election period, the decision needed to be taken prior to Monday 3 March 2013. Under Regulation 6 of the Neighbourhood Planning (General) Regulations 2012 the council has a statutory duty to consult as soon as possible after receiving an area application from a relevant body.</p> <p>If the decision could not be taken before Monday 3 March, it would have lead to a significant delay in the Neighbourhood Planning</p>	<p>27.02.2014</p>

REPORT TITLE/DECISION SUMMARY	DATE AND MEMBER WHO AGREED TO SPECIAL URGENCY / URGENT IMPLEMENTATION	REASON FOR URGENCY	DATE DECISION AGREED
		<p>process. The consultation would have either needed to be commenced after the elections or split in two parts, the first part ending prior to the commencement of the pre-election period and the second part starting after the elections. Either would have resulted in a significant delay and may have resulted in a non-determination challenge from the applicant.</p>	

<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 26 March 2014	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Section 15 of The Local Government and Housing Act 1989 – Review of Proportionality	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATION

1. That following the formation of a new political group on the council, council assembly notes the review of proportionality and considers the following in respect of the representation of different political groups on the council's committees and panels:

### Ordinary committees

2. That the overall number of seats on ordinary committees be increased from 35 to 37 to accommodate one extra Labour place and an All People's Party Group (APP) place. It is recommended that the two additional seats are allocated to standards committee as set out in Table 2 (see paragraph 17). The allocation of places to the Liberal Democrat and Conservative groups remain unchanged.

### Other committees

3. That council assembly notes that the current allocation of places on the overview and scrutiny committee remains proportionate: Labour 6; Liberal Democrat 4; Conservative 1. No change is required.
4. That council assembly notes that the current allocation of places on the licensing committee remains proportionate: Labour 8, Liberal Democrat 6 and Conservative 1 place. No change is required.

### Sub-committees

5. That council assembly notes that the current allocation of Labour 4 and Liberal Democrat 3 places on sub-committees remains proportionate. The allocation of seats on each sub-committee bears the same proportion to the number of the seats held by that group on the council.

### Panels

6. That the memberships of council assembly business panel and constitutional steering panel (CSP) be changed to include the APP group whip and an extra Labour group place (see Table 5 and paragraph 26). No change is required to voluntary bodies appointments panel.

### **Pensions advisory panel**

7. That it be noted that the membership of the pensions advisory panel is contained in the constitution. Council assembly would have to refer this issue to CSP to consider whether it wished to recommend any constitutional change to the membership of the panel. No change is recommended at this stage.

### **BACKGROUND INFORMATION**

8. In a letter to the chief executive dated 18 February 2014, Councillors Althea Smith and Stephen Govier gave notice under The Local Government (Committees and Political Groups) Regulations 1990 of the formation of a new political group which is to be known as the All People's Party Group.
9. Councillors Althea Smith is the group leader. Councillor Stephen Govier is the deputy leader and chief whip of the new group.
10. In accordance with section 15 of The Local Government and Housing Act 1989, the council's monitoring officer has requested that the proper constitutional officer undertake a review of the representation of different political groups at committees of the council.

### **Process for making changes to proportionality**

11. The council's constitution requires that any changes to proportionality must be approved by council assembly. Officers have reviewed the impact on the proportionality calculations on the council's committees for the remainder of municipal year 2013/14 and these are outlined within this report.

### **Division of seats**

12. The division of seats and percentage allocation of each political group on the council is as follows:

**Table 1: Division of seats**

<b>Group</b>	<b>Total</b>	<b>%</b>
Labour	33	52.38
Liberal Democrat	25	39.68
Conservative	3	4.76
All People's Party Group	2	3.18
Total	63	100.00

### **KEY ISSUES FOR CONSIDERATION**

#### **Ordinary committees**

13. The regulatory and other committees are the "ordinary committees" of the council. In May 2013 the annual meeting established the following:
- Appointments committee
  - Planning committee
  - Audit and governance committee
  - Corporate parenting committee



- Standards committee.
14. The proportionality for ordinary committees is based on the total of number of seats on ordinary committees compared to the overall allocation of seats each political group has on the council. It will be for council assembly to determine the size and composition of the council's "ordinary committees" based on the total number of seats.
  15. The total number of seats is currently 37, but will need to be adjusted upwards to provide an additional place for the All People's Party Group (APP) on one of the ordinary committees and an extra place for the majority Labour group, to maintain a majority on each individual committee.
  16. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.
  17. An increase to an overall total of 39 seats will provide a more proportionate allocation of seats. In the past the council has agreed to provide a seat on the standards committee to all political groups on the council because of the important nature of its business, i.e. general duty to "promote and maintain high standards of conduct by members and co-opted members" of the authority". Therefore in line with this practice the extra two places are allocated to the standards committee. The changes are shown in Table 2 below in bold.

**Table 2: Ordinary Committees - Total number of seats 39**

Note: The current allocation is shown in brackets with the proposed changes in bold.

<b>Committee</b>	<b>Total</b>	<b>Lab</b>	<b>Lib Dem</b>	<b>Con</b>	<b>APP</b>	<b>Comment</b>
Committee 1 Appointments Committee	7	4	3	0	<b>0 (-)</b>	No change.
Committee 2 Planning Committee	7	4	3	0	<b>0 (-)</b>	No change.
Committee 3 Standards Committee	<b>11 (9)</b>	<b>6 (5)</b>	3	1	<b>1 (-)</b>	APP allocated one seat.
Committee 4 Audit and Governance Committee	7	4	2	1	<b>0 (-)</b>	No change.
Committee 5 Corporate Parenting Committee	7	4	3	0	<b>0 (-)</b>	No change.
Total	<b>39 (37)</b>	<b>22 (21)</b>	14	2	<b>1 (-)</b>	

#### **Other committees**

18. The following council committees are not "ordinary" committees and are considered separately for the purposes of proportionality. These include:
  - Overview and scrutiny committee
  - Licensing committee

- Health and wellbeing board.
19. Separate legal arrangements exist for the composition of the health and wellbeing board and proportionality does not apply to this committee because this council has agreed that its council appointments will be made by the leader of the council.
  20. The allocation of seats on the overview and scrutiny committee and licensing committee<sup>1</sup> remain proportionate. No change is required.

**Table 3: Allocation on other committees**

<b>Committee</b>	<b>Total</b>	<b>Lab</b>	<b>Lib Dem</b>	<b>Con</b>	<b>APP</b>
Overview and scrutiny Committee	11	6	4	1	0
Licensing Committee	15	8	6	1	0
Health and Wellbeing Board	3	3	0	0	0

#### **Sub-committees**

21. The overview and scrutiny committee and planning committee both have sub-committees. The rules on proportionality apply to these meetings.
22. All existing sub-committees are comprised of a total of seven members: Labour group 4 places and Liberal Democrat 3. As a consequence of the proportionality review, there is no change to the allocation of places on any sub-committees.
23. Sub-committees are not “ordinary” committees and are each considered individually for the purposes of proportionality. So far as it is reasonably practicable to do so, the allocation of seats on each sub-committee bears the same proportion to the number of the seats held by that group on the council.
24. Licensing sub-committees are not subject to proportionality rules<sup>2</sup>.

#### **Review of the council’s panels**

25. Panels are not required to be proportionate. This is a matter of local choice for the local authority.
26. Table 5 sets out the current allocation of places on the council’s panels and in bold show the proposed changes in light of the proportionality review to maintain

<sup>1</sup> Section 6 of the Licensing Act 2003 requires that each licensing authority must establish a licensing committee of at least 10, but no more than 15 members of the authority. There is no requirement in the Licensing Act 2003 that the licensing committee should be proportionate. The council in the past has established a proportionate committee of 15 members.

<sup>2</sup> In accordance with the constitution, a licensing sub-committee with delegated authority to hear licence applications including Licensing Act 2003, Gambling Act 2005, street trading and other licensing responsibilities granted by statute. The sub-committee to include members of the licensing committee with a quorum of three members and a reserve and are called upon when required and membership is based on the allocation process agreed by the licensing committee in December 2007.

the status quo in the allocation of places to political groups. As a result the council assembly business panel and constitutional steering panel will need to increase to six places to provide a place for the AAP group whip and an extra Labour group place. There is no change to the voluntary bodies appointment panel as the present composition of 3 Labour and 2 Liberal Democrat members remains the most proportionate allocation.

27. With regard to the pensions advisory panel, council assembly in May 2013 established a pensions advisory panel comprised of three members (one from each political group of the council at the time), officers, independent advisors and a trade union representative. The membership of this body is enshrined in the constitution; therefore any change to the membership would require prior consideration by CSP who may recommend a constitutional change. Therefore no proportionality or membership change is recommended at this stage.

**Table 5: Allocation of places on council panels**

Note: The current allocation is shown in brackets with the proposed changes in bold.

<b>Committee</b>	<b>Total</b>	<b>Lab</b>	<b>Lib Dem</b>	<b>Con</b>	<b>APP</b>
Council assembly business panel	<b>6 (4)</b>	<b>3 (2)</b>	1	1	<b>1 (-)</b>
Constitutional steering panel	<b>6 (4)</b>	<b>3 (2)</b>	1	1	<b>1 (-)</b>
Pensions advisory panel	3	1	1	1	<b>0 (-)</b>
Voluntary bodies appointment panel	5	3	2	0	<b>0 (-)</b>

### **Proportionality – The legal position**

28. The size and composition of the council's regulatory and other committees are established in accordance with the number of seats each political group has on the council as a whole – this is known as "proportionality".
29. The Local Government and Housing Act 1989 covers the allocation of seats to political groups. It makes no provision for single independent councillors so they do not form part of the proportionality considerations.
30. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as is reasonably practicable:
- (i) That not all the seats on a committee or sub-committee are allocated to the same political group;
  - (ii) That the majority group must have the majority of seats on each committee or sub-committee;

Note: As the Labour Group has an overall majority on the council, this principle has been applied.

- (iii) Subject to (i) and (ii) above, it must be ensured that the proportion of each political group's seats of the total number of seats on "ordinary committees" reflects, as closely as possible, their proportion of seats on full council; and,

- Notes: 1. The ordinary committees are appointments, planning, audit and governance and corporate parenting and the standards committee. The total number of seats on these committees must be allocated as proportionately as is reasonably practicable.
2. The licensing committee is appointed under the Licensing Act 2003, the overview and scrutiny committee is appointed under section 21 of the Local Government Act 2000 and the health and wellbeing committee is appointed under the Health and Social Care Act 2012 and is to be treated as if appointed under section 102 of the Local Government Act 1972. None of the committees are an ordinary committee.

- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.

Note: This rule applies to all committees, sub-committees and joint committees, except for the licensing committee.

### **Appointments to seats**

31. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of an authority or committee to exercise its power to make appointments in such a way as to give effect "to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group".
32. There is no requirement that a seat allocated to a particular group can only be filled by a member of that group. Therefore, groups have discretion to allocate seats as they wish, including to a member of another group, or an individual councillor or councillors sitting on the council.

### **Additional advice on ordinary committees**

33. The size and composition of the council's regulatory and other committees known as "ordinary committees" is set out above. The proportionality is based on the total number of seats compared to the overall allocation of seats each political group has on the council. As the Labour Group has an overall majority on the council, it has been allocated a majority on each committee. The total number of seats on individual committees has had to be adjusted to ensure an overall proportionate allocation and ensure a majority on each committee.
34. Council assembly is exercising a matter reserved to it in Part 3A (4) of the constitution to establish committees. It is for council assembly to set the total number of seats and allocate them to the committees numbered 1 to 5 in the table 2 above.
35. At least one member of the cabinet shall serve on the appointments committee.

36. The constitution states no more than one member of the cabinet may be a member of the audit and governance committee and no cabinet member may chair the committee. The chair may be a deputy cabinet member as this role does not include the exercise of any delegated powers.
37. No more than one member of the overview and scrutiny committee may be a member of the audit and governance committee and no member of the overview and scrutiny committee may chair the committee. In 2013/14 no members of the cabinet sit on the audit and governance committee and Councillor Toby Eckersley is the overview and scrutiny committee member on the committee.

### **Reserve members**

38. The council assembly, committee and overview and scrutiny procedure rules make provision for the appointment of reserve members to council committees and to scrutiny committees. There is no provision for reserves on the licensing committee, the health and wellbeing board or community councils.
39. Each political group can appoint reserve members. The number of reserve members a group can appoint is, with the exception of the overview and scrutiny committee and standards committee, one less than the number of places the group holds on the committee or sub-committee. If a political group holds only one place on a committee or sub-committee, that group may appoint one reserve member.
40. On the overview and scrutiny committee and the standards committee, the number of reserve members that each political group can nominate is equal to the number of places each group holds on the committee.

### **Community impact statement**

41. There are no specific community impact implications.

### **Resource implications**

42. There are no resource implications.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Council Assembly (Annual Meeting) 22 May 2013 – Agenda	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**

<b>No.</b>	<b>Title</b>
None	

**AUDIT TRAIL**

<b>Lead Officer</b>	Graeme Gordon, Director of Corporate Strategy	
<b>Report Author</b>	Ian Millichap, Constitutional Manager	
<b>Version</b>	Final	
<b>Dated</b>	13 March 2014	
<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>
Director of Legal Services	Yes	Incorporated in report
Strategic Director of Finance and Corporate Services	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		13 March 2014

<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 26 March 2014	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Constitutional Changes – Urgency Arrangements between a Municipal Elections and Annual Council Assembly and Annual Meeting in 2014	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

That the following constitutional changes be adopted by council assembly, as recommended by the constitutional steering panel:

### **Urgency arrangements between the elections and annual meeting 2014**

1. That the changes identified in paragraphs 9 – 15 and amendments in Appendix A to the urgency arrangements during the interim period between a municipal election and annual council assembly be agreed. These arrangements will apply until the annual meeting (constitutional meeting) on Wednesday 11 June 2014.

### **Annual meeting in 2014**

2. That the amendment to the notice period for the annual meeting (mayor-making and constitutional meetings) to allow it to held as soon as reasonably possible following the municipal elections (see amendment in paragraph 22; background information in paragraphs 16 – 23), be agreed.

## BACKGROUND INFORMATION

### **Leader of the council**

3. The current constitution (Article 6.3) follows the Local Government Act 2000 (as amended by Local Government and Public Involvement in Health Act 2007) which prescribes the leader's term of office where a council has all-out elections (section 44D LGA 2000) – i.e. the leader's term of office ends at the start of the post-election annual meeting which follows his election as leader. In other words, for councils like Southwark which have all-out elections, the term of office is four years. The constitution also states in Article 6.3(c) that the leader shall hold office until he is no longer a councillor or in Article 6.3(a) he resigns from office. This means that in the period after a borough-wide election the leader shall remain in office so long as he is re-elected, or does not stand down as leader or a councillor.

### **Urgency committee arrangements in 2010**

4. In 2010 the urgency committee, together with planning, licensing and standards sub-committees, functioned during an interim period between a municipal election and the annual meeting of council assembly. The urgency committees

could exercise all the functions of the council, other than those reserved by law to council assembly for decision, in cases where in the opinion of the chief executive it was necessary to act urgently. In 2010 neither the urgency committee nor any of its sub-committees met to consider any business. In the past the urgency committee has normally only met to consider contract related issues that are time sensitive and cannot wait for the annual meeting to establish the decision making arrangements.

5. Following elections in 2010, the council introduced strong leader executive arrangements and appointed a leader of the council for a period of four years. The leader is responsible for all executive function decision making within the council, and at each annual meeting sets out his scheme of delegation to cabinet, individual cabinet members and officers.

#### **Changes for council elections in 2014**

6. Following the borough-wide election in 2014, the term of office of cabinet members will cease so any cabinet and individual cabinet member decision making will automatically revert to the leader. In line with the constitution, the current leader's term of office runs to the annual meeting in 2014, which will appoint a new leader.
7. Because the current leader (if personally re-elected to his seat) will remain in post following the council elections, the previous urgency committee arrangements require review to bring the provisions up to date. This has been regularly reported to previous annual meetings, including the last annual meeting on 22 May 2013. Officers undertook to review the arrangements and report to the constitutional steering panel with future proposals prior to the next borough wide elections in 2014. Paragraphs 9 to 15 and Appendix A set out the proposed changes.

#### **Advice on constitutional changes**

8. All constitutional changes are considered by the constitutional steering panel, which then recommends changes to council assembly. Changes to the constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.15.

Changes to the constitution are shown as follows:

- Additions (shown as underlined)
- Deletions (shown with a ~~strikethrough~~).

#### **KEY ISSUES FOR CONSIDERATION**

##### **Urgency arrangements for 2014**

9. The following arrangements will only apply to those functions of the council that are not reserved by law to council assembly for decision, in cases where in the opinion of the chief executive it is necessary to act urgently. This is the same as the urgency arrangement that applied in 2010.
10. The urgency arrangements during an interim period between a municipal election and annual meeting have been reviewed to reflect the provisions of the current



strong leader arrangements. These arrangements will apply until the annual meeting (constitutional meeting) which council assembly on 26 February 2014 confirmed will be held on Wednesday 11 June 2014. The detailed changes to the constitution are set out in Appendix A and summarised below:

11. Executive arrangements – Executive decisions will be exercised by the leader (if personally re-elected or his nominee, a relevant cabinet member). If the leader is not re-elected, then any executive decisions will be dealt with by the urgency committee (see paragraph 13 below). If the leader (or relevant cabinet member) is required to take an executive decision, because the normal scrutiny arrangements will not have been established by the annual meeting, it is proposed executive decisions will be treated in a similar way to urgent implementation decisions or an urgent decision outside the budget and policy framework. Normally this would mean before a proposed decision can be implemented agreement is obtained from the chair of the overview and scrutiny committee that the decision is a matter of urgency, i.e. the decision cannot be reasonably deferred. In the period after the election it is proposed that agreement should be sought from the leader of the other largest political group (or their nominee) or, if unable to act, the outgoing Mayor. In a post-election situation where the need for urgency might be paramount then approaching a named post holder will allow more accountable and efficient decision making.<sup>1</sup>
12. Any consideration of a request for an urgent decision would be in the form of a report including advice of the relevant chief officer, monitoring officer and chief finance officer. If the member considering the urgent request was minded to refuse a request the constitution would oblige them to seek advice from the monitoring officer and chief finance officer on the impact of any refusal and to provide written reasons based on the principles of decision making set out in the constitution.<sup>2</sup> This is set out in Appendix 1.
13. Urgency committee – If the leader is re-elected the urgency committee will deal with non-executive functions only that are not reserved by law to council assembly, and are not planning or licensing applications. It is considered prudent from a constitutional perspective that such a committee exists, although at this stage it is envisaged that non-executive decision making opportunities (which are not planning or licensing) might be limited. In the event the leader is not re-elected or is unable to act, the urgency committee will also exercise executive functions. The existing urgency committee arrangements and composition are unchanged.
14. Planning and licensing – The existing arrangements for a planning (urgency) sub-committee and a licensing (urgency) sub-committee will be retained. Each licensing (urgency) sub-committee convened to hear an urgent application will comprise of three licensing members who will be selected using the current procedure from the pool of re-elected councillors who previously served on the licensing committee.

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<sup>1</sup> This is a variation from the existing urgent implementation provisions (access to information procedure rule 19) which state that “if there is no chair or if the chair is unable to act, then agreement of the vice-chair or in his/her absence any two members of the overview and scrutiny committee shall suffice...the whips of the two largest political parties shall nominate one member each.” See also budget and policy framework rule 4.

<sup>2</sup> Article 1.3 and overview and scrutiny procedure rule 21.2

15. Standards sub-committee – The standards urgency sub-committee is no longer required as the old arrangements for dealing with complaints against councillors were amended in 2012, following the Localism Act 2011. The previous system required complaints to be assessed by a committee of members within a certain timescale, which no longer applies.

#### **Notice of annual meeting after 2014 elections**

16. On 22 May 2014 the borough-wide local elections and European elections will be held on the same day. The returning officer has indicated that the validation process for both elections will be held on the Thursday evening and the local election count will be held on Friday 23 May 2014. The count for the European elections will be held on Sunday 25 May 2014. A similar situation occurred in 2010 when parliamentary and local elections were held on the same day; as a result the count for the local elections commenced on the Friday following election day.
17. The annual council (mayor making) is scheduled for Saturday 7 June 2014, with the annual council (constitutional) scheduled for Wednesday 11 June 2014. The mayor making will be held jointly with the Civic Association's Civic Awards ceremony at Southwark Cathedral. In accordance with council assembly procedure rule 1.1 (1) (set out below), the summons for the meeting must be despatched seven clear working days in advance of the meeting, normally this would be Wednesday 28 May 2014. However with a bank holiday on Monday 26 May 2014, it would not be possible to complete all the administrative arrangements prior to the normal despatch date.
18. The current council assembly procedure rule 1.1 (1) states:
 

The chief executive will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least seven clear working days before the meeting, the chief executive will send a summons signed by him or her by post to all members of the council or leave it at their usual place of residence. ....'
19. Following the announcement of the local election results officers need to prepare agenda documentation, update systems and the membership lists of the council used by the post room to establish the members' drop. These processes might not be complete until Friday 30 May 2014, which would be after the deadline for despatch of the annual council agenda.
20. It is therefore suggested that council assembly despatch be reduced to five clear working days for both parts of the annual meeting. This constitutional change would not necessitate a reprinting of the constitution.
21. The council is responsible for approving its procedures for conduct of meetings. It has been customary for Southwark to summons meetings of council assembly seven clear working days in advance of the meeting. However, schedule 12 of the Local Government Act 1972 allows for less than the seven clear working days for the public notice of meetings of a principal council (and of its committees and sub-committees).
22. The constitutional steering panel asked to recommend that council assembly adopts the following change to the constitution:

## **Elections: Council Assembly Procedure Rules**

Add new rule 1.1 (1b) to read:

'In the event that either parliamentary or European or London wide elections and local elections are held on the same day, the chief executive 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 the meeting, the chief executive will send a summons signed by him or her by post to all members of the council or leave it at their usual place of residence. ....'

Renumber the existing rule 1.1 (1) as 1.1 (1a).

23. The change will be applied to the annual meeting in any future year when either parliamentary or European or London wide elections and local elections are held on the same day.

### **Community impact statement**

24. There will be no direct impact on local people from adoption of these changes to the council's constitution. The constitution will enable people, including the local community where relevant, to understand the role that they can play in the decision making of the council and how the council will safeguard high standards of conduct amongst members and officers. Notice of any meetings, agenda and decisions will be published on the council's website, subject to the restrictions on publication including the exemptions as set out in the access to information procedure rules or issues of confidentiality. Any specific issues relevant to each constitutional change are set out in the relevant section of this report.

### **Resource implications**

25. The budget for 2013/14 was set on 27 February 2013 and any changes to the constitution must be contained within the budget.
26. The constitution is produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. Therefore, it is anticipated that the cost can be contained within existing budgets.

### **Legal implications**

27. Section 26 of the LGA 1972 says: "On the fourth day after any such ordinary election – (a) the persons who were councillors immediately before the election shall retire; and (b) the newly elected councillors shall assume office."
28. This means that existing councillors will continue to serve until the fourth day after the election, when their term of office, basic allowance and any associated special responsibility allowances (SRAs) to committee chairs, cabinet members and other positions would cease until appointments are made either by the leader where he/she has the power or at the annual meeting. In the case of the leader and the Mayor their SRAs continue until the annual meeting in line with the council's constitution. In the case of current cabinet members (if re-

elected), the leader may use his strong leader authority to delegate executive functions to re-appoint them on the fifth day after the election as cabinet members.

29. Other legal implications are incorporated into the body of this report.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution <a href="http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution">http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution</a>	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

Appendix	Title
Appendix 1	Proposed changes to Urgency Arrangements for 2014

## AUDIT TRAIL

<b>Lead Officer</b>	Graeme Gordon, Director of Corporate Strategy	
<b>Report Author</b>	Ian Millichap, Constitutional Manager	
<b>Version</b>	Final	
<b>Dated</b>	13 March 2014	
<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>
Director of Legal Services	Yes	Incorporated in the report
Strategic Director of Finance and Corporate Strategy	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	13 March 2014	

## DRAFT ARRANGEMENTS 2013/14

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**PART 3N: URGENCY ARRANGEMENTS AND COMMITTEES**

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**Introduction**

In the interim period between a full municipal election and the council assembly (annual meeting), council assembly will operate urgency arrangements to deal with decision making and will constitute the urgency committees for non executive functions, planning and licensing. Separate arrangements shall apply for executive functions during this period.

**Role and functions**

1. To exercise all the functions of the council, that are not reserved by law to council assembly for decision in cases where, in the opinion of the chief executive it is necessary to act urgently in order to secure the efficient and expeditious conduct of the council's business.
2. To consider planning and licensing applications ~~and standards local filter issues~~, as set out in part 3 of the constitution, through sub-committees comprised of those councillors who have been re-elected and served on the relevant committees (or in the case of planning have undertaken the required training) prior to the municipal election.

**Matters reserved for decision**

The matters reserved for decision ~~to the committee~~ are as set out in the roles and functions.

**Notes****Executive functions**

- a) The urgency arrangements for executive functions are set out below:
  - (1) The leader of the council (if personally re-elected or his nominee, who must be a cabinet member) will take all executive urgent decisions which shall be recorded on a record of decision.
  - (2) In the absence of a formal call-in process in this period, the urgent decision may only be taken if the leader of the other largest political group (or his/her nominee) or if he/she is unable to act the outgoing Mayor is satisfied the proposed decision is a matter of urgency.
  - (3) In the event the leader of the other largest political group (or his/her nominee) or outgoing Mayor is not satisfied that the matter is urgent and concludes it can be reasonably deferred, he/she must set out their reasons for doing so after having taken account of the decision making principles in the constitution and having sought the advice of the council's monitoring officer and chief finance officer. The decision would be

referred to the relevant executive decision maker to consider after the annual meeting.

- ~~b) The following membership would serve on the committee and sub-committees:~~
- c) Urgency committee: The urgency committee, together with its sub-committees, will consider non-executive decisions. If the leader is not personally re-elected (or the leader is unable to act), then any executive decisions will also be dealt with by the urgency committee. The membership of the urgency committee will comprise of the leaders (or nominee) of the two largest political groups of the council (1 reserve member each – deputy leaders (or nominee)). It will be possible for one member of the urgency committee to refer any decision as a recommendation to a meeting of the council assembly.
- d) Licensing (urgency) sub-committee: The urgency sub-committee will be comprised of those members of the licensing committee who served on the relevant committee in the year prior to the elections and are re-elected.<sup>1</sup>
- e) Planning (urgency) sub-committee: The urgency sub-committee will be comprised of three Labour and two three Liberal Democrat and one Conservative members. It should be noted that only members who have received the necessary planning training are able to take part in the consideration of planning applications.
- ~~• Standards sub-committee(s): The sub-committees will be comprised of those councillors or the standards committee who are re-elected, together with independent members.~~

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<sup>1</sup> In the event a sub-committee is required to be called to hear an urgent licence application, it will be composed of three members and a reserve and the membership will be based on the allocation process agreed by the licensing committee.

<b>Item No.</b> 7.3	<b>Classification:</b> Open	<b>Date:</b> 26 March 2014	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Pay Policy Statement	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Chief Executive	

### RECOMMENDATION

1. That the council's pay policy statement, as set out in Appendix 1, be agreed.

### BACKGROUND INFORMATION

2. The Localism Act 2011 sets down requirements on authorities to prepare pay policy statements on an annual basis. These statements must describe an authority's policy for the pay of its workforce and be agreed annually in advance of the coming financial year. The Department of Communities and Local Government published initial guidance for local authorities on preparing their statements, which they further supplemented in February 2013, and has been taken into account in developing the pay policy statement given in Appendix 1.

### KEY ISSUES FOR CONSIDERATION

3. Pay statements must be published and thus open to public scrutiny. Under the Localism Act; the statement must describe specific elements of remuneration paid to chief officers. The roles of chief officers are defined and accord with the descriptions used in the Local Government & Housing Act 1989; these being:-
  - The head of the authority's paid service designated under section 4(1) of the Act
  - Its monitoring officer designated under section 5(1) of that Act
  - A statutory chief officer mentioned in section 2(6) of that Act
  - A non-statutory chief officer mentioned in section 2(7) of that Act
  - A deputy chief officer mentioned in section 2(8) of that Act.
4. Nothing in the Act supersedes existing responsibilities and duties placed on authorities in their role as employers. Each local authority is an individual employer in its own right and has the autonomy to make decisions on pay that are appropriate. Instead, the Act focuses on requiring authorities to be more open about their policies and how decisions are made.

5. The Act does not require authorities to publish specific salary data as part of the pay policy statement. Doing so risks data being out of date where any pay awards apply. The declaration of specific salary information is managed by the publication of the statement of accounts and other information under data transparency arrangements. Such specific information is published on the council's website.
6. Appendix 1 to this report sets out the proposed pay statement for agreement by council assembly. This reflects the scope of the posts to be captured and the range of information to be included; as defined in the Act. It should be noted that following publication of pay policies statements in 2012 there was a public debate on whether the statement should include the ratio of earnings between the highest paid employee and other employees. There is no requirement to do so in the Act and no approved method of calculating this. The government commissioned (Hutton) Fair Pay Review, concluded that such a ratio would be unhelpful because it "could create perverse incentives and even become a target for executives [who are currently] earning less" than a government based benchmark. The review did suggest that if such a measure was put forward it should be to compare top earner with median salary. Until such time as there is clarity on definition and methodology for comparing earnings, we do not intend including this data in the policy statement. However, Southwark's ratio between the top earner and the median earnings is 5.48 to 1, (November 13 data); this is low compared to other public bodies which have reported such data.
7. Subject to council assembly's agreement it is proposed to again publish the pay policy statement on the Southwark website as part of Open Data. For the purpose of this report Appendix 3 gives the council's salary and grading structure for April 2014 applicable at the point of drafting the item, i.e. financial values are as at 1 April 2013. This grading structure delivers cabinet's decision of 30 July 2013 that those earning less than £21,000 (full time equivalent) should at minimum receive an annual increase in pay of £250. Details will be further updated to reflect the National Joint Council for Local Government Employees pay award, effective from 1 April 2014, and to consolidate the London Living Wage rate as the minimum spinal column point.
8. From 1 April 2013 public health staff transferred into the council. Under the transfer scheme, with TUPE like protection, existing employees retain their NHS salaries and terms and conditions of employment; this approach is mandatory on the council. There are different schemes of employment, complicated by additional personal entitlements and supplementary payments. The role of director of public health is defined as a chief officer. The actual earnings of this postholder will be published in the annual statement of accounts. When all allowances are taken into account, the earnings of the director of public health are equivalent to other chief officers. For the purpose of this statement; the salary range and key pay characteristics of this post and the assistant directors of public health are described as "other information" to the pay policy statement.

### **Top managers**

9. The pay policy statement is primarily concerned with the salary arrangements of chief officers as defined in the Local Government & Housing Act 1989 (as above). In Southwark this cadre of posts forms the top management team of the council.



10. A contractual element of individual's pay at top manager level is the potential to earn performance related pay (PRP) based on measurable achievements.

### **New employees**

11. Members will note that the proposed pay policy statement (Appendix 1) also makes specific reference to the salary package for staff newly appointed to top manager posts. The Localism Act has the impact of amending the Local Government Act 1972 (appointment of staff) as follows:-

“A local authority's power to appoint officers on such reasonable terms and conditions as the authority thinks fit is subject to section 41 of the Localism Act 2011 (requirement for determinations relating to terms and conditions of chief officers to comply with pay policy statement”.

12. Elected members have a special role in the appointment of chief officers and deputy chief officers as defined, whereby they must be given the opportunity to raise any well founded and material objection to appointment prior to an offer being made. As in previous years it is proposed that to meet requirements under the Localism Act, notification of an appointment includes confirmation of the salary package which attaches to the post and whether this accords with the council's pay policy statement. Were the proposed salary package to be outside the current statement, this to be deemed as an amendment to the pay policy which requires explicit members' approval.

### **Lowest paid employees**

13. The Act requires the council to describe the relationship between the remuneration of its chief officers, and other staff; and to define the “lowest-paid employees” adopted by the authority for the purposes of the statement. The specific information to be included on pay actuals is limited.
14. As described in the statement; the use of job evaluation and the grading structure is the method used to determine the relativities of posts across the Southwark structure. The council's decision to adopt the London Living Wage rate sets the minimum pay rate for staff across the council. Employers' participation in the London Living Wage is voluntary. The council's commitment to adopt, aims to stop working Londoners from falling into poverty; making sure that the unemployed in London are better off in work than living on benefits. London Living Wage has been set at £8.80 per hour (2014) compared to the national minimum wage of £6.31 per hour.

### **Policy implications**

15. The statement is used as a method to articulate the council's existing policy on remuneration, with specific details on top manager posts in particular. As such it does not amend or introduce new policy. Were current arrangements to be amended as a result of the development of the statement; the policy implications and contractual implications of doing so, would require review by cabinet.

### **Community impact statement**

16. Development and publication of the pay policy statement is a useful step in increasing accountability and transparency of council business to the local community. This continues the trend of openness. It allows elected members, those who are directly accountable to the local community, to have input into how decisions on pay are made, particularly senior pay.
17. The equality analysis provided in Appendix 2 to this report clarifies that there are no adverse implications for people of protected characteristics. Publication of the statement accords with good practice of openness in pay arrangements.

### **Resource implications**

18. There are no specific implications arising from the development and publication of the pay statement so far as this represents existing policy. Were future statements seeking agreement to move away from established arrangements it would be necessary to consider financial resources and the employment implications. Changes to individual's terms and conditions are likely to reflect a contractual change requiring consultation and due process in order to be lawful.
19. Publication of the pay statement as presented in Appendix 1 does not create conflict with the Data Protection Act as it does not contain information relating to a particular individual.

### **Consultation**

20. The trade unions have been advised of the need to publish the statement and have been provided with a copy. As the statement is a method to articulate existing policy rather than a change, it is not part of the formal consultation process.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

21. Section 38 of the Localism Act ('the Act') requires a relevant authority to prepare a pay policy statement. Pursuant to section 43 of the Act a London borough is defined as a 'relevant authority'. The statement must set out an authority's policies towards a range of issues relating to the pay of its workforce including the remuneration of its chief officers; the remuneration of its lowest-paid employees; and the relationship between the pay of its chief officers and that of other employees. Chief officer is defined to include chief and deputy chief officers as defined in the Local Government and Housing Act 1989. The statement must state the definition of "lowest paid employees" adopted by the authority for the purposes of the statement and the authority's reasons for adopting that definition. Pay policy statements have to be prepared for each financial year; this began with year 2012/13.

22. The pay policy statement must also specifically cover the authority's policies relating to:
- The level and elements of remuneration for each chief officer (including salary, bonuses and benefits in kind)
  - Remuneration of chief officers on recruitment
  - Increases and additions to remuneration for each chief officer
  - The use of performance-related pay for chief officers
  - The use of bonuses for chief officers
  - The approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority
  - The publication of and access to information relating to remuneration of chief officers.
23. Section 39 of the Act states that an authority's pay policy statement must be approved by a resolution of the authority before it takes effect. This means that the resolution must be by full council before 31 March 2014. Following approval the statement must be published as soon as possible on the authority's website and in any other manner the authority thinks fit. An authority can amend its pay policy statement and any amendment must be made by a similar resolution.
- In complying with its duties on the pay policy requirements relevant authorities in England must have regard to any guidance issued or approved by the Secretary of State. The Department of Communities and Local Government ('DCLG') has published guidance to help English authorities understand and comply with their new duties; this is entitled 'DCLG: Openness and accountability in local pay: Guidance under section 40 of the Localism Act'. The guidance sets out the key policy principles that underpin the pay accountability provisions.
24. Supplementary guidance was issued in February 2013. These were taken into account in preparing this statement.
25. The draft pay policy statement in Appendix 1 will enable the council to meet its obligations under sections 38 to 43 of the Act.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Communities & Local Government: Openness and accountability in local pay	HR – 160 Tooley Street	Bernard Nawrat 020 75257185
Localism Act – Sections 38 – 43	HR – 160 Tooley Street	Bernard Nawrat 020 75257185

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Southwark Council – Pay Policy Statement
Appendix 2	Equality Analysis
Appendix 3	Salary & Grading Structure

**AUDIT TRAIL**

<b>Lead Officer</b>	Eleanor Kelly, Chief Executive	
<b>Report Author</b>	Bernard Nawrat, Human Resources Director	
<b>Version</b>	Final	
<b>Dated</b>	10 March 2014	
<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>
Director of Legal Services	Yes	Yes
Strategic Director of Finance & Corporate Services	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	10 March 2014	

**APPENDIX 1****Southwark Council – Pay Policy Statement**

The Localism Act 2011 requires the council to publish a pay policy statement for each financial year.

This statement relates to year 2014 -15 and it is approved by Council Assembly.

**Scope**

The statement describes our policies towards the pay of top managers (referred to in the Act as “chief officers”) and our approach to the pay of our lowest paid employees. Provisions in the Act do not apply to the staff of local authority schools.

Under the Act a “chief officer” is defined as:

- The head of the authority’s paid service designated under section 4(1) of the Local Government and Housing Act 1989
- Its monitoring officer designated under section 5(1) of that Act
- A statutory chief officer mentioned in section 2(6) of that Act
- A non-statutory chief officer mentioned in section 2(7) of that Act
- A deputy chief officer mentioned in section 2(8) of that Act.

In Southwark, this would apply to the Chief Executive, Strategic Directors and Divisional Heads. We refer to these as “top managers”. This includes the Director of Public Health and the Assistant Directors of Public Health who joined the council from NHS Public Health on 1<sup>st</sup> April 2013 under the transfer scheme, with TUPE like protection. As such, existing employees retain their NHS salaries and terms and conditions of employment. This approach is mandatory on the council. The characteristics of the pay packages of these postholders therefore differ from other top managers in the council. They are excluded from the description that follows; details on these postholders are noted in “Supplementary information – Public Health” below.

**Remuneration**

For existing top managers the term remuneration is used to describe salary, performance related pay, expenses and other monetary allowances or benefits.

The council does not employ top managers under a contract for services, (people who are self employed), and therefore remuneration for such arrangements is not described. All top manager employees are paid via the council’s payroll with appropriate tax and National Insurance deductions made in accordance with HMRC regulations.

**Salary**

In Southwark posts, including top managers, are job evaluated using a single system (Hay) to determine the job size. All job evaluation results for top managers are scrutinized by independent experts at the Hay Group.

The job size determines a job’s placement against the pay spine, through a grading structure.

The pay spine is increased in accordance with pay award settlements determined by the National Joint Council for Local Authorities Services. The last pay award was effective, 1<sup>st</sup> April 2013; in addition Southwark has introduced special arrangements for its lowest paid workers as described below. Any pay award for 2014/15 which is determined by the National Joint Council for Local Authorities Services will be applied to all relevant employees without further referral to Council Assembly.

Individual staff are paid within the grade. People may move through the grades by incremental progression; subject to how well they have performed.

Flexibility allows the payment of market factor supplements; subject to justification against external data and with annual review.

For posts grade 16 and above, specific benefits up to a financial cap may be taken in kind, (e.g. season ticket purchase, car leasing), or paid as an addition to salary. For top managers the annual financial value of such benefits in 2014/15 will be £3,434 - £6,067; dependent on grade. The rates for car leasing have been frozen since 2006 and car leasing arrangements have been closed to top managers joining the organisation since 2007.

### **Performance Related Pay, Other Payments & Expenses**

Top managers' contractual terms include performance related pay (PRP). The award of PRP directly links to business outcomes. Each year work plans are agreed identifying corporate, service and personal targets from which achievements can be measured and award judged. Decisions are made by the organisational "parent" with the Leader of the Council responsible for determining PRP for the chief executive.

With the exception of standby payments made to a limited number of posts in social care, no additional allowances are paid to top managers.

Top managers are not eligible to receive overtime for excess hours worked. In line with all other (non teaching) staff their full time equivalent weekly hours are 36. However, for top managers the contract of employment states this as a minimum and individuals are required to do whatever hours are necessary to get the job done, with no additional payment. Where hours are worked outside "normal office hours"; top managers do not receive enhancements nor shift allowances which other staff on NJC conditions for Local Authorities Services may be entitled.

Top managers do not receive an expenses allowance. In line with all other staff, where essential expenses are incurred in the performance of their duties, costs can be reclaimed, where these are reasonable and public money is being used prudently.

### **Fees for election duties**

Council staff can be employed on election duties of varying types. The fees paid to Council employees for undertaking these election duties varying according to the type of election they participate in, and the nature of the duties they undertake.

Returning Officer duties (and those of deputy returning officers) are contractual requirements and fees paid to them for national elections/referendums are paid in accordance with the appropriate Statutory Fees and Charges Order and are paid by the body responsible for the conduct of the election.

## **New Appointments**

Top Managers joining the organisation:–

- Are paid on the grade for their post.
- Join at the bottom spinal column point of the grade; unless the person can demonstrate that payment above the minimum is essential to match current earnings or to reflect experience and skills to secure engagement. No staff are paid above the grade maximum.
- Do not receive a lump sum payment on joining, sometimes referred to as “golden hellos”.
- May receive expenses relating to their home relocation where this is necessary to secure engagement.

Members have the opportunity to question all salary packages to be offered as part of the recruitment to top manager posts.

## **Leaving the Organisation & Pensioners**

Staff leaving the council on a voluntary resignation basis do not receive a severance payment.

Top managers leaving the council on a voluntary resignation basis will receive no severance payment.

Where the council decides to terminate any employee’s service on the basis of redundancy in employment law terms this is based on the facts of the case, (deletion or diminution of the post). Payment entitlements are enshrined in the council policy on redeployment redundancy and reorganisation and comprise contractual entitlements, (notice unworked, leave not taken), plus redundancy element, in accordance with the statutory table. No other discretionary elements are paid. Payments are made as a multiple of an actual week’s pay. Also for those aged 55 and over, under the pension regulations they become entitled to immediate pension as earned; any costs accruing to the Council for pension payments are capital costs based on an actuarial calculation linked to service and age. In total the cost of this entitlement may add up to more than £100k due to base salary, contract terms, age and length of service, although this would be rare. Entitlements are not discretionary once a redundancy situation arises.

Where the council decides to terminate any employee’s service on the basis of mutual termination on efficiency of the service grounds, the council calculates entitlements relying on the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 and the pension regulation where over 55 years old. Should the cost of the total package exceed £100k, agreement will be obtained via Council Assembly or another properly constituted Member body, prior to finalisation

For top managers, where redundancy or mutual termination occurs information would be included in the declared salary data included in the Statement of Accounts each year. Were an employee’s services to be terminated on these bases the council would not re-engage the individual on a contract for services (i.e. self employed basis).

Vacant top manager posts are recruited to in accordance with the council's recruitment policy with the overarching aim of employing on merit; to engage the best person for the job.

New recruits may be in receipt of a pension under the Local Government Pension Scheme (LGPS) e.g. as a result of service with another Authority. In such cases, the employee's pension entitlement would be abated (reduced in accordance with actuarial calculation) or capped as required under LGPS regulations. This would have no impact on the council's remuneration arrangements.

Under the LGPS Regulations eligible employees may be considered for one of the Scheme's flexible retirement options. This would include instances where the employee reduces to a part time basis or demotion. On such occasions the council's remuneration arrangements would continue as described above plus any pension payable determined by application of LGPS Regulations and that person's membership entitlements.

### **Lowest Paid Staff**

All posts are job evaluated to determine their relative job size; the responsibilities and impact of the post, and the level of knowledge and skill required to carry out those responsibilities. Job sizes are used to determine the grade. Grades are linked to the salary scale. Staff have the potential to move through the grades by incremental progression, based on performance.

Appropriate terms and conditions, e.g. shift allowances, reflect the duties and obligations of posts in accordance with the NJC for Local Authorities Services. There are a small number of posts under different national schemes – education related, craft and retained conditions e.g. Public Health. Bonus payments are not a feature of pay arrangements. Staff are contracted to work 36 hours per week (full time equivalent). Where service provision demands that it is necessary for additional hours to be worked above the full time equivalent, overtime rates would apply. Rates are determined in accordance with NJC Conditions of Service.

Notwithstanding the application of this framework the council has determined that no employee should receive an hourly rate less than the London Living Wage; for 2014/15 the London Living Wage is £8.80 per hour. This is the baseline payment for the lowest paid staff.

### **Other Information**

1. In addition to this statement the council publishes other information on the detail of payments. Information can be found on the Open Data section of the council's website ([www.Southwark.gov.uk](http://www.Southwark.gov.uk)). This includes:-

- The council's grading structure and salary scales.
- The annual statement of accounts. This includes the numbers of people earning £50,000 per year or more in £5,000 bandings. It includes schools. The accounts also give detail, including the name, for those whose pay is £150,000 or more. This covers all remuneration elements including employer's pension contribution.



### Supplementary Information Public Health

1. As noted previously in this statement, from 1 April 2013 a number of postholders transferred from NHS Public Health where the roles that they are performing for the council are captured by the definition of top managers under the Act. The Director of Public Health is a statutory role and a joint post that is shared with Lambeth Council with responsibilities across both Boroughs. The Director has four direct reports; three posts of Assistant Director, one post of Consultant in Public Health.
2. The transfer protected contractual terms and pay. Pay rates, grade ranges and scope for pay progression remain as at transfer. This is a legal requirement and not one which the council has the ability to change.
3. The Director of Public Health and three of the direct reports, are medically qualified consultants on the Consultant Contract 2003. The body that determines salary scales / pay levels for medical consultants is the Doctors and Dentist Review Body (DDRB) and medically qualified staff are on the Consultant Contract (2003). The Director of Public Health's fourth direct report, a non medically qualified public health consultant Assistant Director, transferred on Agenda for Change terms and conditions. The [NHS Employers website](#) offers transparency for both.
4. The Director of Public Health's salary comprises of the following elements:-
  - Basic - Grade range (YM66); [NHS Employers website](#)
  - London Weighting
  - On call
  - Programmed Activities (PAs), see below.
  - Population Supplement.
5. Actual earnings of the Director of Public Health will be published in the council's annual statement of accounts. The total annual earnings of the four reports to the Director will not be listed individually but for information:-
  - The actual contractual hours of these postholders range from 24 hours per week to 40 hours per week.
  - Based on contractual hours and variable elements, noted below, total annual gross earnings range from £64,715 - £115,366.
6. The key features of the consultant contract that relate to pay are:
  - **Programmed Activities (PAs).** The contract is based on a number of programmed activities (PAs) with provision for additional PAs that attract additional funding and are represented in additions to base salary. These are not pensionable.
  - **On Call.** There is provision for 'on call' premium rate payments which are in recognition of the unsociable nature of work falling outside the period of 7 am to 7 pm Monday to Friday and any time on a Saturday, Sunday or public holiday. The rate varies between 1% and 8% basic salary. Depending on the frequency of the duty and whether a call may require return to work

- **Clinical Excellence Awards** (CEAs) Clinical Excellence awards are given to recognise and reward the exceptional contribution of NHS consultants, over and above that normally expected in a job, to the values and goals of the NHS and to patient care. Information on the Clinical Excellence Awards Scheme for consultants can be found on the [Advisory Committee on Clinical Excellence Awards](#) (ACCEA) website.
  - **Pay progression** for medical consultants through the pay thresholds is determined by the number of years as a consultant at the appropriate threshold. Incremental progression is by virtue of years of service on start date anniversary and includes steps where staff mark time and receive no additional monies. Progression is served and at the discretion of the Director of Public Health.
7. The Assistant Director on [Agenda for Change](#) conditions, receives a High Cost Area Supplement (£6279 per annum) in accordance with Agenda for Change terms and conditions. There is no further scope for pay progression for this Assistant Director who is on scale maximum

**APPENDIX 2****EQUALITY ANALYSIS – PAY POLICY STATEMENT****Overview**

1. The Localism Act 2011 requires Authorities to develop and publish a pay policy statement. This would include the remuneration arrangements for its most senior staff and approaches on remuneration to its lowest paid employees.

**Impact**

2. The development and publication of the pay statement does not in itself amend policy. Were changes to arise as a consequence, proposals would require scrutiny including the impact upon people of different protected characteristics.

3. The publication of the pay statement does however accord with good practice on managing equal pay; increasing transparency on organisational arrangements. There are no adverse impacts on people of specific protected characteristics arising from this development. Instead it may reasonably be argued that greater openness may reduce the fear of potential discrimination by setting out arrangements which are in force.

4. On a continuing basis the council undertakes monitoring of its workforce to identify and take action to address potential adverse impacts on people of specific protected characteristics. Monitoring data is published on the council's website through the annual workforce report, in accordance with the specific duties of the Equality Act 2010.

**SALARY & WAGES SCALES as at 1st April 2014 (Appendix 3)**

2013 values to be uprated for 2014 award

Inner London Spine

**Provincial**  
wef 1/4/13

6	16050
7	16266
8	16668
9	17064
10	17571
11	18210
12	18525
13	18918
14	19221
15	19548
16	19929
17	20328
18	20664
19	21312
20	21969
21	22647
22	23148
23	23730
24	24399
25	25068
26	25770
27	26523
28	27279
29	28224
30	29058
31	29868
32	30648
33	31464
34	32253
35	32856
36	33639
37	34494
38	35406
39	36456
40	37329
41	38229
42	39120
43	40017
44	40911
45	41754
46	42681
47	43584
48	44484
49	45360
50	46266
51	47169
52	48069
53	48987
54	49947

01		02		03		04		05	
2		6	£16,050	9	£17,064	13	£18,918	16	£19,929
3		7	£16,266	10	£17,571	14	£19,221	17	£20,328
4		8	£16,668	11	£18,210	15	£19,548	18	£20,664
6	£16,050	9	£17,064	12	£18,525	16	£19,929	19	£21,312
7	£16,266	10	£17,571	13	£18,918	17	£20,328	20	£21,969
8	£16,668	11	£18,210	14	£19,221	18	£20,664	21	£22,647
9	£17,064	12	£18,525	15	£19,548	19	£21,312	22	£23,148
10	£17,571	13	£18,918	16	£19,929	20	£21,969	23	£23,730

06		07		08		09		10	
20	£21,969	24	£24,399	28	£27,279	32	£30,648	36	£33,639
21	£22,647	25	£25,068	29	£28,224	33	£31,464	37	£34,494
22	£23,148	26	£25,770	30	£29,058	34	£32,253	38	£35,406
23	£23,730	27	£26,523	31	£29,868	35	£32,856	39	£36,456
24	£24,399	28	£27,279	32	£30,648	36	£33,639	40	£37,329
25	£25,068	29	£28,224	33	£31,464	37	£34,494	41	£38,229
26	£25,770	30	£29,058	34	£32,253	38	£35,406	42	£39,120
27	£26,523	31	£29,868	35	£32,856	39	£36,456	43	£40,017

11		12		14		15		16	
40	£37,329	44	£40,911	2	£46,353	7	£54,441	12	£64,029
41	£38,229	45	£41,754	3	£47,865	8	£56,232	13	£66,141
42	£39,120	46	£42,681	4	£49,428	9	£58,071	14	£68,349
43	£40,017	47	£43,584	5	£51,033	10	£59,994	15	£70,620
44	£40,911	48	£44,484	6	£52,710	11	£61,977	16	£72,990
45	£41,754	49	£45,360	7	£54,441	12	£64,029	17	£75,414
46	£42,681	50	£46,266	8	£56,232	13	£66,141	18	£77,940
47	£43,584	51	£47,169	9	£58,071	14	£68,349	19	£80,550

17		18		Chief Officer		Chief Executive	
17	£75,414	22	£88,953	31	£120,015	38	£151,800
18	£77,940	23	£91,938	32	£124,107	39	£156,993
19	£80,550	24	£95,049	33	£128,328	40	£162,375
20	£83,250	25	£98,262	34	£132,708	41	£167,937
21	£86,046	26	£101,577	35	£137,226	42	£173,695
22	£88,953	27	£105,021	36	£141,912		
23	£91,938	28	£108,570	37	£146,769		
24	£95,049	29	£112,266	38	£151,800		

**Planned Overtime per hr**

grade 9	£ 19.37	sleeping in	£ 33.27	unit standby	£ 8.84
grade 10/11	£ 20.75				
grade 12	£ 22.51				

On SAP these grades will be prefixed  
LBS-0. Grades prefixed LBS-1 are  
for w/e working where +2 SCP apply

**JNC**  
wef 1/4/13

1	44907
2	46353
3	47865
4	49428
5	51033
6	52710
7	54441
8	56232
9	58071
10	59994
11	61977
12	64029
13	66141
14	68349
15	70620
16	72990
17	75414
18	77940
19	80550
20	83250
21	86046
22	88953
23	91938
24	95049
25	98262
26	101577
27	105021
28	108570
29	112266
30	116076
31	120015
32	124107
33	128328
34	132708
35	137226
36	141912
37	146769
38	151800
39	156993
40	162375
41	167937
42	173695

<b>Item No.</b> 7.4	<b>Classification:</b> Open	<b>Date:</b> 26 March 2014	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Annual Report on the Work and Performance of the Audit and Governance Committee in 2013/14	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Audit and Governance Committee	

### RECOMMENDATION

1. That council assembly note the work and performance of the audit and governance committee in 2013/14.

### BACKGROUND INFORMATION

2. The audit and governance committee's terms of reference include a requirement to report annually to council assembly on its work and performance during the year.
3. The aims of the report are to make council aware of the audit and governance committee's work in relation to its audit, regulatory, financial reporting and treasury management responsibilities and to provide assurance on areas covered or to identify any concerns.
4. The purpose of this report is to review the audit and governance committee's work and performance in 2013/14. The audit and governance committee considered its annual report on 24 February 2014 and subject to an update to take account of that meeting, which has been incorporated, agreed to refer it to council assembly.
5. This report also considers the effectiveness of the audit and governance committee which forms a part of the review of internal audit and which will in turn be reported as part of the review of the system of internal control, as required under the Accounts and Audit Regulations 2011.

### KEY ISSUES FOR CONSIDERATION

#### Role of the committee

6. The purpose of the audit and governance committee is to provide
  - Independent assurance of the adequacy of the council's governance arrangements, including the risk management framework and the associated control environment
  - Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment
  - Oversight of the financial reporting process

- Scrutiny of treasury management strategy and policies.
7. In line with the above, the committee's terms of reference are structured by reference to its four key functions in terms of audit activity, the regulatory framework, the accounts and treasury management. The committee agrees a work programme for each year which is also structured in the same way.

### **Audit activity**

#### **Internal audit**

8. The committee received and considered regular reports on the performance of internal audit and the outcome from its work during the year and also the head of anti-fraud and internal audit's annual report on the work of internal audit and anti-fraud 2012/13. Members had questions for both officers and the engagement manager for the auditors, Baker Tilly (formerly RSM Tenon).
9. Following the implementation of new Public Sector Internal Audit Standards, the committee reviewed the draft internal audit charter and approved it, subject to several minor amendments. It also reviewed consequential amendments to the committee's terms of reference, which were subsequently approved by council assembly on 16 October 2013.
10. The committee agreed the internal audit plan for 2014/15 and strategy for internal audit for 2014/15 – 2018/19.

#### **External audit**

11. The committee received regular progress reports from the external auditor (Grant Thornton) throughout the year. It also considered Grant Thornton's audit plans for 2012/13 for both the council and the Southwark pension fund, their audit findings reports and annual audit letter for 2012/13 and their annual report on the certification of claims and returns for 2012/13.
12. The committee considered the external auditor's annual fee letters for 2013/14 for both the council and the Southwark pension fund. Grant Thornton also reported to the committee on their review of the council's arrangements for securing financial resilience and on assurance work undertaken by them as to management processes and the committee's oversight of the risk of fraud, compliance with laws and regulation, and matters in relation to going concern, to inform their audit risk assessment.
13. The committee received progress reports on the implementation of recommendations made by external audit in July 2013 and in February 2014.

### **Accounts**

14. The committee considered a draft of the 2012/13 statement of accounts at its July 2013 meeting and formally approved them at its meeting in September 2013.

### **Regulatory framework**

15. As with the statement of accounts, the committee reviewed the annual governance statement for 2012/13 at its July 2013 meeting and approved it at its September 2013 meeting. The committee asked officers to make it aware in

advance of any future reviews of the council's directorates that were relevant to the committee's remit.

16. Following the committee's decision three years ago to invite strategic directors to attend meetings to report on governance arrangements in their departments, it broadened its invitations to include other key governance players in 2013/14. During the year the director of public health, the strategic director of housing and community services, the strategic director of finance and corporate services and the director of corporate strategy attended meetings. Members of the pensions advisory panel also attended for a wider discussion about key developments in the Local Government Pension Scheme and forthcoming pensions regulations and the committee has requested that a report on the pensions triennial review be brought to a future meeting. Members asked questions about particular aspects of their arrangements.
17. The committee received a report on a retrospective contract-related decision at their February 2014 meeting.
18. At the committee's request, a report on the council's insurance framework was considered by the committee at its April 2013 meeting and during the year it also received an annual report on the work of the corporate risk and insurance team for 2012/13 and a report on the council's top risks.
19. The committee received its annual report on whistle blowing outcomes.
20. Several reports were included on the committee's agendas during the year further to requests made by members for information on matters arising out of its deliberations: following discussions about data matching in the context of council tax fraud, a report on council tax single occupancy discount reviews was considered by the committee at its July 2013 meeting; concerns expressed by members of the committee about the sale of temporary accommodation at a primary school and associated issues were addressed in a report to the committee's November 2013 meeting; and a report back on what council services use identification checking for new users and whether the processes could be used for school applications was included in a report to its February 2014 meeting.

### **Treasury management**

21. Members received a report on the 2013/14 treasury management strategy which had been approved by council assembly in February 2013 and sought clarification and assurance from officers on a number of points.

### **Effectiveness of the audit and governance committee**

22. The Accounts and Audit Regulations require a review of internal audit to be carried out, including consideration of the effectiveness of the audit and governance committee. This will be carried out later in the year and the results will be brought to a future meeting of the audit and governance committee.
23. To complement this, the audit and governance committee assesses itself using a checklist produced by CIPFA. In December 2013, CIPFA published revised guidance on the function and operation of audit committees in local authorities. This included an updated self-assessment of good practice which formed the basis of the checklist considered by the committee at its February 2014 meeting. The completed checklist is attached at Appendix 1. The committee was advised

that the checklist should be considered as part of the review of internal audit and that it would need to consider the findings of the review alongside the annual governance statement later in the year.

24. The completed checklist confirms that there are no significant areas of concern in relation to the committee's effectiveness. However, it highlights that training is an area that members may wish to continue to keep under review.

### **Training**

25. Information on relevant issues and developments is provided by the CIPFA Better Governance Forum which publishes its 'Audit Committee Update' three times a year. These focus on key topics and include a round-up of legislation, reports and developments and are circulated to all members of the committee for their information.
26. A briefing session on the statement of accounts was organised for members of the committee in September 2013 prior to the committee's approval of them.
27. The self-assessment checklist (see above) identified that training will be provided as required and officers will continue to arrange training as opportunities arise.

### **Development opportunities**

28. The audit and governance committee has now been in place for seven years. The management of its agenda in order to ensure that it can focus its resources effectively remains one of the key challenges for the future.
29. The year saw the following principal achievements:
- Greater assurance of departmental and corporate governance arrangements, through the extension of invitations to a wider group which included members of the pensions advisory panel as well as officers
  - Ongoing constructive challenge from members in respect of reports received by them.
30. For the coming year, the following are areas where the committee has the opportunity to effect further development or to which it may wish to give consideration:
- Implications of the new Local Audit and Accountability Act which received royal assent in January 2014 and their impact on the role of the committee
  - Future training needs.

### **Conclusion**

31. The committee's work programme aims to ensure that the committee is able to carry out its functions effectively. To this end, the programme is structured to cover the key areas of audit activity, the regulatory framework, financial reporting and scrutiny of the treasury management strategy and policies.
32. During the committee's seventh year of operation, it continued to ask questions on matters before it in a challenging yet constructive way. In some cases, this has resulted in further information being provided to the committee to provide the assurance sought; in others, in others, it has resulted in increased focus on the



implementation of action plans.

33. The committee kept its work programme under review in 2013/14 and made changes when appropriate.
34. Through its work, the committee is able to confirm that:
- The council's system of risk management is adequate to identify risk and to allow the authority to understand the appropriate management of those risks
  - There are no areas of significant duplication or omission in the systems of governance in the authority that have come to the committee's attention and not been adequately resolved.
35. The work programme for the committee for 2014/15 was included on the committee's February 2014 agenda for consideration and agreement, and this will be reviewed and amended on an ongoing basis if necessary to help to ensure that the committee can continue to provide assurance of the adequacy of the council's governance arrangements.

#### **Policy implications**

36. There are no policy implications in the proposals in this report.

#### **Community Impact Statement**

37. This report is not considered to contain any proposals that would have a significant impact on any particular community or group.

#### **Resource implications**

38. There are no direct resource implications in this report.

#### **Consultation**

39. There has been no consultation on this report.

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

#### **Strategic Director of Finance and Corporate Services**

40. The strategic director of finance and corporate services remains mindful of the important role of the audit and governance committee and pleased that it continues to function in line with its terms of reference. It is noted that the performance of the committee has been strengthened by the attendance of the strategic directors and other senior officers and it is expected that the committee will continue to obtain assurance of governance arrangements from these interviews. Following the change in external auditor, the committee has overseen the successful approval of the accounts and a seamless transition from the Audit Commission to Grant Thornton. It is noted that the committee requested and received specific reports on relevant matters through the year and it is anticipated that this will continue from time to time. The additional scrutiny of governance that this adds to the organisation is welcomed. The committee is aware of the Local Audit and Accountability Act and the need to consider its implications for the future in due course.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
CIPFA Audit committees – Practical Guidance for Local Authorities and Police 2013 edition	Finance and Corporate Services, Second Floor, Tooley Street	Jo Anson 020 7525 4308

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Self-assessment of Good Practice

**AUDIT TRAIL**

<b>Lead Officer</b>	Duncan Whitfield, Strategic Director of Finance and Corporate Services	
<b>Report Author</b>	Jo Anson, Head of Financial and Information Governance	
<b>Version</b>	Final	
<b>Dated</b>	6 March 2014	
<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>
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	10 March 2014	

## APPENDIX 1

## Self-assessment of Good Practice

Question	Yes	No	Partly	Comments/action	
<b>Audit committee purpose and governance</b>					
1	Does the authority have a dedicated audit committee?	✓			
2	Does the audit committee report directly to full council?	✓			
3	Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's Position Statement?	✓			
4	Is the role and purpose of the audit committee understood and accepted across the authority?	✓			
5	Does the audit committee provide support to the authority in meeting the requirements of good governance?	✓			
6	Are the arrangements to hold the committee to account for its performance operating satisfactorily?	✓			
<b>Functions of the committee</b>					
7	Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement?				
	- good governance	✓			
	- assurance framework	✓			
	- internal audit	✓			
	- external audit	✓			
	- financial reporting	✓			
	- risk management	✓			
	- value for money or best value	✓			
	- counter-fraud and corruption.	✓			
8	Is an annual evaluation undertaken to assess whether the committee is fulfilling its terms of reference and that adequate consideration has been given to all core areas?	✓			
9	Has the audit committee considered the wider areas identified in CIPFA's Position Statement and whether it would be appropriate for the committee to undertake them?				
	- considering matters at the request of other committees or statutory officers	✓			Included within committee's terms of reference.

Question		Yes	No	Partly	Comments/action
	- ethical values	✓			Receives annual report on whistleblowing.
	- treasury management	✓			Included within committee's terms of reference.
10	Where coverage of core areas has been found to be limited, are plans in place to address this?				N.A.
11	Has the committee maintained its non-advisory role by not taking on any decision-making powers that are not in line with its purpose?	✓			
<b>Membership and support</b>					
12	Has an effective audit committee structure and composition of the committee been selected? This should include: - separation from the executive - an appropriate mix of knowledge and skills among the membership - a size of committee that is not unwieldy - where independent members are used, that they have been appointed using an appropriate process.	✓			No more than 1 member may also be a member of cabinet (and that member cannot chair this audit and governance committee). Members have brought a range of skills and knowledge to bear on the committee's consideration of matters before it. Size of committee strikes balance between being unwieldy and ensuring appropriate mix of knowledge and skills.
13	Does the chair have appropriate knowledge and skills?	✓			
14	Are arrangements in place to support the committee with briefings and training	✓			As noted in the body of the report, training and briefings are provided as opportunities/needs arise. This will be subject to review following elections in May 2014.
15	Has the membership of the committee been assessed against the core knowledge and skills framework and found to be satisfactory?	✓			Members were asked to provide information on joining the committee and induction and other training/briefings have been provided as opportunities/needs have arisen. This will require further consideration following the May 2014 elections.

Question		Yes	No	Partly	Comments/action
16	Does the committee have good working relations with key people and organisations, including external audit, internal audit and the chief financial officer?	✓			
17	Is adequate secretariat and administrative support to the committee provided?	✓			
<b>Effectiveness of the committee</b>					
18	Has the committee obtained feedback on its performance from those interacting with the committee or relying on its work?				See paragraph 40 of the main report.
19	Has the committee evaluated whether and how it is adding value to the organisation?	✓			
20	Does the committee have an action plan to improve any areas of weakness?	✓			The committee identifies areas for development each year as part of its annual review of its performance.

**COUNCIL ASSEMBLY AGENDA DISTRIBUTION LIST (OPEN) (FULL LIST)  
MUNICIPAL YEAR 2013/14**

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

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		Sonia Sutton	1
<b>Press</b>	<b>2</b>	<b>Constitutional Team</b>	<b>25</b>
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<b>Corporate Management Team</b>	<b>5</b>	<b>Trade Unions</b>	<b>9</b>
Eleanor Kelly	1	Roy Fielding, GMB	
Deborah Collins	1	Henry Mott, Unite	1
Romi Bowen	1	Sue Plain, Unison	1
Duncan Whitfield	1	Tony O'Brien, UCATT	1
Gerri Scott	1	Michael Davern, NUT	1
		James Lewis, NASUWT	1
		Pat Reeves, ATL	1
		Miss Sylvia Morris, NAHT	1
		Irene Bishop, ASCL	1
		<b>Local M.P.</b>	<b>1</b>
		Simon Hughes M.P.	
		<b>Others</b>	<b>2</b>
		Ann-Marie Connolly	1
		Elizabeth Olive, Audit Commission, Ground Floor, Tooley Street	1
		<b>Total:</b>	<b>113</b>