

# Council Assembly

## Ordinary Meeting

Wednesday 22 March 2017

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

Virginia Wynn-Jones and Andrew Weir on 020 7525 7055 or 020 7525 7222 or email: [virginia.wynn-jones@southwark.gov.uk](mailto:virginia.wynn-jones@southwark.gov.uk); [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk); [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk)

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Date: 10 March 2017



# Council Assembly

## Ordinary Meeting

Wednesday 22 March 2017  
7.00 pm  
Council Offices, 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
<b>1.</b>	<b>PRELIMINARY BUSINESS</b>	
	<b>1.1. ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE</b>	
	To receive any announcements from the Mayor, members of the cabinet or the chief executive.	
	<b>1.2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT</b>	
	In special circumstances an item of business may be added to an agenda within seven working days of the meeting.	
	<b>1.3. DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
	<b>1.4. APOLOGIES FOR ABSENCE</b>	
	To receive any apologies for absence.	
	<b>1.5. MINUTES</b>	1 - 8
	To approve as a correct record the open minutes of the council assembly meeting held on 22 February 2017.	

## 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 16 March 2017. Questions can be emailed to [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).

Questions from the public will be distributed in a supplemental agenda

## 3. THEMED DEBATE - AGE FRIENDLY BOROUGH

### 3.1. COMMUNITY EVIDENCE

The deadline for community evidence on the theme is midnight, Thursday 16 March 2017. Submissions can be emailed to [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).

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

### 3.2. MOTION ON THE THEME

9 - 10

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

## 4. DEPUTATIONS

The deadline for deputation requests is midnight, Thursday 16 March 2017. 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

### 5.1. MEMBERS' QUESTION TIME

11 - 16

To receive any questions from members of the council.

<b>5.2. MEMBERS' MOTIONS</b>		17 - 24
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To consider the following motions:

- Day Centre Services in Southwark
- Don't Shaft Faraday
- Tackling Congestion on Jamaica Road
- Save Southwark Post Office services
- The Dubs' Amendment
- NHS Sustainability and Transformation Plan

## **6. REPORTS**

<b>6.1. PAY POLICY STATEMENT</b>		25 - 36
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Council assembly is asked to consider the council's annual pay policy statement.

<b>6.2. MEMBER ALLOWANCES SCHEME 2017-2018</b>		37 - 39
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Council assembly is asked to consider the member allowances scheme 2017/2018.

<b>6.3. COUNCIL ASSEMBLY DATES AND CALENDAR OF MEETINGS 2017-18</b>		40 - 59
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Council assembly is asked to agree council assembly dates and note the calendar of meetings 2017-18.

<b>6.4. PROPOSED CHANGES TO PART 4 CONTRACT STANDING ORDERS</b>		60 - 87
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Council assembly is asked to consider proposed changes to part 4 contract standing orders of the council's constitution.

<b>6.5. SPECIAL URGENCY DECISIONS - ANNUAL REPORT</b>		88 - 89
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Council assembly is asked to note the schedule of special urgency decisions taken in accordance with access to information procedure rule 19.

## **7. AMENDMENTS**

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

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

**EXCLUSION MOTION (IF NECESSARY)**

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

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

**PART B – CLOSED BUSINESS**

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

Date: 10 March 2017



## Council Assembly (Budget and Council Tax Setting Meeting)

MINUTES of the Council Assembly (Budget and Council Tax Setting Meeting) held on  
Wednesday 22 February 2017 at 7.00 pm at

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### PRESENT:

The Worshipful the Mayor for 2016/17, Councillor Kath Whittam (Chair)

Councillor Evelyn Akoto	Councillor Maria Linforth-Hall
Councillor Anood Al-Samerai	Councillor Richard Livingstone
Councillor Jasmine Ali	Councillor Rebecca Lury
Councillor James Barber	Councillor Vijay Luthra
Councillor Radha Burgess	Councillor Jane Lyons
Councillor Sunil Chopra	Councillor Hamish McCallum
Councillor James Coldwell	Councillor Darren Merrill
Councillor Fiona Colley	Councillor Victoria Mills
Councillor Stephanie Cryan	Councillor Michael Mitchell
Councillor Catherine Dale	Councillor Jamille Mohammed
Councillor Dora Dixon-Fyle MBE	Councillor Adele Morris
Councillor Nick Dolezal	Councillor David Noakes
Councillor Karl Eastham	Councillor Damian O'Brien
Councillor Gavin Edwards	Councillor James Okosun
Councillor Paul Fleming	Councillor Leo Pollak
Councillor Tom Flynn	Councillor Sandra Rhule
Councillor Renata Hamvas	Councillor Catherine Rose
Councillor Barrie Hargrove	Councillor Martin Seaton
Councillor Jon Hartley	Councillor Rosie Shimell
Councillor David Hubber	Councillor Andy Simmons
Councillor Peter John OBE	Councillor Johnson Situ
Councillor Ben Johnson	Councillor Michael Situ
Councillor Samantha Jury-Dada	Councillor Charlie Smith
Councillor Eleanor Kerslake	Councillor Cleo Soanes
Councillor Sarah King	Councillor Dan Whitehead
Councillor Anne Kirby	Councillor Bill Williams
Councillor Sunny Lambe	Councillor Kieron Williams
Councillor Octavia Lamb	Councillor Mark Williams
Councillor Lorraine Lauder MBE	Councillor Ian Wingfield

## 1. PRELIMINARY BUSINESS

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

The Mayor announced the death of Danny McCarthy, twice mayor of Southwark, and members of each political party gave tribute to him. A one-minute silence was observed in his memory.

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

At this juncture the meeting agreed the programme motion.

#### RESOLVED:

That the meeting be conducted as follows:

Time	Business
7.00pm – 7.15pm	<b>1. Preliminary business and announcements</b>
7.15pm – 10.00pm	<p><b>Item 2.1 Policy and Resources Strategy</b></p> <p>1. Consideration of this item is not time limited but the meeting is subject to the guillotine.</p> <p>2. Debate to include:</p> <ul style="list-style-type: none"> <li>• Questions on reports</li> <li>• Councillor Fiona Colley to present recommendations (10 minutes)</li> <li>• Councillor Hamish McCallum to reply on behalf of opposition (5 minutes)</li> <li>• Four amendments to be moved and seconded</li> <li>• Report and Amendments to be debated as a single debate (All speakers 3 minutes each)</li> <li>• Reply to the debate from Councillor Fiona Colley (3 minutes)</li> <li>• Separate vote on each Amendment</li> <li>• Recorded vote on substantive motion.</li> </ul> <p>Members can only speak once, except for Councillor Fiona Colley (cabinet member for finance, modernisation and performance), who will reply to the single debate.</p>
	<p><b>Item 2.2 Treasury Management Strategy</b></p> <p>To be considered as normal</p>
	<b>Item 3.1 Setting the Council Tax</b>

	To be considered as normal but with the legal requirement to take a recorded vote on the substantive motion.
	<b>Item 3.2 Constitutional Changes</b>
	To be considered as normal

### 1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

The mayor announced that all councillors had been granted a dispensation by the monitoring officer to vote on Item 3.1: Setting the council tax 2017/18.

There were none.

### 1.4 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Maisie Anderson (absent on maternity leave), Helen Dennis, Lucas Green and Eliza Mann. Apologies for lateness were received from Councillor James Okosun.

### 1.5 MINUTES

The minutes of the ordinary meeting held on 30 November 2016 were agreed as a correct record.

## 2. REPORT(S) FOR DECISION FROM THE CABINET

### 2.1 POLICY AND RESOURCES STRATEGY 2017/18 - 2019/20 REVENUE BUDGET

*(See pages 16 - 150 of the main agenda)*

The Mayor informed the meeting that the Greater London Authority (GLA) had met earlier in the week and agreed the precept for Southwark, therefore the proposed GLA precept outlined in the report was correct.

There were two questions on the report, the written responses to which were circulated on blue paper at the meeting. There were two supplemental questions.

In accordance with council assembly procedure rule 1.14.9, Councillor Fiona Colley, cabinet member for finance, modernisation and performance, moved the report.

In accordance with council assembly procedure rule 1.14.9, Councillor Hamish McCallum, the shadow cabinet member for finance, responded to the cabinet member's statement.

Councillor Catherine Rose, seconded by Councillor Evelyn Akoto, moved Amendment A.

Councillor Michael Mitchell, seconded by Councillor Jane Lyons, moved Amendment B.



Councillor Rosie Shimell, seconded by Councillor Ben Johnson, moved Amendment C.

Councillor Anood Al-Samerai, seconded by Councillor James Okosun, moved Amendment D.

Following debate (Councillors Mark Williams, Richard Livingstone, Vicky Mills, Damian O'Brien, Johnson Situ, Karl Eastham, Dan Whitehead, Kieron Williams, Gavin Edwards, Maria Linforth-Hall, Ian Wingfield, Bill Williams, David Noakes, Jasmine Ali, Andy Simmons, Adele Morris, Barrie Hargrove, Eleanor Kerlake, Peter John, Rebecca Lury, Paul Fleming, David Hubber, Stephanie Cryan, Sunny Lambe, James Hartley, Nick Dolezal, Tom Flynn, Charlie Smith), Councillor Fiona Colley exercised her right of reply.

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

Amendment B was put to the vote and declared to be lost

Amendment C was put to the vote and declared to be lost

Amendment D was put to the vote and declared to be lost

At this juncture the clerk explained that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, which had come into force on 25 February 2014, required a recorded vote on key budget decisions by local authorities. The regulations required a recorded vote on decisions only. Therefore in accordance with council assembly procedure rule 1.16(4) (a roll call recorded vote), the bell was rung at the beginning and end of one minute, after which the doors to the room were closed.

The substantive motion was put to the vote, and the votes having been recorded, the Mayor declared the result as follows:

In favour of the substantive motion (45):

Councillors Evelyn Akoto, Jasmine Ali, Radha Burgess, Sunil Chopra, James Coldwell, Fiona Colley, Stephanie Cryan, Catherine Dale, Dora Dixon-Fyle, Nick Dolezal, Karl Eastham, Gavin Edwards, Paul Fleming, Tom Flynn, Renata Hamvas, Barrie Hargrove, Jon Hartley, Peter John, Samantha Jury-Dada, Eleanor Kerlake, Sarah King, Anne Kirby, Octavia Lamb, Sunny Lambe, Lorraine Lauder, Richard Livingstone, Rebecca Lury, Vijay Luthra, Darren Merrill, Victoria Mills, Jamille Mohammed, Leo Pollak, Sandra Rhule, Catherine Rose, Martin Seaton, Andy Simmons, Johnson Situ, Michael Situ, Charlie Smith, Cleo Soanes, Kath Whittam, Bill Williams, Kieron Williams, Mark Williams and Ian Wingfield.

Against the substantive motion (14):

Councillors Anood Al-Samerai, James Barber, David Hubber, Ben Johnson, Maria Linforth-Hall, Jane Lyons, Hamish McCallum, Michael Mitchell, Adele Morris, David Noakes, Damian O'Brien, James Okosun, Rosie Shimell and Dan Whitehead.

Absent (4)

Councillors Maisie Anderson, Helen Dennis, Lucas Green and Eliza Mann.

The Mayor declared that the substantive motion was carried.

**RESOLVED:**

That council assembly:

1. Agreed to increase the Southwark element of the council tax for 2017-18 by 1.99%.
2. Agreed to use the flexibility offered by the government to support Adult Social Care through a precept equivalent to 3% of council tax on the basis that these additional funds will be used exclusively for adult social care.
3. Agreed the recommendations of the 7 February 2017 cabinet for a general fund budget requirement (after specific grants and use of reserves) for 2017-18 of £274.3m.

School funding

4. Council assembly welcomed the contribution from Schools Forum from the Dedicated Schools Grant to fund the shortfall in Education Support Grant (ESG) services in 2017/18, but notes its concern about the ending of ESG, which funds the important work that the council's school improvement team undertakes working with local schools.
5. Council assembly noted that this change comes alongside a proposed new national funding formula, which will have a damaging and disproportionate impact on schools in Southwark by reducing funding by 2.7%, alongside existing additional budget pressures.
6. Council assembly believed that at a time when some schools in Southwark could be losing £1,000 per pupil in funding, it is more important than ever that the council is able to continue supporting schools to improve opportunities for Southwark children.
7. Council assembly called on the cabinet to work with schools in Southwark to protect school improvement, continue to encourage school-to-school support and increase collaboration within the Southwark family of schools.
8. Council assembly also called on councillors to support the Southwark campaign for fair funding, and to work with schools, parents and other London boroughs to campaign against cuts to funding for London schools.

**Note:** The cabinet recommendation had been amended, therefore in accordance with the budget and policy framework procedure rule 2 (g), the leader gave his consent to the amendment and the decision was implementable with immediate effect.

**2.2 TREASURY MANAGEMENT STRATEGY 2017/18 INCLUDING ANNUAL INVESTMENT STRATEGY, PRUDENTIAL INDICATORS AND ANNUAL MINIMUM REVENUE PROVISION STATEMENT**

*(See pages 151 - 170 of the main agenda)*

Councillor Fiona Colley, cabinet member for finance, modernisation and performance, introduced the report and thanked the finance officers who had prepared the budget reports.

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

**RESOLVED:**

That council assembly:

1. Agreed the 2017-18 treasury management strategy which is to be managed by the strategic director of finance and governance under financial delegation.
2. Noted the treasury management policy set out in paragraph 9 of the report.
3. Agreed the annual investment strategy 2017-18 referred to in paragraphs 16 to 17 of the report and set out at Appendix A to the report.
4. Agreed the prudential indicators covering capital finance and treasury management for the years 2017-18 to 2019-20 referred to in paragraph 30 of the report and set out at Appendix B to the report.
5. Agreed the minimum revenue provision statement, setting aside prudent sums to reduce debt and long term liabilities referred to in paragraphs 31 to 35 of the report and set out at Appendix C to the report.

**3. OTHER REPORTS**

**3.1 SETTING THE COUNCIL TAX 2017-18**

*(See pages 171 - 182 of the main agenda)*

The Mayor informed the meeting that the Greater London Authority (GLA) had met earlier in the week and agreed the precept for Southwark, therefore the proposed GLA precept outlined in the report was correct.

At this juncture the clerk explained that as council assembly had agreed the level of council tax for 2017-18, as set out in the cabinet's recommendation as amended by Amendment B and as agreed in the resolution in item 2.1, council assembly was now required to formally agree the council tax resolution in line with the decisions of item 2.1.

The clerk then reminded the meeting that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, which had come into force on 25 February 2014, required a recorded vote on key budget decisions by local authorities. The regulations required a recorded vote on decisions only. Therefore in accordance with council assembly procedure rule 1.16.4 (a roll call recorded vote), the bell was rung at the beginning and end of one minute, after which the doors to the room were closed

The substantive motion was put to the vote, and the votes having been recorded, the Mayor declared the result as follows:

In favour of the substantive motion (45):

Councillors Evelyn Akoto, Jasmine Ali, Radha Burgess, Sunil Chopra, James Coldwell, Fiona Colley, Stephanie Cryan, Catherine Dale, Dora Dixon-Fyle, Nick Dolezal, Karl Eastham, Gavin Edwards, Paul Fleming, Tom Flynn, Renata Hamvas, Barrie Hargrove, Jon Hartley, Peter John, Samantha Jury-Dada, Eleanor Kerlake, Sarah King, Anne Kirby, Octavia Lamb, Sunny Lambe, Lorraine Lauder, Richard Livingstone, Rebecca Lury, Vijay Luthra, Darren Merrill, Victoria Mills, Jamille Mohammed, Leo Pollak, Sandra Rhule, Catherine Rose, Martin Seaton, Andy Simmons, Johnson Situ, Michael Situ, Charlie Smith, Cleo Soanes, Kath Whittam, Bill Williams, Kieron Williams, Mark Williams and Ian Wingfield.

Against the substantive motion (14):

Councillors Anood Al-Samerai, James Barber, David Hubber, Ben Johnson, Maria Linforth-Hall, Jane Lyons, Hamish McCallum, Michael Mitchell, Adele Morris, David Noakes, Damian O'Brien, James Okosun, Rosie Shimell and Dan Whitehead.

Absent (4)

Councillors Maisie Anderson, Helen Dennis, Lucas Green and Eliza Mann.

The Mayor declared that the substantive motion was carried.

**RESOLVED:**

1. That council assembly noted the proposed Greater London Authority precept of £280.02 at Band D.
2. That the existing local war disability and war widow/ers' schemes for housing benefit be continued in 2017-18.
3. That the Southwark element of the council tax for band D properties in Southwark, including an increase of 1.99% and the adult social care precept of 3%, be set at £976.80.
4. That no discount be applied to properties in the former parish of St Mary Newington.
5. That no discount be applied to properties in the former parish of St Saviours.
6. That the council tax for all band D properties in Southwark be set at £1,256.82.
7. That the formal resolution for council taxes in 2017-18 (shown in Appendix A to the report) be approved.

**4. CONSTITUTIONAL CHANGES 2016/2017 INCLUDING VOLUNTARY BODIES APPOINTMENTS PANEL (APPOINTMENTS TO SECONDARY AND SPECIAL SCHOOL GOVERNING BODIES)**

*(See pages 183 - 191 of the main agenda)*

**RESOLVED:**

1. That the proposed changes to the constitution be agreed (see Appendix 1 to the report).

**Consequential changes**

2. That the proper constitutional officer be authorised to make any necessary consequential changes to the constitution as a result of the above.

**5. AMENDMENTS**

Amendments are set out in supplemental agenda no. 2.

The meeting closed at 9.45 pm.

**CHAIR:**

**DATED:**

<b>Item No.</b> 3.2	<b>Classification:</b> Open	<b>Date:</b> 22 March 2017	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Motion on the Theme: Age Friendly Borough	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## BACKGROUND INFORMATION

The theme for this meeting is Age Friendly Borough

The relevant cabinet member shall submit a motion on the theme. All other political groups on the council are allowed to submit one amendment to the motion. The cabinet member's motion and the amendments do not need to be seconded. The cabinet member will present the motion to the meeting, followed by the lead opposition spokesperson's response and moving of their amendment, if any. Following this, the subject matter of the theme will be open to debate. Amendment(s) from other opposition groups on the council can be moved during this part of the meeting.

## MOTION FROM COUNCILLOR RICHARD LIVINGSTONE, CABINET MEMBER FOR ADULT CARE AND FINANCIAL INCLUSION

### Age Friendly Borough

1. Council assembly recognises and celebrates the significant contribution that older people in Southwark make to the life of our borough, whether it is at work, as carers or in the voluntary sector. Based on estimates produced by the Royal Voluntary Service, the contribution that over-65s in Southwark make to the borough as carers and volunteers alone is worth over £9 million every year.
2. Council assembly notes the administration's commitment to supporting older people in the borough to live healthy, active, independent and fulfilling lives, in their own homes and communities, for as long as possible.
3. Council assembly welcomes Southwark's accreditation from the World Health Organisation as the first Age Friendly Borough in London and the work that has been done to deliver the Age Friendly vision, including:
  - Implementing the Southwark Ethical Care Charter
  - Building new council homes specifically designed for older people
  - Introducing free swimming and gym use to help older people keep fit and well
  - Being recognised by the Alzheimer's Society as a Dementia Friendly Borough and forming the new Southwark Dementia Action Alliance
  - Supporting older people to be digitally included with free 'silver surfer' IT sessions in our libraries
  - Providing targeted employment support for anyone over 50 facing barriers to getting jobs
  - Developing plans for the new centre of excellence for older people that will open in late 2018.

4. Council assembly recognises the importance of caring for vulnerable older people in our community and welcomes the work that the council has done including:
- Implementing our Ethical Care Charter for all home care contracts, supporting older people to stay in their own homes by offering quality care at home
  - Providing good quality re-ablement support to help more vulnerable people stay in their homes and reduce hospital re-admissions. Despite the massive cuts faced by the council, Southwark has maintained significantly better hospital discharge performance than the London average
  - Building new extra care housing, such as Tayo Situ House, and working with others, such as the development at Southwark Park Road by the United St Saviour's Charity, to help older people to maintain their independence in supported accommodation.
5. Council assembly recognises that the commitment to being an Age Friendly Borough spans all council services and welcomes the participation of residents in community conversations on ageing well in Southwark, which have helped to develop priorities and areas for further improvement, including:
- Improving transport, open spaces and the public realm
  - Tackling isolation
  - Improving communication and information for older people
  - Working to break down generational barriers
  - Developing skills and employment and volunteering opportunities
  - Helping people to stay healthy and active
  - Addressing housing needs
  - Ensuring better customer service for older people
6. Council assembly calls on the cabinet to continue working with residents and community and voluntary groups to further improve quality of life for people in Southwark, regardless of their age.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet members motion	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

## AUDIT TRAIL

<b>Lead Officer</b>	Chidilim Agada, Constitutional Manager
<b>Report Author</b>	Andrew Weir, Constitutional Officer
<b>Version</b>	Final
<b>Dated</b>	3 March 2017

<b>Item No.</b> 5.1	<b>Classification:</b> Open	<b>Date:</b> 22 March 2017	<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 also be rotated. 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. The rotation is in line with decisions of council assembly in July 2014 and rotations circulated by the proper constitutional officer in April 2015.

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 EVELYN AKOTO**

Will the leader tell me how close the council is to meeting its target of 2,000 apprenticeships by 2018 and how this compares to other London boroughs?

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

Please can the Leader set out how much has already been spent to date on legal costs for the council's appeal against the Secretary of State's refusal to grant the Aylesbury Estate Compulsory Purchase Order and how much more the council has budgeted for this appeal?

**3. QUESTION TO THE LEADER FROM COUNCILLOR MICHAEL MITCHELL**

At the recent meeting at Dulwich Hamlet School, I was delighted to join the leader of the council in supporting the call for Fairer Funding for Schools. At the time he mentioned that he would be part of a group meeting the Minister of State for Education, Nick Gibb MP, on the day of this council assembly. Would the leader make a statement about today's meeting?

**4. QUESTION TO THE LEADER FROM COUNCILLOR CATHERINE ROSE**

Will the leader tell me what will be the impact of government education cuts on Southwark's schools?

**5. QUESTION TO THE LEADER FROM COUNCILLOR BEN JOHNSON**

A recent 'Transparency International' report showed three new developments in Southwark where more than half (and in one case all) of new properties have been sold to overseas owners. Please could the Leader outline the percentage of affordable homes built onsite in each of the three Southwark developments in the report (South Gardens at the Elephant and Castle, One Tower Bridge and 251 Southwark Bridge Road)?

**6. QUESTION TO THE LEADER FROM COUNCILLOR JANE LYONS**

Can the leader of the council put pressure on Transport for London and Will Norman, the Walking and Cycling Commissioner, to press ahead quickly with the installation of a new crossing on the South Circular, as this crossing has been identified as a prerequisite for the re-routing of the coaches which currently clog Calton Avenue every school-day morning?

**7. QUESTION TO THE LEADER FROM COUNCILLOR JON HARTLEY**

Will the leader update me on what progress is being made to provide adequate burial space for local residents who want to be buried in the borough?

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

Can the Leader outline what research the council has undertaken into the potential effects of Brexit on the demographics of the Southwark population along with any preparations which are being made to respond to these effects?

**9. QUESTION TO THE LEADER FROM COUNCILLOR OCTAVIA LAMB**

Will the cabinet member tell me what steps the council is taking to increase the amount of affordable creative space across the borough?

**10. QUESTION TO THE LEADER FROM COUNCILLOR HAMISH McCALLUM**

Can the Leader provide details of all surveys since 2010 that have asked residents about their satisfaction with the regeneration of the borough, including a breakdown of when and where the surveys were conducted, the approximate location of respondents and details of all responses?

**11. QUESTION TO THE LEADER FROM COUNCILLOR RADHA BURGESS**

Following the recent judgement in relation to the Lakanal fire, can the leader reassure me about what steps the council has taken to improve fire safety in the borough's housing estates?

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

Can the Leader outline to Members any representations which were made on behalf of the council to Harriet Harman, the Member of Parliament for Camberwell and Peckham, in relation to her decision to vote for triggering article 50 to begin the process of the United Kingdom leaving the European Union?

**13. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT AND THE PUBLIC REALM FROM COUNCILLOR BILL WILLIAMS (BERMONDSEY AND ROTHERHITHE COMMUNITY COUNCIL)**

Can the cabinet member for environment and public realm confirm, over the last 12 months, how much has been raised by the £16 charge, how much does it cost to collect all the fly tipping in the borough, and how much has been collected in fines?

**14. QUESTION TO THE CABINET MEMBER FOR CHILDREN AND SCHOOLS FROM COUNCILLOR ELEANOR KERSLAKE (BOROUGH, BANKSIDE AND WALWORTH COMMUNITY COUNCIL)**

Would the cabinet member confirm how many schools are over subscribed and what effect will a reduction of £1000 per student have on teaching and learning?

**Note: Questions to the cabinet member for public health and social regeneration will be answered by the cabinet members who have been given that area of responsibility while the cabinet member is on maternity leave.**

**15. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH AND SOCIAL REGENERATION FROM COUNCILLOR HELEN DENNIS**

Will the cabinet member tell me what the take up has been of the free swim and gym offer in Southwark?

**16. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH AND SOCIAL REGENERATION FROM COUNCILLOR DARREN MERRILL**

Will the cabinet member tell me what steps the council has taken to combat poor air quality in the borough?

**17. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH AND SOCIAL REGENERATION FROM COUNCILLOR KARL EASTHAM**

Will the cabinet member update me on the council's capital investment into leisure facilities and what response has there been from the public?

**18. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH AND SOCIAL REGENERATION FROM COUNCILLOR ADELE MORRIS**

Can the cabinet member outline what they understand "social regeneration" to mean, and explain why this has not previously been implicit in the Regeneration portfolio and has now been tagged on to two other portfolios?

**19. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH AND SOCIAL REGENERATION FROM COUNCILLOR ROSIE SHIMELL**

Please can the cabinet member update members about the progress of the Old Kent Road regeneration proposals and how these will reflect the input of the community through the consultation process?

**20. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH AND SOCIAL REGENERATION FROM COUNCILLOR BILL WILLIAMS**

Southwark Council planned to ensure that 21,000 NHS health checks for people aged 40 to 74 be carried out by 31 March this year. Will the cabinet member tell me what progress there has been and how many places have been taken to date?

**21. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH AND SOCIAL REGENERATION FROM COUNCILLOR SAMANTHA JURY-DADA**

Will the cabinet member detail the investment in parks and play areas planned for the coming year?

**22. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH AND SOCIAL REGENERATION FROM COUNCILLOR REBECCA LURY**

Will the cabinet member tell me whether there has been any change in the early detection of sexually transmitted infections since the launch of the SH24 initiative?

**23. QUESTION TO THE CABINET MEMBER FOR ADULT CARE AND FINANCIAL INCLUSION FROM COUNCILLOR JAMES BARBER**

Can the cabinet member confirm what the council's plans are for the Fred Francis centre site, if the centre is to be merged with the Southwark Resource Centre, as indicated in his comments to Southwark News earlier this month?

**24. QUESTION TO THE CABINET MEMBER FOR ADULT CARE AND FINANCIAL INCLUSION FROM COUNCILLOR MARIA LINFORTH-HALL**

Can the cabinet member confirm what progress has been made in transferring the cost of adult social care equipment provision to the NHS, and outline the council's plans for consultation and engagement with user groups, the NHS and the voluntary sector around both these changes and any ideas which they may have for making efficiencies or mitigating the impact of cuts.

**25. QUESTION TO THE CABINET MEMBER FOR ADULT CARE AND FINANCIAL INCLUSION FROM COUNCILLOR MARTIN SEATON**

Will the cabinet member tell me what effect the Chancellor's budget will have on adult social care and the council's ongoing work to tackle the social care crisis?

**26. QUESTION TO THE CABINET MEMBER FOR ADULT CARE AND FINANCIAL INCLUSION FROM COUNCILLOR TOM FLYNN**

Will the cabinet member update me on what progress has been made to expand housing provision for older people in the borough?

**27. QUESTION TO THE CABINET MEMBER FOR ADULT CARE AND FINANCIAL INCLUSION FROM COUNCILLOR CATHERINE DALE**

There has been much in the news lately about hospitals not being able to discharge patients due to adult care support not being available. Will the cabinet member tell me how delays in discharge due to this reason in Southwark compare to other London boroughs?

**28. QUESTION TO THE CABINET MEMBER FOR ADULT CARE AND FINANCIAL INCLUSION FROM COUNCILLOR CLEO SOANES**

Low pay for home care workers is a national disgrace – many council contracts pay less than the London Living Wage and employ on zero hours contracts. Will the cabinet member tell me what progress is being made in Southwark to implement the Ethical Care Charter to address these concerns?

**29. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT AND THE PUBLIC REALM FROM COUNCILLOR DAMIAN O'BRIEN**

With the impending implementation of Quietway 14, can the cabinet member outline any measures which are planned to improve cycling safety on Bermondsey Street, including, for example, installing clearer cycle contraflow markings and improving signage on the street?

**30. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT AND THE PUBLIC REALM FROM COUNCILLOR DAN WHITEHEAD**

Can the cabinet member confirm what plans the council has to respond to Transport for London's recent review of bus services in the Southeast Riverside area, outline the content of that response and explain how the council is intending to consult residents on the proposed changes?

**31. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT AND THE PUBLIC REALM FROM COUNCILLOR ELIZA MANN**

Over the last three years, how many trees across Southwark have been felled and how many have been planted? Why are trees in Southwark Park being cut down to make way for construction traffic?

**32. QUESTION TO THE CABINET MEMBER FOR COMMUNITIES AND SAFETY FROM COUNCILLOR ANN KIRBY**

A resident in Village ward has contacted me who has been the victim of 4 burglaries in nine months – including whilst they were asleep. They have improved their security and reported the crimes but remain concerned that not enough has been done to tackle burglary in the area. Will the cabinet member tell me what discussions he has had with the police about tackling burglary, and what steps the council can take with the police to improve the situation in the area

**33. QUESTION TO THE CABINET MEMBER FOR COMMUNITIES AND SAFETY FROM COUNCILLOR DAVID HUBBER**

Can the cabinet member confirm whether figures for hate crimes in Southwark have risen since the referendum on the United Kingdom's membership of the European Union, in comparison to the equivalent period before the referendum, and outline what steps the council is taking to both prevent hate crime and reassure groups who may be targets of hate crime?

**34. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING FROM COUNCILLOR RENATA HAMVAS**

Will the cabinet member tell me what powers the council has to crack down on unscrupulous individuals and companies who encourage tenants to exercise their right to buy with large cash incentives, in order to then buy them and rent them out at high rents or sell them for huge profits?

<b>Item No.</b> 5.2	<b>Classification:</b> Open	<b>Date:</b> 22 March 2017	<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 David Noakes)

### **Day Centre Services in Southwark**

1. Council assembly notes:
  - The excellent work which takes place at the Queens Road and Riverside Day Centres, run by the Camden Society, and the life changing importance of these centres for some of Southwark's most severely disabled residents.
  - That there are currently considerable pressures on adult social care budgets and the system of personal budgets in Southwark.
  - That, these pressures notwithstanding, personal budgets cannot be spent on day centres which no longer exist.
  
2. Council assembly is concerned that:
  - The Camden Society was told in January 2017 that the leases for the Queens Road and Riverside Day Centre buildings would not be renewed by the council.
  - The decision not to renew these leases has been taken without either:
    - proper discussion with the Camden Society about how the centres could be supported to stay open, or
    - any consultation with service users about the impact of closing the centres.
  - Developers were invited to a "Sitematch Bidder's Day" in November 2016 where the Riverside Day Centre was promoted by council officers as a development site with space for 42 housing units.
  - Confusion and poor communication about decisions regarding the future of the Day Centre buildings has led to an unacceptable degree of uncertainty for carers and service users, as acknowledged by the Cabinet Member for Adult Care and Financial Inclusion in an article in Southwark News on 2nd March 2017.
  - Given the above, the decision not to renew these leases does not appear to have been made in such a way as to meet the following principles of decision making as set out in the council constitution:
    - respect for human rights, law and probity
    - due consultation and the taking of professional advice from officers
    - presumption in favour of openness.
  
3. Council assembly therefore calls on the chair of overview and scrutiny committee to:

- Initiate an urgent investigation into the decision making processes involved in deciding not to renew these leases, including any discussions between the children's and adults services department and the regeneration directorate about the availability or suitability for development of the two day centre sites.
4. Council assembly further calls on the cabinet to:
- Commit publically to supporting the Queens Road and Riverside day centres remaining open in a manner which is fit for purpose.
  - Direct officers to work with the Camden Society to keep the day centres open in a manner which is fit for purpose.

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

**2. MOTION FROM COUNCILLOR PAUL FLEMING** (Seconded by Councillor Lorraine Lauder MBE)

**Don't Shaft Faraday**

1. Council assembly notes that following successful campaigns over a number of years by Southwark Labour MPs, councillors, residents and community groups, Transport for London (TfL) are currently consulting on the Bakerloo Line extension.
2. Council assembly welcomes this consultation on the Bakerloo Line extension, which will improve connectivity, increase the capacity and resilience of the transport network and reduce journey times between key destinations, as well as helping the area to grow by supporting new homes and jobs.
3. Council assembly notes that TfL's consultation includes the location of a ventilation shaft between Elephant and Castle and the proposed Old Kent Road 1 station with two possible locations identified for the proposed shaft; the Bricklayers Arms road junction area and Faraday Gardens on Portland Street.
4. Council assembly notes its concern that Faraday Gardens, a much loved and historic green space is listed as a potential site. To build the proposed shaft there interrupts a well used park, and places it within yards of a primary school, and flats in the Liverpool Grove conservation area. Faraday Gardens is an iconic part of our community, lending its name to the council ward, and its history, from its establishment by Octavia Hill to its extension to replace bombed out buildings, is part of the pioneering story of our borough. Construction traffic would have to use the new Portland Street quietway, placing extra dangers for the cyclists TfL are encouraging to use the route.
5. Council assembly calls on the cabinet to lobby TfL to support the Bricklayers Arms option, to avoid causing unnecessary damage to a local park.



6. Council assembly further calls on cabinet to formally request TfL consider an additional station at Bricklayers Roundabout.

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

**3. MOTION FROM COUNCILLOR HAMISH MCCALLUM** (Seconded by Councillor James Okosun)

**Tackling Congestion on Jamaica Road**

1. Council assembly notes that:
  - Jamaica Road is one of the most congested roads in the country, being used by more than 1,000 cyclists and 14,000 vehicles per day with an average rush hour speed of just 0.1 miles per hour (MPH) and an average mid-morning speed of just 1.2 MPH.
  - Air pollution in the local area is more than three times the legal limit and that nitrogen dioxide (NO<sub>2</sub>) pollution levels along Jamaica Road are 1.23 tonnes per km per year.
2. Council assembly recognises that:
  - A major cause of the congestion is the layout of the Rotherhithe roundabout which creates a bottleneck for vehicles travelling into the tunnel or onto the peninsula.
  - The cycle hire (“Boris Bike”) scheme does not include Bermondsey or Rotherhithe and that an extension of the scheme along Jamaica Road would encourage more people to cycle rather than travel by car.
3. Council assembly welcomes:
  - Ward councillors’ recent success in campaigning for yellow boxes at the junctions with Abbey Street, St James’s Road and Southwark Park Road.
  - The Mayor of London’s support for a walking and cycling bridge between Rotherhithe and Canary Wharf which will ease congestion on local roads and on public transport.
4. Council assembly therefore requests that cabinet calls on Transport for London to:
  - Urgently redesign the Rotherhithe roundabout to ease the flow of vehicles queuing to enter the Rotherhithe tunnel.
  - Introduce a variable messaging system on approach roads to warn drivers when the tunnel is closed or if queues are particularly long.

- Bring forward their proposals for Cycle Superhighway 4 and implement safer conditions for cyclists along Jamaica Road.
  - Improve pedestrian crossings along Jamaica Road, especially at Bermondsey Tube Station and the entrance to Southwark Park.
5. Council assembly further calls on the cabinet to:
- Commit the capital funding for the installation of cycle hire docking stations in Bermondsey and Rotherhithe.

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

**4. MOTION FROM COUNCILLOR ELEANOR KERSLAKE** (Seconded by Councillor Jamille Mohammed)

**Save Southwark Post Office services**

1. Council assembly notes that:
- The Post Office announced on 10 January this year that it would be closing and franchising 37 Crown Post Offices across the country, including the New Cross branch which serves residents in Peckham Rye, Livesey and Nunhead ward. This follows the closure of the Crown Post office on Rye Lane in August 2016.
  - The Post Office also announced in late 2015 that it would be franchising Blackfriars and Walworth Road branches.
  - Closures across the country will lead to the loss of over 400 jobs nationwide, and they follow the announcement of 62 planned closures in 2016.
  - Post Offices across the borough are well used by, and valued by the local community. Local residents, councillors and the Walworth Society have been fighting for over a year to keep the Walworth Road branch crown and improve this important local Post Office.
  - Post Offices also provide wider social value for older residents, according to a government survey 87% of over-65s use the Post Office for pension's services and other social benefits. 66% of 65+ use the Post Office for personal banking services, insurance products and foreign currency.
  - Independent research shows that franchised Post Offices offer poorer disabled access, longer queuing times, worse customer service and fewer staff, often on minimum wage.
2. Council Assembly believes:
- That the continued closures of Post Offices are bad for our community and will downgrade vital services to our local community.

- That the loss of post office services on the Walworth Road is bad for our local economy and would have a detrimental impact on businesses on the Walworth road and the local economy.
  - That the closure of New Cross Post Office is bad for postal workers and will lead to good quality, skilled jobs on decent pay being replaced by insecure and low-paid work.
3. Council Assembly resolves:
- To affirm our opposition to the closure of New Cross Post Office as well as serving residents in New cross this provides vital post office services for residents in the south of our borough.
  - To affirm our opposition to the loss of Post Office services at Walworth Road, Blackfriars and Peckham Branches.
  - To call on councillors to offer their support to the CWU campaign against the closure of over 100 Post Offices across the country.

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

**5. MOTION FROM COUNCILLOR JASMINE ALI** (Seconded by Councillor Michael Situ)

**The Dubs' Amendment**

1. Council assembly welcomes Lord Dubs' amendment to the Immigration Act 2016 which offered unaccompanied refugee children safe refuge in Britain. It notes that this amendment committed the UK to providing a safe haven for vulnerable children fleeing war and persecution.
2. Council assembly is proud of Southwark's tradition of being a welcoming and compassionate borough, ready to play its part in supporting refugees.
3. Council assembly:
  - Condemns the government's decision to end the scheme prematurely which will put the lives of some of the world's most vulnerable children at risk.
  - Refutes the suggestion that local authorities are not willing to help.
  - Notes that the national transfer scheme set up within the act means that the demand on services is shared across the country but the Home Office has simply failed to take up the offers of help from councils.
  - Praises local authorities who, despite the government's underfunding of child refugees, are still meeting their commitments and ensuring the safety and wellbeing of child refugees.

4. Council assembly calls on the leader of the council to write to the Home Secretary urging that she:
  - Immediately reinstates the Dubs scheme.
  - Opens up new consultation with local authorities and commits to provide adequate funding for local authorities taking children under the scheme.
  - Publishes a strategy for the safeguarding of unaccompanied refugee children safeguarding of unaccompanied refugee children living in the UK.

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

6. **MOTION FROM COUNCILLOR KIERON WILLIAMS** (Seconded by Councillor Rebecca Lury)

### **NHS Sustainability and Transformation Plan**

1. The council welcomes the publication in full of work undertaken on the South East London Sustainability and Transformation Plan (STP) and the commitment local NHS bodies, including Southwark Clinical Commissioning Group, have made to working collaboratively with the Councils and Southwark residents to further develop these plans. The Council also welcomes the work the Our Healthier South East London Joint Health Overview and Scrutiny Committee is undertaking to scrutinise these proposals and to ensure they are developed in a way that is accountable to local people.
2. The council notes that:
  - There is an urgent need for the government to provide adequate and sustainable funding for health and social care. Whilst demand for these services is rising rapidly (due in a large part to our ageing population) the Government has cut funding to local authorities every year for the past seven years and now plans to cut in real terms NHS funding per head of population for the next two years.
  - The Organisation for Economic Co-operation and Development (OECD) figures show that the UK now spends less on health care both per a person and as a proportion of gross domestic product (GDP) than most similar countries including Germany, France, Ireland, Denmark, Austria, Sweden, Belgium and Netherlands.
  - Significant concerns have been raised nationally about the Government's approach to STPs. For example the respected think-tank The Kings Fund has pointed out that: "Tight deadlines have made it difficult to secure meaningful involvement in the plans from key stakeholders, including patients and the public, local authorities, clinicians and other frontline staff"; "Despite the focus on local ownership, key elements of the process have been 'top-down'"; and, "National requirements and deadlines for the plans have changed

over time, and guidance for STP leaders has sometimes been inconsistent and often arrived late.”

3. Therefore, the council resolves to:

- Call on HM Government to provide the resources to fund good quality health and social care services across South East London.
- Call on HM Government to ensure the national STP process supports the real and meaningful involvement of and accountability to local people and organisations in South East London, and enables closer partnership between local authorities and health services.
- Request the continued full publication of all South East London STP documents, appendices and impact assessments.
- Require full public consultation on all significant changes to services arising from the South East London STP.
- Require continued pre decision scrutiny of all significant changes to NHS and social care provision arising from the South East London STP.
- Call on HM Government to provide adequate funding support to allow councils to effectively scrutinise STPs.

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

#### **BACKGROUND DOCUMENTS**

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

#### **AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Constitutional Manager
<b>Report Author</b>	Andrew Weir, Constitutional Officer
<b>Version</b>	Final
<b>Dated</b>	3 March 2017

<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 22 March 2017	<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 ("the Act") 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 policy statements must be published and thus open to public scrutiny. Under the 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 and 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 policy 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. Additionally the Local Government Data Transparency Regulations 2014 requires that councils publish the pay multiplier, defined as the ratio between the highest paid taxable earnings for the given year and the median taxable earnings figure of the whole of the authority's workforce. As per the regulations this will coincide with reporting at the end of the financial year and will be published on the council's website. An assessment, using basic salary information from January 2017, shows that the ratio between the top earner and median earnings is **6.03 to 1**; this figure shows little change from previous years. In January 2015 the ration was 6.19 to 1 and in December 2015 it was 6.02 to 1. Our ratio is lower than that reported by most other London boroughs. Information is available from 24 other London councils and only 6 have a lower ration than Southwark.
7. Subject to Council Assembly's agreement it is proposed to continue to publish the pay policy statement on the Southwark website as part of open data. For the purpose of this report Appendix 3 provides the council's salary and grading structure for the current year (1 April 2016 to 31 March 2017). The National Joint Council for Local Government Employees has agreed a pay award of 1% from April 2017. The salary and grading structure will be adjusted to reflect this increase. The Southwark pay spine is adjusted to consolidate the London Living Wage rate as the minimum spinal column point and to deliver on 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.

### **Senior managers**

8. The pay policy statement is primarily concerned with the salary arrangements of chief officers as defined in the Local Government and Housing Act 1989 (as above).
9. Performance is rewarded through award of incremental progression based on clear achievement.

### **New employees**

10. Members will note that the proposed pay policy statement also makes specific reference to the salary package for staff newly appointed to senior management posts. The 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".
11. Elected members have a special role in the appointment of chief officers and deputy chief officers as defined, whereby they are notified of the offer of appointment and given the opportunity to raise any well founded and material objection to the proposals for this appointment. To meet requirements under "the Act", notification of an appointment includes confirmation of the salary package which attaches to the post and accordance with the council's pay policy statement.

### **Lowest paid employees**

12. 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.
13. 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 has made a commitment to adopt the London Living Wage and support its intention to stop working Londoners from falling into poverty; making sure that the unemployed in London are better off in work than living on benefits. The current London Living Wage is set at £9.75 per hour. This rate is independently calculated by the Resolution Foundation and overseen by the Living Wage Commission. The rate and is due for review later this year and any changes will be announced in the first week of November 2017, during “Living Wage” week.

### **Policy implications**

14. The statement is used as a method to articulate the council’s existing policy on remuneration, with specific details on senior manager posts in particular. As such it does not amend or introduce new policy. Should any current arrangements need amending as a consequence of the development of this statement; the policy implications and contractual implications would require review by cabinet.
15. 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.
16. The government is introducing two pieces of legislation in relation to the exit payments made to employees:
  - a cap of £95,000 on all public sector exit payments, including redundancy payments, pension strain costs, pay in lieu of notice and any other payments made in consequence of loss of employment e.g. as part of a settlement agreement.
  - a ‘claw-back’ arrangement to recover public sector exit payments from high earning individuals (earning over £80,000), who will be required to repay a proportionate amount if they return to any part of the public sector within 12 months of their departure.
17. Final details of the regulations have not yet been confirmed, but the legislation is expected to come into force within the next six months. The Council’s pay policy statement will be reviewed to ensure that all statutory reporting requirements are met.

### **Community equality impact statement**

18. 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 level pay.

19. 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.
20. The additional regulations (2017) to the Equality Act (2010) introduce mandatory gender pay gap reporting for public sector employers. This will apply first in respect of a pay "snapshot" as at 31 March 2017 and the council will publish data in advance of the March 2018 deadline. In future a summary of this information will also be incorporated within the equality analysis of our pay policy statement.

### **Resource implications**

21. 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.

### **Consultation**

22. 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 Law & Democracy**

23. Section 38 of the Act requires a relevant authority (which includes a London Borough) to prepare a pay policy statement for each financial year, by 31 March of the year immediately preceding that to which the pay policy statement relates. The pay policy statement must be approved by a resolution of the authority, and it is a matter reserved to Council Assembly.
24. 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.
25. 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.
26. 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 2017. Once approved 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 also by resolution by Council Assembly.
27. In complying with its duties relating to pay policy statements, regard must be had to Department of Communities and Local Government ('DCLG') guidance Openness and accountability in local pay: Guidance under section 40 of the Act in 2012 and supplementary guidance (February 2013). The guidance sets out the key policy principles that underpin the pay accountability provisions.
28. This guidance was taken into account in preparing this statement. There have not been any further updates since this time.
29. The draft pay policy statement in Appendix 1 will enable the council to meet its obligations under sections 38 to 43 of the Act.
30. The Director of Law & Democracy notes that the requirement under the Local Government Data Transparency Regulations 2014 to publish pay multiplier information, as has been reflected in paragraph 6 of this report.
31. When exercising any of its functions, section 149 Equality Act 2010 requires the authority to have due regard to the need to eliminate discrimination and other prohibited conduct and advance equality of opportunity and foster good relations between people who share a relevant protected characteristic and those who do not. Information about the consideration given to equalities issues is set out in paragraphs 18 and 19 of the report.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Communities & Local Government: Openness and accountability in local pay	Human Resources Southwark Council 160 Tooley Street London SE1 2QH	Julie Foy 020 7525 0472
Localism Act – Sections 38 – 43	Human Resources Southwark Council 160 Tooley Street London SE1 2QH	Julie Foy 020 7525 0472
Supplementary guidance issued by The Department of Communities and Local Government in February 2013	Human Resources Southwark Council 160 Tooley Street London SE1 2QH	Julie Foy 020 7525 0472

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Southwark Council – Pay Policy Statement
Appendix 2	Equality Analysis
Appendix 3	Salary & Grading Structure – April 2016

**AUDIT TRAIL**

<b>Lead Officer</b>	Eleanor Kelly, Chief Executive	
<b>Report Author</b>	Julie Foy, Head of Human Resources	
<b>Version</b>	Final	
<b>Dated</b>	9 March 2017	
<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 Law & Democracy	Yes	Yes
Strategic Director for Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	9 March 2017	

## 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 2017-18 and it is approved by Council Assembly.

#### Scope

The statement describes our policies towards the pay of senior 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 applies to the Chief Executive, Strategic Directors and Directors. These positions are considered as our senior managers.

#### Remuneration

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

The council does not employ senior managers under a contract for services (people who are self-employed or work through a limited company), and therefore remuneration for such arrangements is not described. All senior managers 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 senior managers, are job evaluated using a single system (the Hay Group methodology) to determine the job size. All job evaluation results for senior managers are scrutinized by independent experts at the Korn Ferry Hay Group.

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

The pay spine is increased in accordance with pay award settlements determined by the National Joint Council for Local Authorities Services. The pay award effective from

1<sup>st</sup> April 2016 increased the pay rates by 1%. A further 1% increase is due on 1<sup>st</sup> April 2017.

Southwark has introduced special arrangements for its lowest paid workers, as described below. Were there any amendments, which are determined by the National Joint Council for Local Authorities Services, these will be applied to all relevant employees without further referral to council assembly.

Individual staff are paid within the grade. Employees may move through the grade range by incremental progression; in accordance with a performance management framework.

There is an element of flexibility that allows the payment of market factor supplements to specific roles that are recognised as “hard to fill”. Payment is subject to justification against external data and with annual review.

For posts at JNC level (grade 14 and above), specific benefits up to a financial cap may be taken in kind (e.g. season ticket purchase, addition pension contributions, health plan) or paid as an addition to salary. For senior managers the annual financial value of such benefits currently ranges from £3,503 up to £6,190, dependent on grade. Pay rates in appendix 3 reflect the current position.

### **Other Payments & Expenses**

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

Senior 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 senior 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”; senior managers do not receive enhancements nor shift allowances which other staff on NJC conditions for Local Authorities Services may be entitled.

Senior 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 differ 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**

Senior 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 the prevailing market, or to recognise experience and skills to secure engagement. No staff are paid above the grade maximum.
- Do not receive any lump sum payments on joining.
- 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 senior management posts.

### **Leaving the Organisation & Pensioners**

All staff leaving the council (including senior managers) on a voluntary resignation basis do not receive a 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 un-worked, leave not taken), plus redundancy element, in accordance with the statutory table. 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. Entitlements are not discretionary to an individual once a redundancy situation arises.

Regulations within the government's Enterprise Act, when in force, will set a £95,000 cap on the total value of all public sector exit payments, including redundancy payments, pension strain costs, pay in lieu of notice and any other payments made in consequence of loss of employment e.g. as part of a settlement agreement. Any exemptions will require full council agreement and must be published in the annual Statement of Accounts

There are also new regulations pending in relation to the recovery of exit payments. These may lead to the recovery of redundancy and other exit payments made to any employee earning more than £80,000 per annum. Individuals will be required to repay a proportionate amount if they return to any part of the public sector within 12 months of their departure. This will include payments made as a consequence of leaving employment and include the "pension strain" generated from the early unreduced payment of Local Government Pension Scheme benefits.

For senior 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 senior management positions 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 grade 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.

Alongside the job evaluation and grading framework the council has determined that no employee should receive an hourly rate less than the London Living Wage; the current rate is £9.75 per hour. This is the baseline payment for the lowest paid staff.

### **Other Information**

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. 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.

In accordance with the Local Government Data Transparency Regulations 2014; to coincide with the reporting at the end of the financial year, the council publishes the ratio between the highest paid taxable earnings for the given year and the median earnings figure of the whole of the authority's workforce. In January 2017 the ratio between the top earner and median earnings was 6.03 to 1.

## 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.

5. The Equality Act 2010 (Regulations 2017) introduce mandatory gender pay gap reporting for public sector employers. The requirement will be implemented by amending the specific Public Sector Equality Duties, and will apply first in respect of pay as of 31 March 2017.

Employers will then have until 30 March 2018 to publish the data, and thereafter will have to report annually using the 'snapshot' date of 31 March and the subsequent 30 March deadline. This council will publish data in advance of the March 2018 deadline and a summary of this information will also be incorporated within the equality analysis of our pay policy statement.



**SALARY & WAGES SCALES as at 1st April 2016**

Inner London wef 1/4/16		SALARY & WAGES SCALES as at 1st April 2016										JNC wef 1/4/16	
		01		02		03		04		05			
						9	£18,555	13	£19,638	16	£20,607	2	47847
						10	£18,846	14	£19,947	17	£20,985	3	49407
				8	£18,162	11	£18,978	15	£20,217	18	£21,330	4	51018
				9	£18,555	12	£19,299	16	£20,607	19	£21,999	5	52677
				10	£18,846	13	£19,638	17	£20,985	20	£22,677	6	54411
				11	£18,978	14	£19,947	18	£21,330	21	£23,376	7	56193
8	18162			12	£19,299	15	£20,217	19	£21,999	22	£23,895	8	58044
9	18555			13	£19,638	16	£20,607	20	£22,677	23	£24,495	9	59943
10	18846											10	61926
11	18978											11	63972
12	19299											12	66093
13	19638											12a	70455
14	19947											13	68271
15	20217											13a	72777
16	20607											14	70551
17	20985											14a	75207
18	21330											15	77703
19	21999											16	80316
20	22677											17	82983
21	23376											18	85761
22	23895											19	88635
23	24495											20	91602
24	25185											21	94680
25	25875											22	97878
26	26601											23	101163
27	27378											24	104586
28	28158											25	108123
29	29133											26	111771
30	29994											27	115557
31	30831											28	119463
32	31635											29	123534
33	32478											30	130533
34	33294											31	136269
35	33915											32	140916
36	34725											33	145710
37	35607											34	150681
38	36549											35	155811
39	37629											36	161133
40	38532											37	166647
41	39459											38	172359
42	40380											39	177957
43	41304											40	183744
44	42228											41	189717
45	43098											42	195882
46	44055												
47	44988												
48	45918												
49	46824												
50	47757												
51	48690												
52	49620												
53	50565												
54	51555												
55	52560												

Planned Overtime per hr		sleeping in	unit standby
grade 9	£ 20.00	£34.34	£9.03
grade 10/11	£ 21.42		
grade 12	£ 23.24		

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

<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 22 March 2017	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Member Allowances Scheme 2017-2018	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Constitutional Steering Panel	

That council assembly considers the recommendations of the constitutional steering panel in respect of the proposals set out in this report.

### **RECOMMENDATIONS**

1. That council assembly approve the Member Allowances Scheme for 2017-2018 with effect from 1 April 2017 (see Appendix 2).

### **BACKGROUND INFORMATION**

#### **Legal background**

2. Under Section 18 of the Local Government and Housing Act 1989, the Secretary of State may make regulations authorising or requiring councils to make a scheme providing for the payment of allowances to members. The relevant regulations are the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended. The council is to agree on an annual basis a schedule of allowances payable to members' for the following financial year. Under the regulations, when making or amending a scheme, the council is required to have regard to the recommendations of an Independent Remuneration Panel.
3. The council must publish its scheme of members' allowances, dealing with basic allowances and special responsibility allowances. Payments to members of the council may only be made in accordance with this.

#### **Current scheme and process for review**

4. Southwark's Member Allowances Scheme is comprehensive and includes basic allowances, special responsibility allowances (for posts which carry specific responsibilities) and other allowances and expenses that may be claimed.
5. The proposed scheme of allowances for 2017-18 does not change the current allowance rates, which were adopted by council on 21 January 2015. The following was agreed:
  - i) That the basic allowance and special responsibility allowances be increased in accordance with the Independent Remuneration Panel recommendation for allowances to be adjusted in line with the local government officer pay settlement and that the licensing sub-committee payment and co-opted member's allowance be increased on the same basis.
  - ii) That the member allowances scheme be amended so in future years the level of the childcare and dependent carers allowances for councillors is automatically reviewed in line with changes in the London Living Wage.

6. On 16 March 2016, the council agreed an addition to the Member Allowances Scheme to include payment to cabinet members for loss of office.
7. The constitutional steering panel and council assembly are under a statutory duty to have regard to the advice of the London Councils Independent Remuneration Panel Report when considering the council's own scheme for member allowances.
8. In Southwark, the constitutional steering panel considers and recommends any changes to the member allowances scheme to council assembly for final adoption. The approval of the member allowances scheme and the setting of allowances are matters reserved for decision by council assembly.

## **KEY ISSUES FOR CONSIDERATION**

### **London Councils Independent Remuneration Panel Report 2014**

9. The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London boroughs. Such a panel ('the panel') was established and reported in 2001, 2003, 2006, 2010 and June 2014. The regulations require a review of the scheme every four years as a minimum. The June 2014 report is the current review. A full copy of the report is set out in Appendix 1.

### **Basic and special responsibility allowances**

10. The principle of pegging the basic allowance and special responsibility allowances in line with the annual local government pay settlement is already recognised in the council's Member Allowances Scheme following the council assembly decision of 21 January 2015. The Licensing Sub-Committee meeting payments and co-opted member allowance will be increased on the same basis.
11. The outcome of the 2016-18 local government pay settlement reported in May 2016 is for a 1% increase payable from 1 April 2016 to 31 March 2017 and a further 1% increase payable from 1 April 2017 to 31 March 2018.
12. The Scheme has been drafted on the basis that the council still wishes to pay the current basic and special responsibility allowances.

### **Community impact statement**

13. No changes are proposed to the current member allowances scheme. Any changes to the scheme are published on the council's website.

### **Resource implications**

14. The member expenditure budget makes provision for the basic allowance and special responsibility allowances. There is no proposed increase in allowances.

### **Legal implications**

15. The council is under a duty to adopt a scheme of members' allowances by virtue of section 18 of the Local Government and Housing Act 1989 and relevant

regulations. It may only pay allowances in accordance with such a scheme. Members are reminded of the need to have regard to the guidance issued in relation to members' allowance, which is referred to in the report of the London Councils Remuneration Panel attached as Appendix 1.

16. There is a general rule that members may not usually vote on matters in which they have a disclosable pecuniary interest. However decisions relating to the member allowances scheme are an exception to this general principle, and members may vote on this issue. A dispensation has been granted by the monitoring officer.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Member Allowances Scheme, Southwark Constitution <a href="http://moderngov.southwark.gov.uk/documents/s65704/Member%20Allowances%20Scheme%20March%202016.pdf">http://moderngov.southwark.gov.uk/documents/s65704/Member%20Allowances%20Scheme%20March%202016.pdf</a>	Constitutional Team 160 Tooley Street, London SE1 2QH	Constitutional Team constitutional.team@southwark.gov.uk 020 7525 7055

## APPENDICES

Appendix	Title
Appendix 1	London Council Remuneration Panel Report 2014
Appendix 2	Southwark's Member Allowances Scheme

## AUDIT TRAIL

<b>Lead Officer</b>	Doreen Forrester-Brown, Director of Law and Democracy	
<b>Report Authors</b>	Chidilim Agada, Constitutional Manager (Acting)	
<b>Version</b>	Final	
<b>Dated</b>	9 March 2017	
<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 Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	9 March 2017	

<b>Item No.</b> 6.3	<b>Classification:</b> Open	<b>Date:</b> 22 March 2017	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Council Assembly Dates and Calendar of Meetings 2017-18	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Constitutional Steering panel	

That council assembly considers the recommendations of the constitutional steering panel in respect of the proposals set out in this report.

## RECOMMENDATIONS

1. That the following dates for meetings of council assembly be fixed in the council calendar for the 2017-18 municipal year:

<b>Council Assembly</b>	<b>Type of Meeting</b>
Saturday 13 May 2017 <i>(As agreed by 16 March 2016 council assembly)</i>	Annual Meeting <i>Note: To be held jointly with Civic Awards Ceremony</i>
Wednesday 12 July 2017	Ordinary meeting
Wednesday 29 November 2017	Ordinary meeting
Wednesday 21 February 2018	Budget and council tax setting
Wednesday 14 March 2018	Ordinary meeting
Saturday 12 May 2018 <i>Note: Alternative date is Saturday 19 May 2018 however Southwark Cathedral is not available on this date</i>	Annual meeting

2. That the calendar of council meetings for the 2017-18 municipal year as shown at Appendix 1 be noted.

## BACKGROUND INFORMATION

### Council assembly dates

3. Council assembly procedure rules require that meetings shall take place on such dates as agreed by council assembly.
4. The proposed dates are based on the 2016-17 calendar of meetings and in line with the practice adopted at council assembly in July 2016 of five meetings per municipal year, which includes the annual council assembly meeting.

## KEY ISSUES FOR CONSIDERATION

5. A schedule of council assembly meetings for the 2017-18 municipal year has been prepared and is shown at recommendation 1.
6. Council assembly will need to be asked to formally agree these dates, in accordance with constitutional provision council assembly procedure rule 2.1.
7. A calendar of all council meetings for the 2017-18 municipal year (including council assembly meetings) has been prepared and is shown at Appendix 1. Appendix 2 is a list of all meetings for 2017-18 in a table format. This has been included as members may welcome being able to view all dates at a snapshot.
8. The calendar includes the dates for school holidays, party conferences and other committed dates. Due to business demands of the service, certain meetings will meet more frequently e.g. cabinet, overview and scrutiny committee and planning committee. Cabinet procedure rule 2.1 requires that the cabinet should meet at least eight times per year; therefore cabinet meetings are scheduled in line with this requirement. Scrutiny sub-committees are included in the draft calendar, pending their establishment by the overview and scrutiny committee.
9. In respect of meetings other than council assembly, this calendar is subject to amendments, additions and cancellations. The calendar is published on the council's website and is regularly updated throughout the year.

## Community impact statement

10. The proposals in this report will have no direct impact on local people. The constitution enables people, including the local community where relevant, to understand the role that they can play in the decision making of the council.

## Resource implications

11. The constitution is published on the council's website and is available for viewing online. Limited numbers of the constitution are 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. It is anticipated that the cost can be contained within existing budgets.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

12. Any legal issues are outlined in the body of the 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>	Council Offices, 160 Tooley Street, London SE1 2QH	Constitutional Team Email: <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a> Tel: 020 7525 7055

**APPENDICES**

<b>Appendix</b>	<b>Title</b>
Appendix 1	Council Calendar 2017-18
Appendix 2	Council Calendar 2017-18 (table format)

**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Constitutional Manager (Acting)	
<b>Report Author</b>	Chidilim Agada, Constitutional Manager (Acting)	
<b>Version</b>	Final	
<b>Dated</b>	9 March 2017	
<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 Law and Democracy	Yes	Incorporated in the report
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		9 March 2017

DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
May-17	Mon	1		<b>BANK HOLIDAY</b>			
	Tue	2	Planning Committee Scrutiny Sub-Committee		1730 1900		
	Wed	3	Bermondsey and Rotherhithe Community Council	<i>Note: community engagement only</i>	1900		
	Thur	4					
	Fri	5					
	Sat	6					
	Sun	7					
	Mon	8	Overview and Scrutiny Committee		1900		
	Tue	9	Cabinet Planning Sub-Committee A Audit, Governance and Standards committee		1600 1900 1900		
	Wed	10					
	Thur	11					
	Fri	12					
	Sat	13	<b>Council Assembly</b> (Annual Meeting held jointly with Civic Awards)	<i>Note: Statutory meeting</i>			
	Sun	14					
	Mon	15					
	Tue	16					
	Wed	17	Overview & Scrutiny Committee	<i>Note: to establish any sub-committees and appoint chairs and vice-chairs</i>	1900		
	Thur	18					
	Fri	19					
	Sat	20					
	Sun	21					
	Mon	22	Group meeting		1900		
	Tue	23					



DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Wed	24	Planning Committee	<i>Notes: (1) Development Management items and possible establishment of sub-committees, and appointment of chairs and vice-chairs. (2) alternative date Monday 5</i>			
	Thur	25					
	Fri	26					
	Sat	27					
	Sun	28					
	Mon	29					
	Tue	30					
	Wed	31					
<b>Jun-17</b>	Thur	1					
	Fri	2					
	Sat	3					
	Sun	4					
	Mon	5	Planning Committee	<i>Notes: (1) Development Management items and possible establishment of sub-committees, and appointment of chairs and vice-chairs, (2) alternative date Wednesday 24 May June 2017</i>	1730		
	Tue	6					
	Wed	7	Community Council Chairs and Vice-Chairs		1900		
	Thur	8					
	Fri	9					
	Sat	10					
	Sun	11					
	Mon	12	Constitutional Steering Panel		1800		
	Tue	13	Cabinet		1600		
			Planning Sub-Committee A		1900		
	Wed	14	Education & Children's Services Scrutiny Sub-Committee		1900		
	Thur	15					
	Fri	16					
	Sat	17					
	Sun	18					
	Mon	19					
	Tue	20	Licensing Committee				

DRAFT COUNCIL CALENDAR 2017/2018						
DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
Wed	21	Camberwell Community Council	<i>Note: executive functions and community engagement</i>	1900		
		Bermondsey and Rotherhithe Community Council	<i>Note: executive functions and community engagement</i>	1900		
Thur	22					
Fri	23					
Sat	24					
Sun	25					
Mon	26	Borough, Bankside and Walworth Community Council	<i>Note: executive functions and community engagement</i>	1900		
		Dulwich Community Council	<i>Note: executive functions and community engagement</i>	1900		
Tue	27	Peckham and Nunhead Community Council	<i>Note: executive functions and community engagement</i>	1900		
Wed	28	Healthy Communities Scrutiny Sub-Committee		1900		
Thur	29					
Fri	30					
<b>Jul-17</b> Sat	1					
Sun	2					
Mon	3	Group meetings		1900		
Tue	4	Planning Committee	<b>LGA ANNUAL CONFERENCE/EXHIBITION</b>	1730		
Wed	5	Planning Sub-Committee B	<b>LGA ANNUAL CONFERENCE/EXHIBITION</b>	1900		
Thur	6		<b>LGA ANNUAL CONFERENCE/EXHIBITION</b>			
Fri	7					
Sat	8					
Sun	9					
Mon	10	Corporate Parenting Committee		1400		
		Audit, Governance and Standards committee		1900		
		Audit, governance and standards (Civic awards) sub-committee	Following the rise of the Audit, Governance and Standards committee			
Tue	11	Housing & Community Safety Scrutiny Sub-Committee		1900		
				1900		

**DRAFT COUNCIL CALENDAR 2017/2018**

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Wed	12	Council Assembly	<i>Ordinary meeting</i>	1900		
	Thur	13			1900		
	Fri	14					
	Sat	15					
	Sun	16					
	Mon	17	Planning Committee		1730		
	Tue	18	Cabinet Planning Sub-Committee A		1600 1900		
	Wed	19	Overview and Scrutiny Committee		1900		
	Thur	20					
	Fri	21					
	Sat	22					
	Sun	23					
	Mon	24					
	Tue	25					
	Wed	26					
	Thur	27					
	Fri	28					
	Sat	29					
	Sun	30					
	Mon	31					
<b>Aug 17</b>	Tue	1					

**SCHOOL HOLIDAYS**

**DRAFT COUNCIL CALENDAR 2017/2018**

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Wed	2					
	Thur	3					
	Fri	4					
	Sat	5					
	Sun	6					
	Mon	7					
	Tue	8					
	Wed	9					
	Thur	10					
	Fri	11					
	Sat	12					
	Sun	13					
	Mon	14					
	Tue	15					
	Wed	16					
	Thur	17					
	Fri	18					
	Sat	19					
	Sun	20					
	Mon	21					
	Tue	22					
	Wed	23					
	Thur	24					
	Fri	25					
	Sat	26					
	Sun	27					
	Mon	28		<b>BANK HOLIDAY</b>			
	Tue	29					
	Wed	30					
	Thur	31					
<b>Sep-17</b>	Fri	1					
	Sat	2					
	Sun	3					
	Mon	4	Planning Committee		1730		
	Tue	5	Education & Children's Services Scrutiny Sub-Committee		1900		
					1900		
	Wed	6	Housing & Community Safety Scrutiny Sub-Committee				

DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Thur	7					
	Fri	8					
	Sat	9	Dulwich Community Council	<i>Note: community engagement only</i>	1300		
	Sun	10					
	Mon	11	Planning Sub-Committee B		1900		
					1900		
	Tue	12	Bermondsey and Rotherhithe Community Council	<i>Note: community engagement only</i>	1900		
			Borough, Bankside and Walworth Community Council	<i>Note: community engagement only</i>	1900		
	Wed	13	Healthy Communities Scrutiny Sub-Committee		1900		
			Audit, Governance and Standards committee		1900		
	Thur	14					
	Fri	15					
	Sat	16		Liberal Democrats Party Conference			
	Sun	17					
	Mon	18					
	Tue	19	Cabinet		1600		
	Wed	20	Peckham and Nunhead Community Council	<i>Note: community engagement only</i>	1900		
			Camberwell Community Council	<i>Note: community engagement only</i>	1900		
	Thur	21					
	Fri	22					
	Sat	23		Labour Conference			
	Sun	24					
	Mon	25					
	Tue	26					
	Wed	27					
	Thur	28					
	Fri	29		Conservative Party Conference			
	Sat	30					
<b>Oct-17</b>	Sun	1					
	Mon	2	Group meetings		1900		
	Tue	3	Planning Sub-Committee A		1900		
	Wed	4	Leader and Cabinet Member Public Question Time	<i>Note: Alternative date is Wednesday 11 October 2017 subject to venue availability</i>	1900		

DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Thur	5					
	Fri	6					
	Sat	7					
	Sun	8					
	Mon	9	Overview and Scrutiny Committee		1900		
	Tue	10	Planning Committee		1730		
	Wed	11	Leader and Cabinet Member Public Question Time	<i>Note: alternative date 4 October 2017 subject to venue availability</i>	1900		
	Thur	12					
	Fri	13					
	Sat	14					
	Sun	15					
	Mon	16	Education & Children's Services Scrutiny Sub-Committee		1900		
	Tue	17	Healthy Communities Scrutiny Sub-Committee		1900		
	Wed	18	Community Councils Chairs and Vice-Chairs				
	Thur	19					
	Fri	20					
	Sat	21					
	Sun	22					
	Mon	23					
	Tue	24					
	Wed	25					
	Thur	26					
	Fri	27					
	Sat	28					
	Sun	29					
	Mon	30	Housing & Community Safety Scrutiny Sub-Committee		1900		
	Tue	31	Cabinet		1600		
			Planning Sub-Committee B		1900		
<b>Nov-17</b>	Wed	1	Dulwich Community Council	<i>Note: community engagement only</i>	1900		
			Borough, Bankside and Walworth Community Council	<i>Notes: (1) alternative date Sat 4 Nov 2017, (2) community engagement only</i>	1900		
	Thur	2					
	Fri	3					
	Sat	4	Borough, Bankside and Walworth Community Council (tbc)	<i>Notes: (1) alternative date Wed 1 Nov 2017, (2) community engagement only</i>	1300		
	Sun	5					
	Mon	6	Corporate Parenting Committee		1400		

DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
			Licensing Committee		1900		
	Tue	7	Planning Committee		1730		
	Wed	8	Constitutional Steering Panel		1800		
	Thur	9					
	Fri	10					
	Sat	11	Bermondsey and Rotherhithe Community Council (tbc)	<i>Notes: (1) alternative date Wed 14 Nov 2017, (2) community engagement only</i>	1300		
			Camberwell Community Council (tbc)	<i>Notes: (1) alternative date Wed 14 Nov 2017, (2) community engagement only</i>	1300		
	Sun	12					
	Mon	13	Peckham and Nunhead Community Council		1900		
	Tue	14	Camberwell Community Council (tbc)	<i>Notes: (1) alternative date Sat 11 Nov 2017, (2) community engagement only</i>	1900		
			Bermondsey and Rotherhithe Community Council (tbc)	<i>Notes: (1) alternative date Sat 11 Nov 2017,(2) community engagement only</i>	1900		
	Wed	15	Overview and Scrutiny Committee		1900		
	Thur	16					
	Fri	17					
	Sat	18					
	Sun	19					
	Mon	20	Group Meetings		1900		
	Tue	21	Planning Sub-Committee A		1900		
	Wed	22	Audit, Governance and Standards committee		1900		
	Thur	23					
	Fri	24					
	Sat	25					
	Sun	26					
	Mon	27	Education & Children's Services Scrutiny Sub-Committee		1900		
	Tue	28	Healthy Communities Scrutiny Sub-Committee		1900		
	Wed	29	Council Assembly	<b>ORDINARY MEETING</b>	1900		
	Thur	30					
<b>Dec-17</b>	Fri	1					
	Sat	2					
	Sun	3					
	Mon	4	Housing & Community Safety Scrutiny Sub-Committee		1900		
	Tue	5	Planning Committee		1730		
	Wed	6			1900		
					1900		
	Thur	7					
	Fri	8					
	Sat	9			1300		
	Sun	10					

DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Mon	11	Overview and Scrutiny Committee		1900		
	Tue	12	Cabinet (Livesey Trust) Committee		1400		
			Cabinet		1600		
	Wed	13	Planning Sub-Committee B		1900		
	Thur	14					
	Fri	15					
	Sat	16					
	Sun	17					
	Mon	18	Planning Committee		1730		
	Tue	19					
	Wed	20					
	Thur	21		SCHOOL HOLIDAYS			
	Fri	22					
	Sat	23					
	Sun	24		CHRISTMAS EVE			
	Mon	25		CHRISTMAS DAY (BANK HOLIDAY)			
	Tue	26		BOXING DAY (BANK HOLIDAY)			
	Wed	27					
	Thur	28					
	Fri	29					
	Sat	30					
	Sun	31					
Jan-18	Mon	1		NEW YEAR'S DAY (BANK HOLIDAY)			
	Tue	2					
	Wed	3					
	Thur	4					
	Fri	5					
	Sat	6					
	Sun	7					
	Mon	8	Peckham and Nunhead Community Council	Notes: (1) Alternative date 6 Jan 2018, (2) executive functions and community	1900		
	Tue	9	Borough, Bankside and Walworth Community Council	Notes: (1) alternative date 20 Jan 2018, (2) executive functions and community engagement	1900		
			Dulwich Community Council	Note: executive functions and community engagement	1900		
	Wed	10	Bermondsey and Rotherhithe Community Council	Note: executive functions and community engagement	1900		
			Camberwell Community Council	Notes: (1) Alternative date 13 Jan 2018, (2) executive functions and community engagement	1900		



DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Thur	11					
	Fri	12					
	Sat	13	Camberwell Community Council	<i>Notes: (1) alternative date 10 Jan 2018, (2) executive functions and community engagement</i>	1300		
			Peckham and Nunhead Community Council	<i>Notes: (1) Alternative date 8 Jan 2018, (2) executive functions and community engagement</i>	1300		
	Sun	14					
	Mon	15	Group meetings		1900		
	Tue	16	Planning Committee		1730		
	Wed	17					
	Thur	18					
	Fri	19					
	Sat	20	Borough, Bankside and Walworth Community Council	<i>Note: - Alternative date 9 Jan 2018, executive functions and community engagement</i>	1300		
	Sun	21					
	Mon	22	Overview & Scrutiny Committee		1900		
	Tue	23	Cabinet		1600		
			Planning Sub-Committee A		1900		
	Wed	24			1900		
					1900		
	Thur	25					
	Fri	26					
	Sat	27			1300		
					1300		
	Sun	28					
	Mon	29	Healthy Communities Scrutiny Sub-Committee		1900		
	Tue	30	Constitutional Steering Panel		1800		
	Wed	31	Housing & Community Safety Scrutiny Sub-Committee		1900		
<b>Feb-18</b>	Thur	1					
	Fri	2					
	Sat	3			1300		
					1300		
	Sun	4					
	Mon	5	Group meetings		1900		
	Tue	6	Cabinet		1600		
			Education & Children's Services Scrutiny Sub-Committee		1900		
	Wed	7	Planning Committee		1730		

DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Thur	8					
	Fri	9					
	Sat	10					
	Sun	11		<b>HALF TERM</b>	1900		
	Mon	12					
	Tue	13					
	Wed	14					
	Thur	15					
	Fri	16					
	Sat	17					
	Sun	18					
	Mon	19	Audit, Governance and Standards committee		1900		
	Tue	20	Education & Children's Services Scrutiny Sub-Committee		1900		
	Wed	21	Council Assembly (Budget and council tax setting)	<i>Note: statutory meeting</i>	1900		
	Thur	22					
	Fri	23					
	Sat	24					
	Sun	25					
	Mon	26	Bermondsey and Rotherhithe Community Council	<i>Note: Community engagement only</i>	1900		
			Camberwell Community Council	<i>Note: Community engagement only</i>	1900		
	Tue	27	Borough, Bankside and Walworth Community Council	<i>Note: Community engagement only</i>	1900		
			Dulwich Community Council	<i>Note: Community engagement only</i>	1900		
	Wed	28	Corporate Parenting Committee		1400		
			Peckham and Nunhead Community Council	<i>Note: Community engagement only</i>	1900		
			Constitutional Steering Panel		1900		
<b>Mar-18</b>	Thur	1					
	Fri	2					
	Sat	3					
	Sun	4					
	Mon	5	Group meetings		1900		
	Tue	6	Planning Committee		1730		
	Wed	7	Planning Sub-Committee B		1900		
	Thur	8					
	Fri	9					
	Sat	10					

DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Sun	11					
	Mon	12	Audit, governance and standards (Civic awards) sub-committee		1900		
	Tue	13	Overview and Scrutiny Committee Cabinet		1900 1900 1600		
	Wed	14	Council Assembly (Ordinary Meeting)		1900		
	Thur	15					
	Fri	16					
	Sat	17					
	Sun	18					
	Mon	19					
	Tue	20		<b>Purdah starts - council elections</b>			
	Wed	21			1900		
	Thur	22					
	Fri	23					
	Sat	24					
	Sun	25					
	Mon	26	Planning Sub-Committee A		1900		
	Tue	27	Planning Committee		1730		
	Wed	28					
	Thur	29		<b>SCHOOL HOLIDAYS</b>			
	Fri	30		<b>BANK HOLIDAY</b>			
	Sat	31					
<b>Apr-18</b>	Sun	1		<b>EASTER SUNDAY</b>			
	Mon	2		<b>EASTER MONDAY (Bank Holiday)</b>			
	Tue	3					
	Wed	4					
	Thur	5					
	Fri	6					
	Sat	7					
	Sun	8					
	Mon	9					
	Tue	10					
	Wed	11					

**DRAFT COUNCIL CALENDAR 2017/2018**

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Thur	12					
	Fri	13					
	Sat	14					
	Sun	15					
	Mon	16					
	Tue	17	Constitutional Steering Panel		1900		
	Wed	18					
	Thur	19					
	Fri	20					
	Sat	21					
	Sun	22					
	Mon	23	Corporate Parenting		1400		
	Tue	24	Planning Sub-Committee B		1900		
	Wed	25					
	Thur	26					
	Fri	27					
	Sat	28					
	Sun	29					
	Mon	30					
	<b>May-18</b>						
	Tue	1	Planning Committee		1730		
	Wed	2			1900		
	Thur	3		<b>LOCAL GOVERNMENT ELECTIONS</b>			
	Fri	4					
	Sat	5					
	Sun	6					
	Mon	7		<b>BANK HOLIDAY</b>			
	Tue	8					
	Wed	9					



DRAFT COUNCIL CALENDAR 2017/2018							
	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY
	Thur	31					
<b>Jun-18</b>	Fri	1					
	Sat	2					
	Sun	3					
	Mon	4	Planning Committee	<i>Notes: (1) Development Management items and possible establishment of sub-committees, and appointment of chairs and vice-chairs, (2) alternative date Wednesday 23 May 2018</i>	1730		
			Overview & Scrutiny Committee	<i>Note: (1) To establish any sub-committees and appoint chairs and vice-chairs, (2) alternative date Wednesday 23 May 2018</i>	1900		
	Tue	5	Cabinet		1600		
	Wed	6	Audit, Governance and Standards		1900		

Calendar of Meetings 2017-2018

	May 2017	June 2017	July 2017	Aug 2017	Sep 2017	Oct 2017	Nov 2017	Dec 2017	Jan 2018	Feb 2018	Mar 2018	Apr 2018	May 2018
Council Assembly	Sat 13 ***		Wed 12 ****				Wed 29 ****			Wed 21 %	Wed 14 ****		Sat 12 or Sat 19 ***
Constitutional Steering Panel		Mon 12					Wed 8		Tue 30	Wed 28		Tue 17	
Leader and Cabinet Member Public Question Time						Wed 4 / Wed 11**							
Party Group Meetings	Mon 22		Mon 3			Mon 2	Mon 20		Mon 15	Mon 5	Mon 5		Mon 21
Cabinet	Tue 9	Tue 13	Tue 18		Tue 19	Tue 31		Tue 12	Tue 23	Tue 6	Tue 13		
Cabinet (Livesey Trust) Committee								Tue 12					
Overview & Scrutiny Committee	Mon 8 and Wed 17 £££		Wed 19			Mon 9	Wed 15	Mon 11	Mon 22		Tue 13		Wed 23 £££
Education & Children's Services Scrutiny Sub-Committee		Wed 14			Tue 5	Mon 16	Mon 27			Tue 6 and Tue 20			
Healthy Communities Scrutiny Sub-Committee		Wed 28			Wed 13	Tue 17	Tue 28		Mon 29				
Housing & Community Safety Scrutiny Sub-Committee			Tue 11		Wed 6	Mon 30		Mon 4	Wed 31				
Appointments Committee													
Audit, Governance and Standards Committee	Tue 9		Mon 10		Wed 13		Wed 22			Mon 19			
Audit, governance and standards (Civic awards) sub-committee			Mon 10 \$\$								Mon 12		
Corporate Parenting Committee			Mon 10				Mon 6			Wed 28			
Health & Wellbeing Board													
Licensing Committee		Tue 20					Mon 6						
Planning Committee	Wed 24 ££ or	Mon 5 ££ or	Tue 4 and Mon		Mon 4	Tue 10	Tue 7	Tue 5 And	Tue 16	Wed 7	Tue 6 And		Tue 1 and

	May 2017	June 2017	July 2017	Aug 2017	Sep 2017	Oct 2017	Nov 2017	Dec 2017	Jan 2018	Feb 2018	Mar 2018	Apr 2018	May 2018
	Mon 5 June ££	Wed 24 May ££	17					Mon 18			Tue 27		Wed 23 ££
Planning Sub-Committee A	Tue 9	Tue 13	Tue 18			Tue 3	Tue 21		Tue 23		Mon 26		
Planning Sub-Committee B			Wed 5		Mon 11	Tue 31		Wed 13			Wed 7	Tue 24	
Community Council Chairs and Vice-Chairs		Wed 7				Wed 18							
Bermondsey and Rotherhithe CC	Wed 3 %%	Wed 21			Tue 12 %%		Sat 11%% or Wed 14%%		Wed 10	Mon 26 %%			
Borough, Bankside & Walworth CC		Mon 26			Tue 12 %%		Wed 1%% or Sat 4%%		Tue 9 or Sat 20	Tue 27 %%			
Camberwell CC		Wed 21			Wed 20 %%		Sat 11%% or Wed 14%%		Wed 10 Or Sat 13	Mon 26 %%			
Dulwich CC		Mon 26			Sat 9 %%		Wed 1 %%		Tue 9	Tue 27 %%			
Peckham & Nunhead CC		Tue 27			Wed 20%%		Mon 13 %%		Mon 8	Wed 28 %%			

\$ subject to venue availability

% budget and council tax setting

\*\* depending on venue availability - Leader and Cabinet Member Public Question Time

\*\*\* annual meeting / held jointly with the civic awards

\*\*\*\* ordinary meeting

££ Development Management items and sub-committees and chairs

£££ sub-committees and chairs

\$\$ following the rise of Audit, Standards And Governance Committee

%% Town Hall Style meeting



<b>Item No.</b> 6.4	<b>Classification:</b> Open	<b>Date:</b> 22 March 2017	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Proposed changes to Part 4 Contract Standing Orders	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Constitutional Steering Panel	

That council assembly considers the recommendations of the constitutional steering panel in respect of the proposals set out in this report.

## RECOMMENDATIONS

1. That the proposed changes to Part 4 Contract Standing Orders of the constitution be agreed (see Appendix 1).

### Consequential changes

2. That the proper constitutional officer be authorised to make any necessary consequential changes to the constitution as a result of the above.

## BACKGROUND INFORMATION

3. The council's contract standing orders (CSOs) are reviewed each year to reflect any statutory or procedural changes but with the approval of the council's Fairer Future procurement strategy in June 2016, the impact of the Public Contract Regulations 2015, and the introduction of an e-Procurement system, a more substantive review is now timely.
4. Article 1 of the constitution provides that all changes, other than minor ones, must be agreed by council assembly, after consideration by the constitutional steering panel. The draft revised CSOs have been considered by the cabinet member for finance, management and performance and also by the audit, governance and standards committee, as its remit includes the monitoring and development of corporate governance in the council and in view of its interest in contract-related decisions.
5. The purpose of this report is to set out proposed changes to the CSOs for the panel's consideration.

## KEY ISSUES FOR CONSIDERATION

6. The following paragraphs set out the key changes which are being proposed. In addition to these changes, it should be noted that the structure of the CSOs has been revised in order to try and make them flow more logically from a user's perspective so that they more closely mirror the steps in a procurement process. Appendix 1 sets out the proposed revised CSOs, Appendix 2 the current CSOs and Appendix 3 shows the changes made.

## **E-Procurement system**

7. In approving the council's Fairer Future procurement strategy in June 2016, cabinet noted that there would be consequential amendments to the constitution including the CSOs and these were made in late 2016. The strategy refers to the benefits of the use of an e-procurement system and the proposed revised CSOs make it clear that the use of this system is the preferred route when tendering. It should be noted that from mid October 2018, all procurements will have to be carried out in this way and, in due course, CSOs will be amended to reflect this.

## **Thresholds**

8. Thresholds in respect of approval decisions relating to pre-procurement strategic assessments (GW0 reports), procurement strategies (GW1 reports) and contract awards (GW2 reports) have not been amended.
9. However, changes have been proposed in respect of thresholds relating to approval decisions in respect of contract variation decisions (GW3 reports). Decisions for these have been amended to align thresholds with those for GW1 and GW2 approval decisions.
10. A change is also proposed in respect of the threshold at which the preparation of a gateway report is mandatory such that this applies to all decisions of £100,000 or more (currently £75,000), with use of it being recommended for contracts below this value.
11. Requirements in respect of obtaining quotes or tenders for contracts with an estimated value below the relevant EU threshold have been reviewed and it is proposed that thresholds be raised as follows: five tenders should be sought for contracts over £100,000 (currently £75,000), three quotes should be sought for contracts valued at £25,000 to £100,000 (currently £5,000 to £75,000) and best value, usually three quotes, should be sought for contracts below £25,000 (currently £5,000).
12. Changes are proposed to the thresholds at which works contracts must be executed under seal so that this would apply to all contracts of £200,000 or more. Current requirements are considered to be potentially confusing, with all works contracts over the EU threshold for supplies and services being subject to this. It is good practice for all other contracts to be signed by at least two authorised officers wherever practicable, but it is proposed that that a threshold of £25,000 be introduced in order to recognise that contracts of low values may be supported by a purchase order only.
13. The threshold at which supplemental advice is required to be obtained by report authors is proposed to be reduced in respect of work contracts to £2 million (currently the EU threshold for works).

## **Contract variations**

14. Contract variations are currently defined in CSOs as decisions to 'extend the length or cost or amend the scope of a contract where the original agreed contract makes explicit provision for this'. In a situation where there are no or no further extension options available but the most appropriate option is to continue to use a current provider, it is currently necessary to seek the approval of a

procurement strategy and then of a contract award, even though the decision to extend or vary will be effected by means of a variation to the existing contract. It is proposed to amend the definition of a variation to 'a modification to an existing contract such as additional services, exercising options, changes in price or a change in contractor'. This will help to ensure that there are appropriate but not overly cumbersome governance arrangements in place.

### **Corporate contracts and contracts used by more than one department**

15. Decisions on contracts which are used by more than one department, including corporate contracts, are currently taken by the strategic director of finance and governance but changes in recent years in responsibilities for services and council functions mean that a number of these contracts are now more clearly the responsibility of another chief officer – e.g. those relating to IT and facilities management.
16. It is proposed that the separate category of 'corporate' contracts be removed and that decisions on such contracts and other multi-departmental contracts should be taken by the chief officer responsible for the contract, after consideration by all relevant departmental contract review boards.

### **Spot contracts**

17. Although referred to in the current CSOs, 'spot' contracts is not a recognised term and as many such contracts now fall under the EU's Light Touch regime, it is proposed to amend CSOs to reflect this. In cases of emergency, the CSOs set out what action is required to deal with these appropriately.

### **Frameworks and purchasing consortia**

18. The sections covering the use of frameworks and purchasing consortia have been restructured with a view to making them easier to follow and comply with.

### **Tender return and opening procedures**

19. In addition to the proposed changes referred to in paragraph 6 above, a change is also proposed in dealing with exceptional cases where a request is made to do something different from what is required in respect of tender return and opening procedures. Current CSOs provide that such exceptions must only be authorised by the relevant chief officer following consultation with the strategic director of finance and governance, and the corporate and departmental contract review boards as appropriate. Recognising the potential legal implications of such exceptions, it is now proposed that chief officers should consult with the monitoring officer and seek legal advice as necessary.

### **Mergers and acquisitions**

20. Although CSOs make provision for contract termination, they do not currently cover a situation where a current contractor may be the subject of a merger or acquisition by another company or organisation. This situation has arisen on a number of occasions and a new section has therefore been drafted for inclusion which would require the lead contract officer to inform the monitoring officer and the strategic director of finance and governance in order to enable appropriate advice to be given.

### **Contract management and monitoring**

21. Requirements relating to contract management and monitoring have been tightened recently and a further amendment is now proposed which makes explicit the need to monitor KPIs and budgets as part of performance and financial monitoring.

### **Consequential changes**

22. As a result of some of the changes proposed in this report, further consequential changes will be required to update other parts of the constitution, e.g. Article 11, to ensure that it remains consistent.

### **Policy implications**

23. This report is not considered to have direct policy implications. The proposed changes are intended to ensure that governance arrangements in respect of contract-related decisions and contract management and monitoring will be more proportionate to risk.

### **Community impact statement**

24. The proposed changes to CSOs are not considered to have a significant impact on any particular community or group.

### **Resource implications**

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

### **Legal implications**

26. The specific legal implications relating to this report have been included.

### **Consultation**

27. There has been no formal consultation on this report but account has been taken of comments made by the audit, governance and standards committee.

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

28. None required.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
None		

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Proposed revised draft Contract Standing Orders and flow charts
Appendix 2	Current Contract Standing Orders – extract from the constitution: Part 4 <b>(available on website)</b>
Appendix 3	Proposed revised draft Contract Standing Orders with tracked changes <b>(available on website)</b>

**AUDIT TRAIL**

<b>Lead Officer</b>	Duncan Whitfield, Strategic Director of Finance and Governance	
<b>Report Author</b>	Jo Anson, Head of Financial and Information Governance	
<b>Version</b>	Final	
<b>Dated</b>	9 March 2017	
<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 Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Not applicable	Not applicable
<b>Cabinet Member</b>	Yes	Not applicable
<b>Date final report sent to Constitutional Team</b>	9 March 2017	

## **CONTRACT STANDING ORDERS**

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10.1 Contractor termination

10.2 Mergers and acquisitions

**11. Contractor insolvency****Glossary****Flowcharts**

## Introduction

The council seeks to achieve value for money and best value when obtaining supplies of goods, services and works.

The Contract Standing Orders (CSOs) set out minimum requirements to be followed. CSOs are governed by section 135 of the Local Government Act 1972 and are the council's rules for contracts. They must always be followed unless the law (European or UK) requires something different.

Further information can be found in the Procurement Guidelines. Officers must always seek advice from the procurement advice team and legal services for all contracts where European law applies or which are Strategic Procurements and for other contracts if they have any queries.

CSOs do not override other parts of the council's constitution. For example, if a decision about a contract is also a "key decision", then the requirements set out in the constitution in relation to CSOs and to key decisions will have to be met.

There is a Glossary at the end of these CSOs which provides explanations of important words or phrases (e.g. Estimated Contract Value).

### 1. When do Contract Standing Orders apply?

#### 1.1 CSOs apply:

- to any procurement or tendering process or contract entered into by the council for the provision of goods, services and works and to the operation of any concession
- where the council is involved in joint working funded partly or entirely by external funding to the extent that the money passes through the council's accounts
- to all schools maintained by the London Borough of Southwark but subject to the current Southwark Scheme for Financing Schools and the Schools' Contract Standing Orders.

unless an exemption to CSOs is approved (see 6.8 below).

#### 1.2 CSOs do not apply:

- to contracts of employment
- to land transactions
- to grants given by the council.

## 2. General principles

### 2.1 Compliance with relevant statutory and corporate requirements

#### 2.1.1 There must be compliance with the requirements of:

- a) propriety, including obtaining all necessary approvals
- b) value for money and best value, through the consideration of all procurement options



- c) all parts of the council's constitution such as these CSOs, the Financial Standing Orders and the protocol on Key Decisions
- d) EU and domestic legislation
- e) the council's procurement strategy, Procurement Guidance and other council policies and procedures
- f) the employee code of conduct (for officers)
- g) the council plan
- h) the council's policy commitment to the London Living Wage

## **2.2 Consequences of non-compliance**

2.2.1 It is a disciplinary offence to:

- fail to comply with CSOs
- fail to comply with council policies and procedures when letting contracts.

2.2.2 Employees have a duty to report breaches of CSOs to an appropriate senior manager, who will advise the monitoring officer and the strategic director of finance and governance.

2.2.3 The monitoring officer will report to the audit, governance and standards committee any serious breach of CSOs.

## **2.3 General principle of contract decision making**

2.3.1 The aim of the procurement process is to ensure that each contract is awarded to the most economically advantageous tenderer, who may or may not have submitted the lowest sum offered, and that any decision on a Variation is made on a similar basis so as to ensure that value for money, quality considerations and the need to implement the council's plan and strategies are taken into account. Contracts may only be awarded or a Variation decision made if the expenditure has been included in approved revenue or capital estimates or has been otherwise approved by, or on behalf of, the council.

2.3.2 When estimating the value of a contract, reference should be made to the Estimated Contract Value paragraph set out in the Glossary and, in particular, to the note that a contract may not be split into two or more separate contracts with the intention of avoiding the application of the CSOs.

2.3.3 For contracts with an Estimated Contract Value of £100,000 or more, the LCO must consult with the relevant cabinet member before a procurement strategy is implemented.

## **2.4 Contracts in writing**

2.4.1 Every contract awarded must be in writing and, wherever practicable, on terms agreed by the council and consistent with any council terms of trading and contain full details of the contract documents and contract terms. All Strategic Procurement contracts for supplies and services and those works contracts whose contract value is £200,000 or more must be executed on behalf of the council under seal as a deed.

2.4.2 All other contracts over £25,000 must be signed by at least two authorised officers of the lead contract officer's department.

2.4.3 All contracts must wherever practicable be signed or sealed before contract commencement and in accordance with the procedures set out in the Procurement Guidance.

## **2.4 Record keeping**

2.5.1 Chief officers must ensure that the following records are kept:

- a detailed contract file for each contract, including the Estimated Contract Value and, for all contracts with an Estimated Contract Value of £100,000 or more, all tender opening records where e-procurement is not used
- all decisions made, reasons for them and actions taken in relation to procurement processes and contracts
- all documents and reports relating to procurement processes and contracts.

2.5.2 Chief officers must ensure that all contracts with an Estimated Contract Value of £5,000 or more are recorded on the council's contract register via the e-procurement system.

## **2.5 Lead contract officer**

2.6.1 A lead contract officer (LCO) must be identified for each contract. Where no LCO is named, the LCO will be deemed to be the budget holder of the section from which the contract is funded.

## **2.6 Authority to act in line with scheme of management**

2.7.1 Each officer will act only within the limits of their delegated authority, as set out in their department's scheme of management. The hierarchy of decision makers for procurement decisions is as follows:

- cabinet/cabinet committee (highest)
- individual decision maker (IDM)
- strategic director of finance and governance
- chief officer, or as delegated through departmental schemes of management.

## **2.7 Declarations of interest**

2.8.1 The following will declare any interests which may affect the procurement process:

- a) all staff, whether directly employed by the council or otherwise, who play a role in any aspect of the tendering process
- b) all staff listed on a scheme of management or delegation in relation to a contract or procurement issue
- c) external consultants, community representatives and representatives of bodies other than the council who play a role or whose work gives them influence over or information about any aspect of the contract process
- d) joint negotiating committee (JNC) officers

- e) any other officers who regularly give advice to members including report authors.

2.8.2 Chief officers will ensure that staff, consultants, community representatives and representatives of bodies other than the council appointed or agreed by them make declarations on appointment, or on any change in circumstances (and annually in the case of staff); and will either certify them as acceptable or take any necessary action in respect of potential conflicts of interest.

2.8.3 Chief officers will keep completed staff declarations and also maintain a departmental register of declarations indicating the names and grades of all those declaring, and the nature of their declaration. LCOs will keep any consultants' or other bodies' representatives' declarations on the contract file.

## **2.8 Changes to CSOs**

2.9.1 As set out in article 1, the monitoring officer may make minor changes to the CSOs, after consultation with the chief finance officer.

2.9.2 Minor changes are defined as:

- typographical/presentational/explanatory changes
- changes in statutory framework, i.e. references to new or updated legislation
- changes in titles, names or terminology
- changes consequential to other constitutional changes already made.

## **3. Overview of procurement process**

3.1 Having identified a need to purchase goods, services or works which are not covered by an existing contract and having confirmed that they are subject to CSOs (see section 1 above), the main stages of all non-emergency procurements are – in summary:

- a) to identify who is the lead contract officer (LCO) – see 2.6 above
- b) to follow appropriate quote/tender route. This will depend on the Estimated Contract Value and other factors – see 4 below
- c) to obtain approval of a pre-procurement strategic assessment for services contracts with an Estimated Contract Value of £10 million or more – see 6.3 below
- d) to obtain approval of procurement strategy (Gateway 1 report). This will depend on the Estimated Contract Value and other factors and may require consideration of the report by the Departmental and Corporate Contract Review Boards (DCRB and CCRB) – see 6.4 below
- e) to obtain approval to award contract (Gateway 2 report). This will depend on Estimated Contract Value and other factors and may require consideration of the report by the DCRBs and CCRB – see 6.5 below
- f) to ensure that a written contract has been signed (and sealed if necessary) on behalf of the chief officer of the LCO's department in line with constitutional requirements.

For an emergency procurement, see 6.9 below.

3.2 Where there is a need to vary an existing contract, the process to be followed is set out in 6.6 below.

- 3.3 Where it is proposed to bring a service which was previously externalised back in-house, it is necessary to follow 3.1.1 a) and d) above.

#### **4. Requirements to obtain quotes or tenders**

##### **4.1 Contracts less than £25,000**

- 4.1.1 For all contracts where the Estimated Contract Value is less than £25,000, there is a requirement to ensure value for money and best value and to keep a record of what action has been taken and when. The best way of ensuring value for money is to obtain competitive quotes and, if this is not done, the reason for not seeking quotes should be recorded. In addition, if the contract is for works or for works-related services, the provider must be obtained from the council's Works Approved List, unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the strategic director of finance and governance or his delegated officers, without which the approval cannot be granted.

##### **4.2 Contracts from £25,000 or more to below £100,000**

- 4.2.1 For all contracts where the Estimated Contract Value is from £25,000 or more to below £100,000, there is a requirement to take all reasonable steps to obtain at least three written quotes, including one from a local supplier where this is possible, unless the LCO decides that this will not secure value for money. In such cases, a Gateway 1 report must be completed to explain what alternative action is being taken and why. In addition, if the contract is for works or works-related services, those invited to submit quotes must be selected from the council's Works Approved List unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the strategic director of finance and governance or his delegated officers, without which the approval cannot be granted.

##### **4.3 Contracts of £100,000 or more to below EU threshold**

- 4.3.1 For all contracts where the Estimated Contract Value is £100,000 or more to below the relevant EU threshold, there is a requirement to take all reasonable steps to obtain at least five tenders. In addition, if the contract is for works or work-related services, those invited to submit tenders must be selected from the council's Works Approved List unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the strategic director of finance and governance or his delegated officers, without which the approval cannot be granted.

##### **4.4 All contracts above EU threshold values**

- 4.4.1 For all contracts above the EU threshold applicable to them, there is a requirement to comply with the Public Contract Regulations 2015 following a publicly advertised competitive tendering process, as set out in these CSOs and in line with the Procurement Guidance.

- 4.4.2 Health, social care or educational services fall within the EU's Light Touch Regime (see definition in Glossary). The relevant chief officer must have regard to the threshold for these services under the Public Contract Regulations 2015.

## **5. Use of Framework agreements and Purchasing consortia**

### **5.1 Using Framework agreements**

- 5.1.1 Where there is a contract in place for the council by way of a Framework agreement for a service, supply or work, it must be used to make the relevant purchase. If the LCO believes that the Framework agreement does not meet their requirements, they must obtain an exemption (see CSO 6.8) through a Gateway report if the value is £25,000 or more.
- 5.1.2 Establishing a council-led Framework agreement or use of a third party's Framework Agreement is subject to the full requirements of these CSOs, including a Gateway 1 and Gateway 2 report.
- 5.1.3 For all Framework agreements, if recommending use of a direct award on a multi-supplier framework, the LCO must treat this as a single supplier negotiation in the Gateway 1 report.
- 5.1.4 Any planned use of a Framework agreement once in place will need a Gateway 2 report, which will be approved in line with CSO 6.5, and which should set out how orders are to be placed. In the absence of this, the LCO will need to prepare Gateway 1 and 2 reports.

### **5.2 Third party Framework agreements**

- 5.2.1 Some Framework agreements require buying authorities to formally join the framework in order to use it. Some may require an access charge to be paid. Wherever necessary, these should be made clear in the Gateway 1 and 2 reports.

### **5.3 Contracts secured through Purchasing consortia**

- 5.3.1 Approval to create or join a Purchasing consortium must be obtained in a Gateway 1 report which must identify the procedure for award of individual contracts or orders placed via the consortium. Once approval has been obtained, contracts or orders placed through the Consortium Agreement will not be subject to the quotation or tendering requirements in these CSOs, but a Gateway 2 report must be obtained in accordance with CSO 6.5 before any individual contract or order is placed.

## **6. Approvals processes**

### **6.1 Gateway and other reports**

- 6.1.1 The procurement process requires written reports at the following stages:

- a) approval of pre-procurement strategic assessment – Gateway 0 report
- b) approval of procurement strategy – Gateway 1 report
- c) approval of award of the contract – Gateway 2 report
- d) approval of Variation or Extension to contract – Gateway 3 report
- e) monitoring reports throughout the life of the contract.

More information can be found in CSOs 6.3 to 6.8, 9 and the Glossary.

## **6.2 Supplemental advice from other officers in Gateway and other reports**

- 6.2.1 Where the Estimated Contract Value or, in relation to a Variation, the Contract Value is over the relevant EU threshold for supplies and services or over £2 million for works contracts or where required elsewhere in the CSOs, any Gateway report or other report containing a contract matter (such as a Variation report) must include legal advice from the monitoring officer, financial and procurement advice and, for housing-related reports, statutory leaseholder consultation advice from the strategic director of finance and governance or delegated officer(s).
- 6.2.2 There is a requirement to include all relevant information and this may require advice from other officers e.g. the director of modernise for all IT projects or director of education for all school-related projects.

## **6.3 Decision on pre-procurement strategic assessment – Gateway 0**

- 6.3.1 A pre-procurement assessment decision is required for:
  - All services contracts with an Estimated Contract Value of £10 million or more in value (excluding capital investment works)
  - Other strategically important contracts for services, goods or works where requested by the relevant cabinet member
- 6.3.2 The decision on a pre-procurement assessment is to be taken by the relevant cabinet member, after consideration by the CCRB of a Gateway 0 report.

## **6.4 Decision on procurement strategy – Gateway 1**

- 6.4.1 For contracts with an Estimated Contract Value of £100,000 or more, the LCO must consult with the relevant cabinet member before a procurement strategy is implemented.
- 6.4.2 A decision on the procurement strategy to be used on any contract with an Estimated Contract Value of £100,000 or more must only be made after consideration of a Gateway 1 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. As a minimum, the LCO must keep a written record of decisions, the date that the decision is taken and action taken.
- 6.4.3 The decision on the approval of the procurement strategy is to be taken as set out below:
  - a) if the contract is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after consideration by the CCRB of the report

- b) if the Estimated Contract Value is £2 million or more but below £4 million for services and supplies or £10 million or more but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after consideration by the CCRB of the report
- c) if the contract will affect the budget of more than one directorate but does not fall into a) or b) above, the decision must be taken by the chief officer responsible for the contract after consideration by all relevant DCRBs of the report
- d) if the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b) or c) above and the LCO is requesting approval to proceed with a single tenderer or to negotiate with a single provider (and this is permitted by EU legislation), the decision must be taken by the strategic director of finance and governance, after consideration by the CCRB of the report
- e) if the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c) or d) above, the decision must be taken by the chief officer or under his/her delegated authority, after consideration by his/her DCRB of the report
- f) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
  - i) for the decision to be made by someone else (e.g. pensions, treasury management and insurance where decisions are to be made by the strategic director of finance and governance), or
  - ii) about the decision (e.g. in emergencies where no prior written report is needed – see CSO 6.9).
- g) if the decision does not fall into any of the categories above, it must be taken by the relevant chief officer or under their delegated authority in line with the department's scheme of management.

6.4.4 Gateway 1 reports should consider social value and set out how this will be included in any tender process. They must also include any details of procurement proposals that are different from the normal routes, including requests for exemptions to all or some of these CSOs and requests to delegate powers to award the contract.

## **6.5 Decision on contract award – Gateway 2**

6.5.1 A decision to award any contract with an Estimated Contract Value of £100,000 or more must only be made after consideration of a Gateway 2 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. As a minimum, the LCO must keep a written record of decisions, the date that the decision is taken and action taken.

6.5.2 The decision on the award of a contract is to be taken as set out below:

- a) if the contract is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after consideration by the CCRB of the report
- b) if the Estimated Contract Value is £2 million or more but below £4 million for supplies and services or £10 million or more but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after consideration by the CCRB of the report

- c) if the contract will affect the budget of more than one directorate but does not fall into a) or b) above, the decision must be taken by the chief officer responsible for the contract after consideration by all relevant DCRBs of the report
- d) If:
  - i) the Estimated Contract Value is £500,000 or above (for services and supplies contracts) or above the relevant EU threshold (for works contracts), and
  - ii) the contract is to be awarded to a contractor whose bid was more than 15% above the Lowest Bid,
 but does not fall into a), b) or c) above, the decision must be taken by the relevant chief officer after consultation with the strategic director of finance and governance
- e) if the proposed contract includes pension arrangements terms which are different from those set out in the council's Admitted Bodies policy but the contract does not fall into a), b) c) or d) above, the decision must be taken by the strategic director of finance and governance, after consideration of the report by the CCRB and taking advice from the Pensions Advisory Panel
- f) if the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c), d) or e) above, the decision must be taken by the relevant chief officer or under his/her delegated authority, after consideration by the relevant DCRB of the report
- g) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
  - i) for the decision to be made by someone else (e.g. pensions, treasury management and insurance where decisions are to be made by the strategic director of finance and governance)
  - ii) about the decision (e.g. in emergencies where no prior written report is needed – see CSO 6.9)
- h) approval has been obtained in line with CSO 6.4.4 above to a different decision process.
- i) if the decision does not fall into any of the categories above, it must be taken by the relevant chief officer or under their delegated authority in line with the department's scheme of management.

6.5.3 Requests to delegate the decision on the award of a contract should be included within the Gateway 1 report.

6.5.4 Report authors should include, as part of the proposed recommendations contained within the Gateway 2 report, details of any possible options to extend the contract.

## **6.6 Decision to allow Variations during contract term – Gateway 3**

6.6.1 For contract Variations with an Estimated Contract Value of £100,000 or more, the LCO must consult with the relevant cabinet member before this is implemented.

6.6.2 A decision to allow a contract Variation of £100,000 or more must only be made after consideration of a Gateway 3 report. It is recommended that such a report is also used for contract Variations with an estimated value of £100,000 or below. As a minimum, the LCO must keep a written record of decisions and action taken.



- 6.6.3 Any decision to allow a Variation of a contract or Framework agreement is to be taken as set out below:
- a) if the value of the proposed Variation is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after consideration by the CCRB of the report
  - b) if the value of the proposed Variation is £2 million or more but below £4 million for supplies and services or £10 million or more but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after consideration by the CCRB of the report
  - c) if the value of the proposed variation is £1 million or more but the contract does not fall into a) or b) above, the decision must be taken by the strategic director of finance and governance, after consideration by the CCRB of the report
  - d) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
    - i. for the decision to be made by someone else (e.g. pensions, treasury management and insurance where decisions are to be made by the strategic director of finance and governance)
    - ii. about the decision (e.g. in emergencies where no prior written report is needed – see CSO 6.9)
  - e) if the decision does not fall into any of the categories above, the decision must be taken by the relevant chief officer or under their delegated authority in line with the department's scheme of management.
- 6.6.4 Where an additional amount is to be paid in respect of an outstanding sum for works, services or supplies already provided or where an Urgent Payment is required, written confirmation from the monitoring officer that the sums are legally payable must be obtained and the decision to make the payment must be reported in writing to the strategic director of finance and governance within five clear working days.
- 6.6.5 Where a decision on a Variation is made in relation to a contract for works, there will also be a deemed variation of the contract of any consultant engaged in relation to that works contract. This only applies where the consultant is engaged on a fixed percentage of the works contract value. The deemed variation of the consultant's contract will be by the same percentage as that applied to the works contract.

## **6.7 Retrospective approvals**

- 6.7.1 In the event of a contract having been entered into other than in compliance with these CSOs, it may be necessary to seek approvals retrospectively. In such cases, the procedures relating to Gateway 1, Gateway 2 and Gateway 3 reports should be followed as soon as possible. In addition, a report should be submitted to the relevant departmental contract review board for information and, where a decision relates to a procurement strategy, a contract award or a contract Variation with an estimated value of over £100,000, also to the audit, governance and standards committee, setting out the circumstances and manner in which the decision was taken, for the purpose of obtaining guidance to inform future decision making.

## **6.8 Exemptions**

- 6.8.1 In the event that there appear to be exceptional circumstances which mean that the usual procedures set out in the CSOs cannot be followed, written approval must be obtained in advance through a Gateway report. The report should set out the exceptional circumstances and explain why usual procedures cannot be followed. Proposed alternative courses of action must still comply with remaining relevant statutory and corporate requirements as set out in 2.1 above.
- 6.8.2 Examples of circumstances which might amount to an exceptional reason for not following the usual procedures include but are not limited to:
- a) the nature of the market has been investigated and is such that a departure from the CSO requirements is justified
  - b) the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or domestic law).

## **6.9 Emergencies**

- 6.9.1 An emergency is a situation where action is needed to prevent a risk of injury or loss of life, or to the security or structural/operating viability of a property or other tangible or intangible asset. In the case of an emergency, action necessary can be approved by a chief officer without a prior written Gateway report. Such action shall be limited to dealing with the emergency and it shall be subsequently recorded in a written report to the CCRB, within six months of the action taken.

## **7. Tender return and opening procedure**

- 7.1 Officers must use any e-procurement processes as required by the procurement advice team in order to ensure compliance with relevant legislative requirements. All tender processes must comply with the following requirements.
- 7.2 Tenderers must be told that their tenders may only be considered if they are received in time within the protocols of the council's e-procurement system or, where permitted by the invitation to tender instructions, if they follow the following requirements:
- a) the tender must be returned in a plain envelope or parcel which is marked clearly "Tender" followed by the subject of the contract, and
  - b) the envelope or parcel must not show the identity of the tenderer in any way, and
  - c) the envelope or parcel must be delivered to the place and by the time stated in the tender invitation with Tenders where the Estimated Contract Value is £500,000 or more being returned to the monitoring officer.
- 7.3 All tenders will be electronically released or opened at the same time and place, after the closing date and time for receipt stated in the tender documents.
- 7.4 A tender received by the council via the e-procurement system or otherwise (subject to CSO 7.6) after the time and date specified in the invitation shall not be accepted or considered.

- 7.5 Tenders where the Estimated Contract Value is £500,000 or more shall be electronically released or opened by the monitoring officer's authorised representative. Where the Estimated Contract Value is less than £500,000, tenders not required to be returned using the e-procurement system may be returned to the chief officer or their authorised representative who will arrange for tender opening in the presence of at least two officers, one of whom will be the witness and will not have been directly involved in that particular contract. Tenders required to be returned using the e-procurement system will be released from the sealed tender box by the relevant chief officer or their authorised representative.
- 7.6 Exceptions to the requirements set out in 7.1 to 7.5 above will only be made in exceptional circumstances and must be authorised by the relevant chief officer in writing following consultation with the monitoring officer and legal advice as necessary.

## **8. Advertisement and publication of procurement notices**

- 8.1 Chief officers are responsible for ensuring that the council's obligations in relation to the publication of notices relating to procurement and contracts are met. Contract opportunities for quotations or tenders with an Estimated Contract Value of £25,000 or above that are advertised in any way must be advertised on the Contracts Finder website. All awards of contracts that have an Estimated Contract Value of £25,000 or above, including call-off contracts from Framework agreements must also be published on the Contracts Finder website.
- 8.2 Notices to be published in the Official Journal of the European Union (OJEU) must only be placed by the monitoring officer or delegated representative. These include contract notices, contract award notices, voluntary ex-ante transparency (VEAT) notices and modification of contract during term notices.

## **9. Contract management and monitoring**

- 9.1 The LCO must ensure that systems are in place to manage and monitor contracts in respect of at least:
- a) compliance with specification and contract
  - b) contractor performance and KPIs
  - c) budget and cost
  - d) user satisfaction
  - e) risk management
  - f) delivery of social value commitments, including London Living Wage.
- 9.2 Where the Estimated Contract Value exceeds the relevant EU threshold, the LCO should prepare a six-monthly monitoring report to the relevant DCRB.
- 9.3 Where the contract relates to a Strategic Procurement or was awarded by an individual decision maker, the LCO should prepare an annual monitoring report to the CCRB, within six months of the contract anniversary.

**10. Contract termination / Mergers and acquisitions****10.1 Contract termination**

10.1.1 A contract may only be terminated early or suspended by a chief officer by the council only after obtaining approval from the monitoring officer and strategic director of finance and governance; all such decisions will be advised in writing by the chief officer to the relevant member of the cabinet and cabinet member for finance, modernisation and performance.

**10.2 Mergers and acquisitions**

10.2.1 Where it appears that a current contractor may be the subject of a merger or acquisition by another company or organisation, the LCO must inform the monitoring officer and strategic director of finance and governance as early as possible, in order to enable appropriate advice to be given.

**11. Contractor insolvency**

11.1 Where it appears that a contractor is at risk of becoming insolvent, or the council is notified that insolvency proceedings have been brought, the chief officer must inform the monitoring officer and strategic director of finance and governance as early as possible, in order to enable appropriate advice to be given.

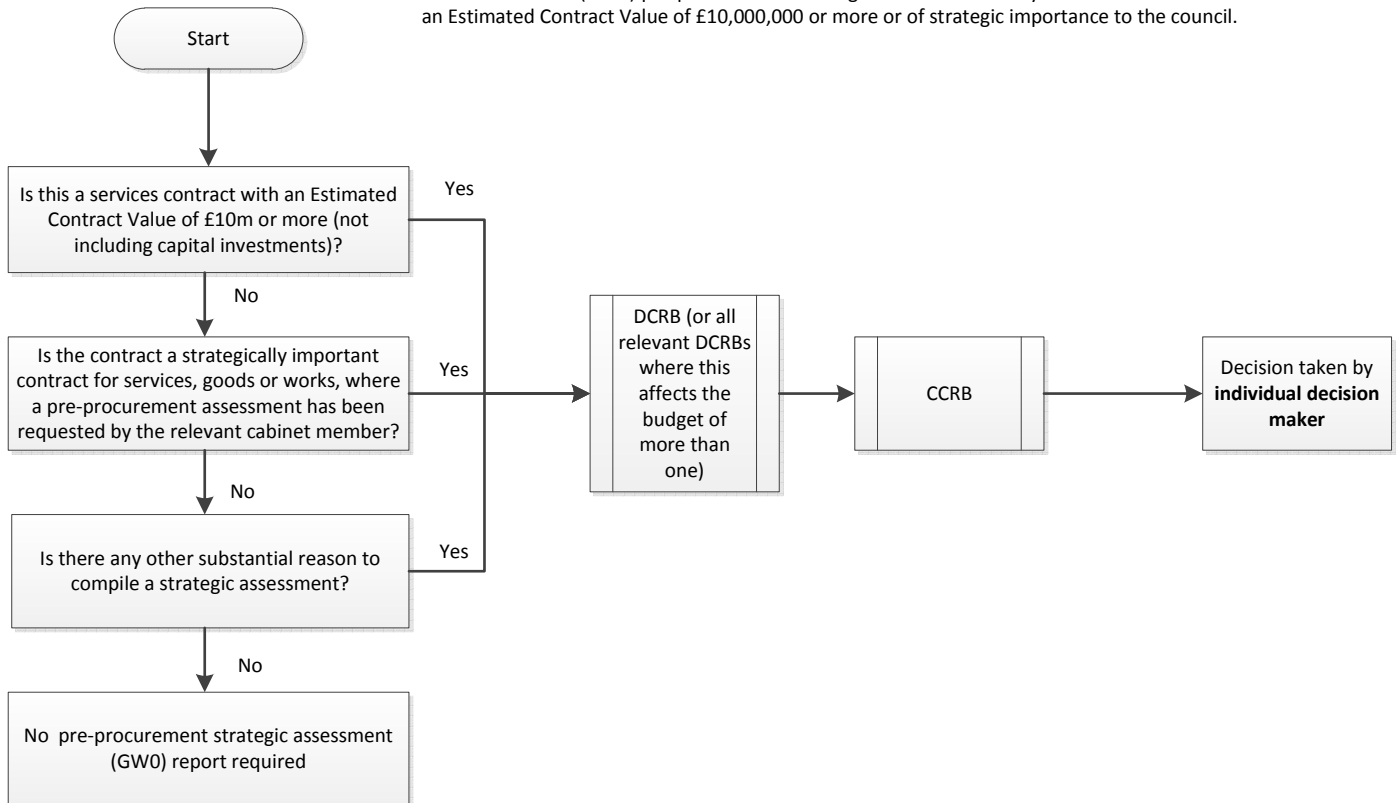
## Glossary

CCRB	Corporate Contract Review Board – panel of officers operating under terms of reference of CCRB. Its role includes considering reports from LCOs for the cabinet, individual decision makers and the strategic director of finance and governance on contract decisions and contract monitoring reports.
Consortium agreement	A consortium agreement is a single formal legal document, agreed and signed by all the parties to a project, and which imposes a set of standard conditions on those signatories. These conditions include, amongst other things, agreements as to ownership and exploitation of intellectual property rights, and a set of warranties and disclaimers allocating risk between the parties. A consortium agreement is needed when joining a purchasing consortium.
Contract Value	The total value of a contract as awarded (which may be different from the Estimated Contract Value), net of VAT, or if there is no fixed figure, the LCO's best estimate of the likely amount to be spent over the period of the contract, taking into account the prices accepted.
Council's contract register	A register of contracts, compiled through the council's e-procurement system.
DCRB	Departmental Contract Review Board – panel of officers operating under terms of reference of DCRB. Its role includes reviewing reports for consideration by the CCRB and the chief officer on contract decisions and contract monitoring reports.
Estimated Contract Value	The total value of a proposed contract including options to extend it (as estimated by the LCO on the basis of all relevant factors) net of VAT calculated for the proposed contract period, or, if for an undetermined period, in accordance with the valuation rules contained in European Regulations, whether or not the Regulations apply to the particular contract. This may be different from the lifetime cost of the contract, which may need to be considered for other purposes (see Procurement Guidelines). Note that a contract may not be artificially packaged into two or more separate contracts, nor a valuation method selected, with the intention of avoiding the application of these CSOs. Chief officers are responsible for considering aggregation within their department to ensure delivery of best value within CSO requirements. The Estimated Contract Value should be based on the best available estimates, or on actual costs if known.
EU Regulations	The Public Contracts Regulations 2006 and 2015 or any amendment to or successor to those Regulations.
EU threshold	The current contract value at which the requirements of the EU Regulations apply for the services, supplies or works being procured.

Framework agreements	<p>Framework agreements are often used when a number of providers are secured to provide supplies, services or works. Setting up framework arrangements is subject to EU regulations and they generally can exist for no more than four years.</p> <p>Providers on a Framework agreement will have been through a procurement process to appear on the framework list. During this process the providers must demonstrate that they can deliver the scope of requirements covered by the framework. There should be clear rules supporting the use of the framework as these will need to be followed to ensure the framework remains EU compliant. Some frameworks require a further competition process to be undertaken involving all providers appearing in the list. The council may set up its own framework agreements for a particular service or decide to use a framework set up by a third party, e.g. Crown Commercial Service (CCS).</p>
Gateway report	<p>A written report in substantially the same terms as those contained in the relevant template which can be found on the Source at <a href="http://thesource/SectionLandingPage.asp?id=22344&amp;cat=1234">http://thesource/SectionLandingPage.asp?id=22344&amp;cat=1234</a>.</p>
Key Decision	<p>Definitions of Key Decisions are contained in the Protocol on Key Decisions in appendix 1 of the Access to information procedure rules section of the constitution. Examples of Key Decisions for procurement purposes are:</p> <ul style="list-style-type: none"> <li>• those which are subject to a general financial threshold (£500,000 or more – note that in relation to awarding contracts, this is a per annum value not a contract term value)</li> <li>• those which have a significant impact on communities</li> <li>• Strategic Assessment (Gateway 0) approvals</li> <li>• Gateway 1 approvals in respect of a Strategic Procurement.</li> </ul>
Lead contract officer (LCO)	<p>The LCO for each contract is the officer who has a duty to ensure that the obligations set out in these CSOs are complied with.</p>
Light Touch Regime	<p>Services that fall within the EU definition of Light Touch Regime Services for Social and other Specific Services noted in schedule 3 of the Public Contract Regulations 2015. These generally include Health, Social Care or Education Services. Any queries on this should be directed to the procurement advice or legal contract teams.</p>
Lowest Bid	<p>The lowest price offered by tender or quotation which meets the specification and other requirements of the contract and has not been rejected as abnormally low.</p>
Procurement Guidance	<p>Guidance, advice or templates published on the intranet pages in relation to the procurement process.</p>

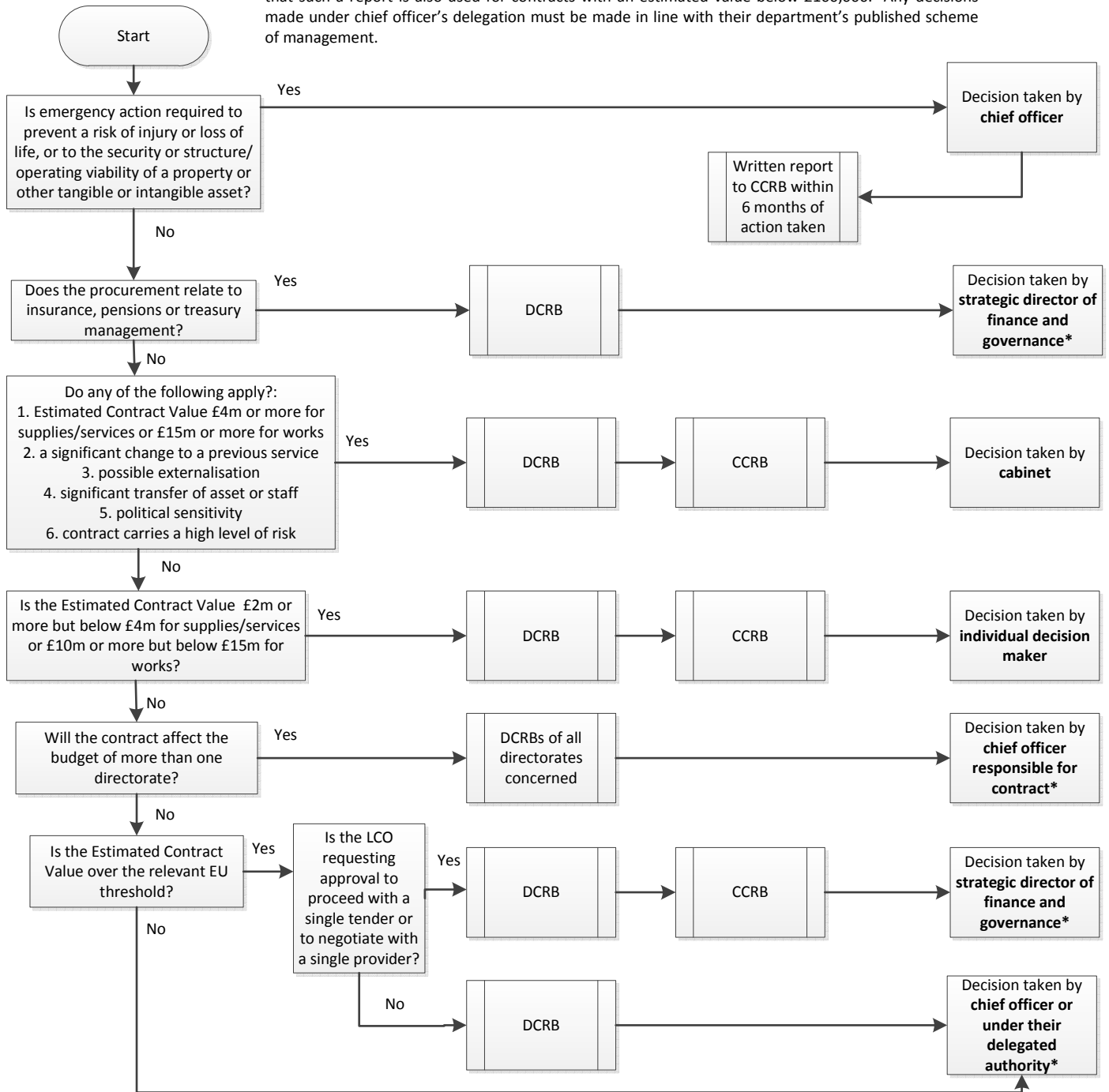
Purchasing consortium	A purchasing consortium is a group of organisations that have come together with the primary objective to buy collectively, thereby increasing their buying power and minimising procurement activity. To join a purchasing consortium it is necessary to sign a consortium agreement. An example of a purchasing consortium is the London Contracts Supply Group (LCSG).
Strategic Procurement	Procurement where one or more of the following apply: <ol style="list-style-type: none"> <li>1) Estimated Contract Value of £4 million or more for non-works and of £15 million or more for works</li> <li>2) a significant change to previous service</li> <li>3) possible externalisation or change in manner of delivery</li> <li>4) significant transfer of assets or staff</li> <li>5) political sensitivity</li> <li>6) contract carrying a high level of risk.</li> </ol>
Tender value	The value of a contract at the time of the award of the contract or, if there is no fixed value, the LCO's best estimate of the likely spend on the contract during the contract period.
Urgent Payment	A payment where delay would lead to significant demonstrable financial loss to the council (and where no breach of EU or domestic requirements would be occasioned).
Variation	A modification to an existing contract such as additional services, exercising options, changes in price or a change in contractor.
Works Approved List	A list of providers of works and works-related consultancy services which have all been appraised to meet minimum criteria in respect of their financial standing, level of insurance held, health and safety policies and procedures, and equal opportunities policies and procedures, maintained by the procurement advice team. For further information about the use of Approved Lists, seek advice from the procurement advice team.

A decision on the (GW0) pre-procurement strategic assessment is only for service contracts either with an Estimated Contract Value of £10,000,000 or more or of strategic importance to the council.



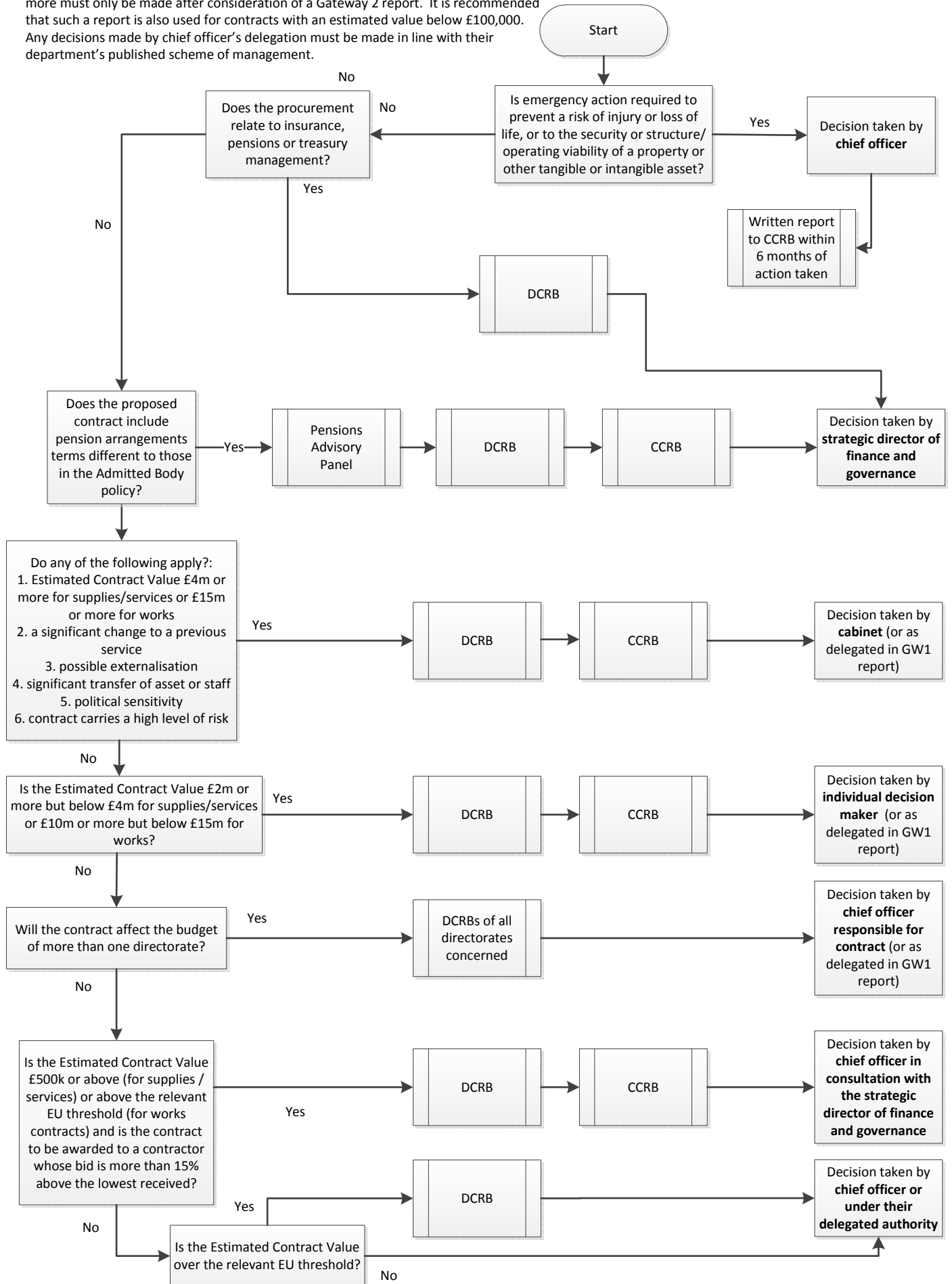


A decision on the procurement strategy to be used on any contract with an Estimated Contract Value of £100,000 or more must only be made after consideration of a Gateway 1 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. Any decisions made under chief officer's delegation must be made in line with their department's published scheme of management.

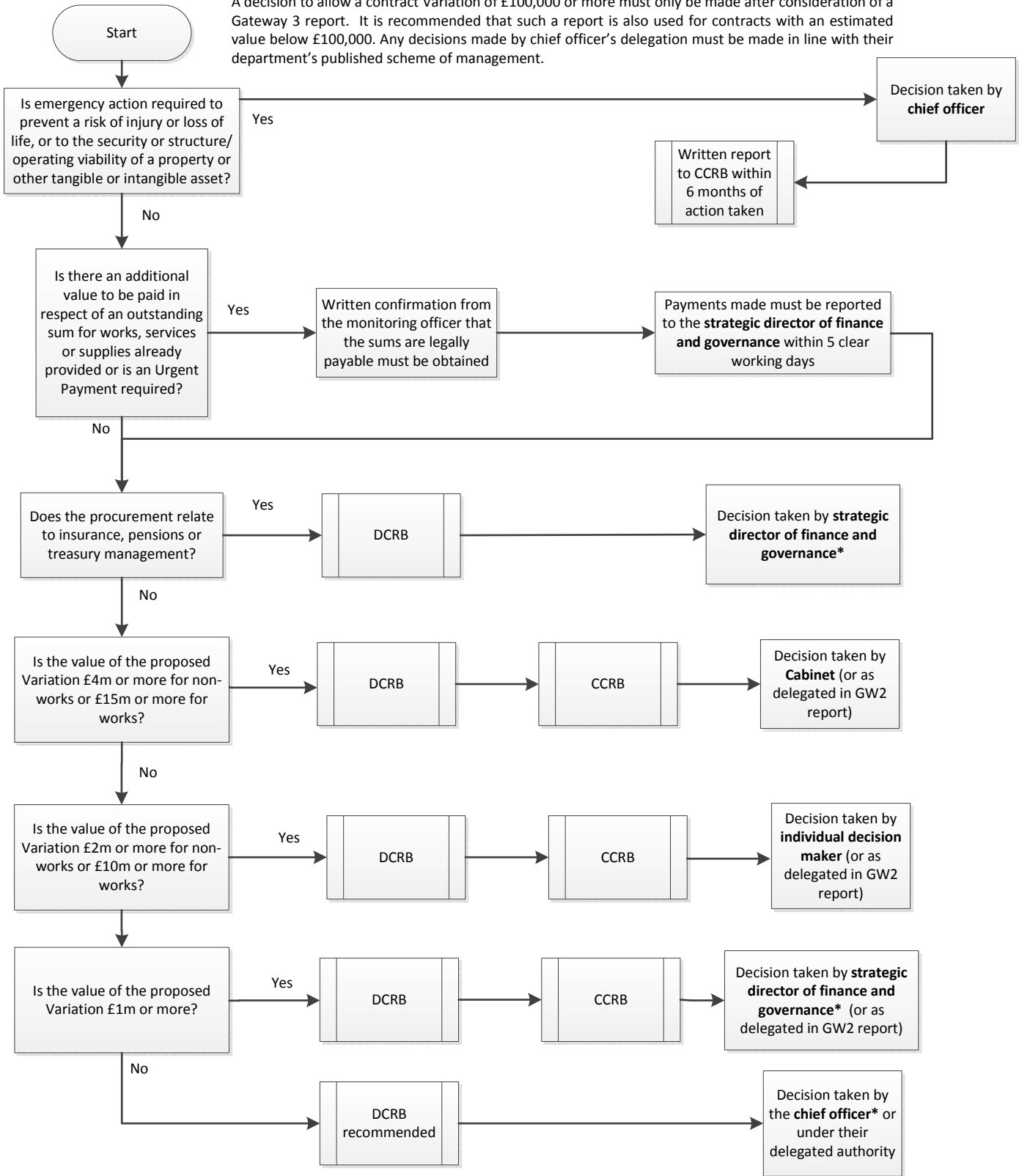


\* All procurement strategies with a value of £100k or more should involve a briefing to the individual decision makers before they are implemented

A decision to award any contract with an Estimated Contract Value of £100,000 or more must only be made after consideration of a Gateway 2 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. Any decisions made by chief officer's delegation must be made in line with their department's published scheme of management.



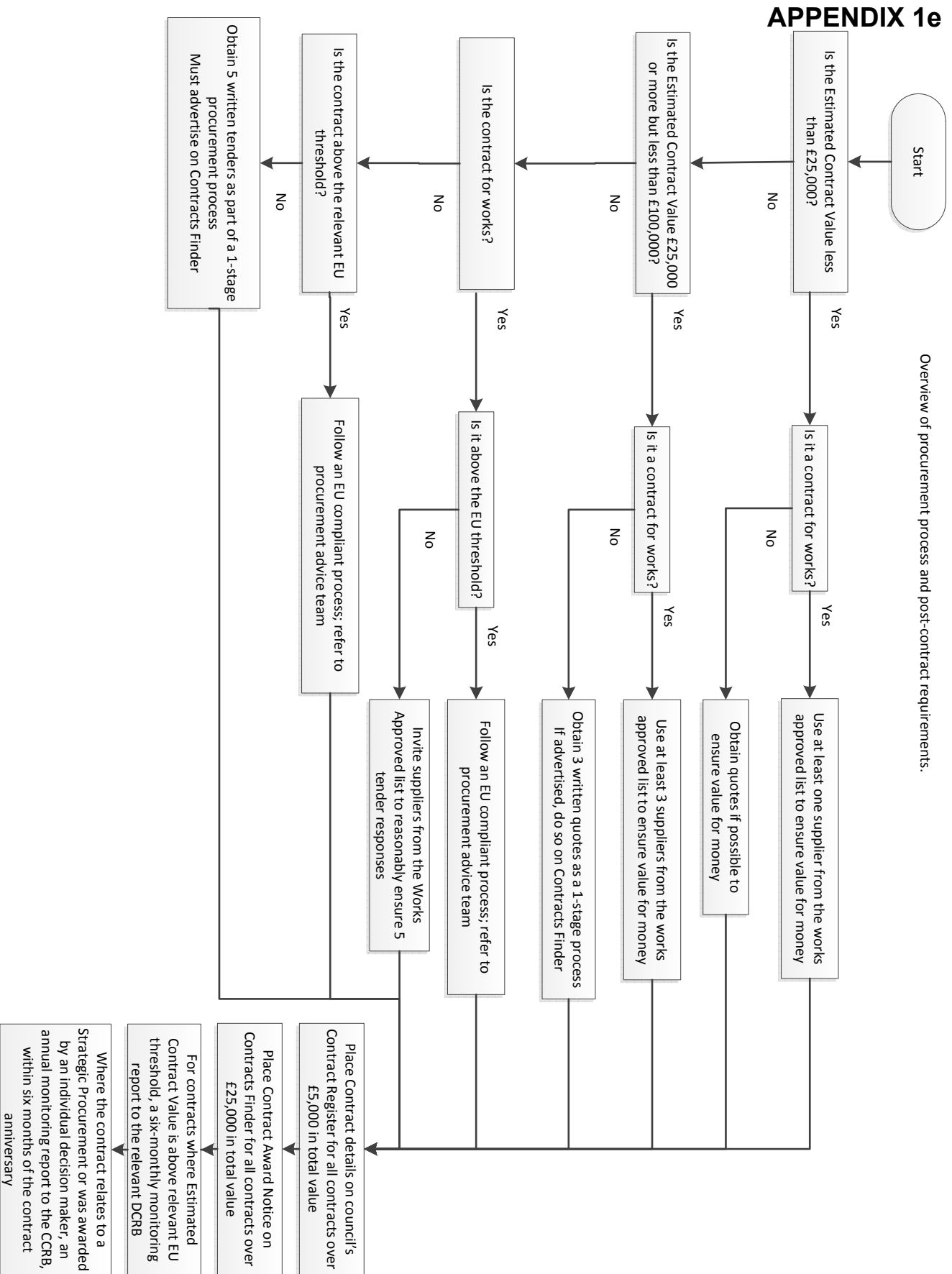
A decision to allow a contract Variation of £100,000 or more must only be made after consideration of a Gateway 3 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. Any decisions made by chief officer's delegation must be made in line with their department's published scheme of management.



\* All contract Variation decisions with a value of £100k or more should involve a briefing to the individual decision makers before they are implemented

# Procurement Process Overview

Overview of procurement process and post-contract requirements.



<b>Item No.</b> 6.5	<b>Classification:</b> Open	<b>Date:</b> 22 March 2017	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Special Urgency Decisions – Annual Report	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATION

1. That council assembly note that there have been no decisions taken under the provision of special urgency since 3 June 2016 (reported in the last annual report to council assembly in July 2016).

## 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.”

## KEY ISSUES FOR CONSIDERATION

The last decision considered under the provisions of special urgency was the Thames Water – Refund of overpayments and future arrangements report. Agreement for use of the special urgency provision was agreed by the Chair of Overview and Scrutiny Committee on 3 June 2016. This information was included in the last annual report on the use of the special urgency provision considered by Council Assembly in July 2016.

### Community impact statement

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

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Special Urgency Decisions	Council Offices, 160 Tooley Street, SE1 2QH	Everton Roberts 020 7525 7221
<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
	None

### AUDIT TRAIL

<b>Lead Officer</b>	Chidilim Agada, Proper Constitutional Officer	
<b>Report Author</b>	Everton Roberts, Principal Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	6 March 2017	
<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 Law and Democracy	No	No
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	6 March 2017	

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**NOTE:** Original held by Constitutional Team; all amendments/queries to  
Virginia Wynn-Jones Tel: 020 7525 7055

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Councillor Michael Situ			
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Tamsin Hewett, Liberal Democrat Group Office	1		
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		<b>Last updated:</b> March 2017	