

Council Assembly

Ordinary Meeting

Wednesday 11 July 2018

7.00 pm

Council Offices, 160 Tooley Street, London SE1 2Q

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

Eleanor Kelly
Chief Executive

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Date: 29 June 2018



Council Assembly

Ordinary Meeting

Wednesday 11 July 2018
7.00 pm
Council Offices, 160 Tooley Street, London SE1 2QH

Order of Business

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	PART A - OPEN BUSINESS	
1.	PRELIMINARY BUSINESS	
1.1.	ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE	
	To receive any announcements from the Mayor, members of the cabinet or the chief executive.	
1.2.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT	
	In special circumstances an item of business may be added to an agenda within seven working days of the meeting.	
1.3.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
1.4.	APOLOGIES FOR ABSENCE	
	To receive any apologies for absence.	
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	To approve as a correct record the open minutes of the council assembly meeting held on 14 March 2018 and the annual meeting held on 21 May 2018.	

2. ISSUES RAISED BY THE PUBLIC

2.1. PETITION - PROVISION OF RESPITE FACILITIES FOR CHILDREN WITH DISABILITIES DURING SCHOOL HOLIDAYS	24 - 25
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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 11.59pm, Thursday 5 July 2018. Questions can be emailed to constitutional.team@southwark.gov.uk.

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

3. THEMED DEBATE

3.1. COMMUNITY EVIDENCE

The deadline for community evidence on the theme is 11.59pm, Thursday 5 July 2018. Submissions can be emailed to constitutional.team@southwark.gov.uk.

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

3.2. MOTION ON THE THEME: STRONGER, SAFER, MORE RESILIENT COMMUNITIES	26 - 27
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The deputy leader and cabinet member for culture, leisure, equalities and communities and the cabinet member for community safety and public health to present the theme for the meeting.

4. DEPUTATIONS

The deadline for deputation requests is 11.59pm, Thursday 5 July 2018. Deputations can be emailed to constitutional.team@southwark.gov.uk.

Deputation requests will be distributed in a supplemental agenda.

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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: 29 June 2018



Council Assembly (Ordinary Meeting)

MINUTES of the Council Assembly (Ordinary Meeting) held on Wednesday 14 March 2018 at 7.00 pm at Council Offices, 160 Tooley Street, London SE1 2QH

PRESENT:

The Worshipful the Mayor for 2017-18, Councillor Charlie Smith (Chair)

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

1. PRELIMINARY BUSINESS

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

The Mayor of Southwark, Councillor Charlie Smith, announced the illness of Michael Cleere, and informed councillors that if anyone wanted to pass messages to his family, the Mayor's office will be a point of contact.

He also offered his thanks to those councillors not standing at the local elections on 3 May 2018 for their service over the years.

The Mayor of Southwark also noted that there will be a rally in support of Dulwich Hamlet Football Club on Saturday 17 March 2018 at 12.30 in Goose Green.

The leader of the council, Councillor Peter John, gave a statement on the current position in respect of the Dulwich Hamlet Football Club and the Champion Hill site, and the council's intended actions.

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

At this juncture the meeting agreed the programme motion.

1.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

All councillors have been granted a dispensation by the monitoring officer to vote on item 6.2, the Member Allowances Scheme report.

Item 3.1, Community Evidence

Councillor Lorraine Lauder declared a non-pecuniary interest as she is a trustee of InSpire at St Peters'.

Item 5.2.1, Members' Motions: Busking on Bankside

Councillor Adele Morris declared a non-pecuniary interest as she is a board member of Better Bankside.

Councillor Mark Williams declared a non-pecuniary interest as he is a board member of Better Bankside.

Councillor Paul Fleming declared a pecuniary interest, as he works for Equity, the trade union which represents a number of buskers.

1.4 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors James Coldwell, Catherine Dale, Eleanor Kerslake, Sarah King, Anne Kirby and Maria Linforth-Hall.

1.5 MINUTES

The minutes of the council assembly meeting held on 21 February 2018 were agreed as a correct record.

2. ISSUES RAISED BY THE PUBLIC

2.1 PETITIONS

No petitions were received.

2.2 PUBLIC QUESTION TIME

(See page 1 of supplemental agenda 1 and additional papers circulated at the meeting)

There was one questions from the public, the answer to which had been circulated on white paper at the meeting. The public questioner asked a supplemental question of the cabinet member.

3. THEMED DEBATE: THE FUTURE OF SOUTHWARK - OPPORTUNITIES AND CHALLENGES

3.1 COMMUNITY EVIDENCE

The meeting agreed to receive submissions from the following:

Southwark Youth Council

The group's representatives spoke to the meeting for five minutes.

Four members asked questions of the group's representatives.

Southwark Living Streets

The group's representatives spoke to the meeting for five minutes and thereafter asked a question of the cabinet member for environment and the public realm.

One member asked questions of the group's representatives.

InSpire at St Peter's

The group's representatives spoke to the meeting for five minutes.

Three members asked questions of the group's representatives.

Southwark Young Advisors

The group's representative spoke to the meeting for five minutes and thereafter asked a question of the cabinet member for communities, safety and leisure.

Two members asked questions of the group's representative.

3.2 MOTION ON THE THEME

A motion was put forward and seconded to suspend the guillotine for the themed debate. It was put to the vote and declared to be Carried.

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

The motion was put to the vote and declared to be Carried.

RESOLVED:

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

1. Council assembly welcomes the huge progress that the council has made since 2010 delivering a fairer future for all.
2. Council assembly notes that this progress was in stark contrast to the previous eight years where the Liberal Democrat and Conservative administrations had the wrong priorities and lacked ambition for the borough. Council assembly notes the record of the previous administration where:
 - a) Council housing was the worst in the country, and almost half of council homes failed to meet basic decency standards.
 - b) The environment was neglected, with recycling the sixth worst in the entire country.
 - c) Council tax collection was the third worst in the country, and council tax increased by 17.5% despite record investment in Southwark from the Labour Government. Adult social care went from being one of the best to the eighth worst in the country.
 - d) CCTV coverage was cut, making it harder to tackle antisocial behaviour and crime.
 - e) Despite a housing crisis, they only built three new council homes in the last term of the former administration.
3. Council assembly notes that in the first four years of this administration, Southwark made huge progress despite a Liberal Democrat/Conservative coalition government that:
 - a) Introduced the bedroom tax hitting some of our poorest residents the hardest.
 - b) Almost halved the grants from central government to pay for local services.
 - c) Slashed childcare support by up to £1,500 per family.
 - d) Trebled tuition fees to £9,000 after promising not to.
4. Council assembly notes that the public rightly gave their verdict of the shameful record of the Conservatives and Liberal Democrats by kicking out the local Liberal Democrat MP, and slashing the number of Conservative and Liberal Democrat Councillors across the borough. Council assembly notes the public's confidence in this administration and hard working local Labour MPs by consistently electing them to serve this borough.
5. Council assembly notes the proud record of this Labour administration over the last eight years and the work that has been done to deliver a fairer future for all,

including:

- a) Making every council home warm dry and safe, and rolling out quality kitchen and bathroom so that over 95% of council homes now meet the decent homes standard, so our council tenants can live in a high quality home they can be proud of.
 - b) Tackling the housing crisis by building new homes of every type, including new council homes because our residents should be able to afford good quality homes in the borough they call home. 535 council homes are already completed, 471 are being built or have permission to start, and a further 513 are going through the planning process.
 - c) Helping over 5,000 people into work since 2014 – more than any other London borough – and creating nearly 2,000 apprenticeships – again more than any other London borough – because this council wants to give residents the skills and opportunities to get good quality, secure jobs.
 - d) Improving healthy lives for children by introducing free healthy school meals and free fruit for all primary school children, and expanding and refurbishing popular schools so that every child has the best start in life.
 - e) Introducing free swim and gyms for all residents – with nearly half a million visits since 2016, so it's easier and cheaper to keep fit and healthy.
 - f) Diverting over 99% of waste away from landfill, and making our recycling rate the best in inner London, and making our borough even greener with more award winning green flag parks than any other borough in inner London.
 - g) Developing and delivering a Women's Safety Charter, increasing the number of arrests from our CCTV cameras, and installing new estate security doors, to prevent and tackle crime and antisocial behaviour more effectively.
 - h) Keeping our libraries open, and investing in them whilst many other councils cut theirs. Canada Water Library is now the busiest in London and Camberwell now has a nationally recognised award winning library thanks to Labour's investment.
6. Council assembly is disappointed that Liberal Democrat members opposed many of these policies which have improved life for Southwark residents, including:
- a) Campaigning against free healthy school meals, and voting to cut the funding needed to pay for it.
 - b) Voting against plans to keep all of Southwark's libraries open.
 - c) Voted against the money for Southwark staff to be paid the London Living wage and recently proposed that they should work in dirty offices and even provide their own stationery.
 - d) Voted against funding more CCTV cameras which prevent crime and antisocial behaviour and help the Police to catch criminals.
7. Council assembly resolves to call on cabinet to agree a Council Plan early in the new administration which will continue to deliver a Fairer Future for Southwark's residents, including:
- a) Every child having the best start in life: some of Southwark's schools are already outstanding, but others are struggling. The new council plan must include plans to drive up standards in all Southwark's schools. Southwark's children should have healthy, active childhoods, which means continuing and extending free school meals to school nurseries so all children have the opportunities to thrive.
 - b) Building high quality homes that residents can afford, with more homes of

every type being built across the borough to tackle the housing crisis. This must include building more council homes so that we meet our 11,000 new council homes by 2043 target, and improving the quality of housing in the private rental sector.

- c) Making sure Southwark continues to be a great place to live. Recycling rates are already high, and they must stay that way. Air quality is one of the greatest public health challenges for Southwark, and the next council plan must tackle poor air quality, as well as the challenge of climate change.
 - d) Southwark being a healthy borough, where your background doesn't determine your life chances. Swimming and going to the gym are now free in Southwark, and now walking, cycling and other types of exercise must become more accessible to all so that everyone has the chance to be fit and healthy.
 - e) Making Southwark a full employment borough, where the barriers keeping people out of work are swept away, and everyone has the skills to play a full part in our economy. The next council plan needs to consider the jobs of the future, so it must ensure more residents are helped to get the skills they need to get these new jobs.
 - f) Keeping Southwark Council a modern and efficient organisation, which listens to and works with residents and communities? In a changing and increasingly digital world, council must keep digitally innovating: the way that residents want to access services is changing and the council must change with it. At the same time, the council must improve digital inclusion, so no one and nowhere is left behind.
8. In a world changed by Brexit, and following on from the tragic Grenfell fire, Southwark council must be fighting for our residents, and standing up against the Conservative Government in challenging and uncertain times.
9. Council assembly believes that this vision for a fairer future for all residents will only be delivered by a financially responsible, ambitious Labour administration, which embodies the council's fairer future principles.

4. DEPUTATIONS

As part of the programme motion the meeting agreed to hear deputations from:

Leathermarket Joint Management Board

The group's representative spoke to the meeting for five minutes and thereafter asked a question of the cabinet member for regeneration and new homes.

Two members asked questions of the deputation.

Residents of Styles House

The group's representative spoke to the meeting for five minutes and thereafter asked a question of the cabinet member for regeneration and new homes.

Two members asked questions of the deputation.

Residents of Falcon Point

The group's representative spoke to the meeting for five minutes and thereafter asked a question of the cabinet member for communities, safety and leisure.

One member asked a question of the deputation.

5. ISSUES RAISED BY MEMBERS

5.1 MEMBERS' QUESTION TIME

There was one late question to the leader from Councillor Anood Al-Samerai, the written response to which was circulated on yellow paper at the meeting. There were two supplemental questions.

There were 33 members' questions, the written responses to which were circulated on yellow paper at the meeting. There were six supplemental questions.

5.2 MEMBERS' MOTIONS

MOTION 1: BUSKING ON BANKSIDE

Councillor Adele Morris declared a non-pecuniary interest as she is a board member of Better Bankside.

Councillor Mark Williams declared a non-pecuniary interest as he is a board member of Better Bankside.

Councillor Paul Fleming declared a pecuniary interest, as he works for Equity, the trade union which represents a number of buskers, and left the meeting for this debate.

(See pages 20-21 of the main agenda)

Amendment B – Carried

Motion – Carried

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

1. Council assembly notes:
 - a) The dramatic increase in footfall alongside Bankside that has occurred over the last 20 years, driven by the opening of the Globe, Tate Modern, the Millennium Bridge and the ongoing redevelopment of the riverside area.
 - b) That Bankside was, and remains, an area with a significant residential population, namely residents in Falcon Point, Bankside & Gallery Lofts, the Bankside houses and Clink Street, plus newer developments in Benbow House, 20 New Globe Walk and the Bear Pit.
 - c) The work that the council is already doing to tackle nuisance busking, including the re-organisation of the Regulatory Services team which has brought

together the Noise and Nuisance team, SASBU, street wardens and other street enforcement teams which work closely together to reduce the disturbance of busking, the ongoing analysis of busking activity to tackle those causing nuisance, anti social behaviour and difficulties, and ceasing the advertising of busking sites in Southwark to discourage a further increase in busking levels.

2. Council acknowledges:

- a) The efforts of council officers, Bankside residents, and partners from other stakeholders, including Better Bankside, the Tate Modern and Bankside Residents forum, to find a solution to the busking noise related issues.
- b) That the massive increase in visitors and tourists has attracted buskers to the area, many of whom use amplification in their performances
- c) That the impact of this noise nuisance on a daily basis can have a detrimental impact on the residential amenity of those who live and work in Bankside, including possibly for some residents on their physical and mental wellbeing.

3. Council supports:

- a) The work of the 'Bankside Busking Working Group', which seeks to:
 - Reduce the number of nuisance buskers along the riverside
 - Improve and better co-ordinate local authority and police force efforts to manage nuisance busking
 - Co-ordinating use of resources to control nuisance buskers
 - Provide residents and businesses with a voice to lobby for additional resources, and changes to protocols, processes, procedures and legislation controlling busking
 - Explore introduction of a scheme to organise and regulate busking in the Bankside area

And looks forward to the group bringing forward options for an effective and proportionate approach to dealing with the issue of nuisance busking.

4. Council resolves to call on cabinet to:

- a) look at the recommendations coming forward from the Bankside Busking Working Group and the multi-agency Buskers group, which includes representatives from the council's noise team, SASBU, EPT, street enforcement teams and the police, with a view to adopting a solution which protects the amenity of local residents and reduces problematic and nuisance busking.

MOTION 2: IMPROVING MENTAL HEALTH AND WELLBEING IN SOUTHWARK

(See pages 21-22 of the main agenda)

Amendment C – Lost

Motion – Carried

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

1. Council assembly notes that two million Londoners experience poor mental health, which equates to 62,500 people in each borough, and that London's suicide rate increased by 33 per cent from 552 to 735 incidents between 2014 and 2015 – the highest figure recorded by the Office for National Statistics since records began.
2. Council assembly understands that employment for Londoners with a mental health problem is 31 per cent lower than the UK average and that the financial cost of mental ill-health is approximately £700 million for each London borough.
3. Council assembly reaffirms its commitment to approach mental health and wellbeing as a key priority and to work collaboratively with partners within and outside the borough to address and tackle mental ill-health across our communities.
4. Council assembly welcomes the Mental Health and Wellbeing Strategy jointly developed by the council and Southwark Clinical Commissioning Group that was agreed by both organisations in January 2018.
5. Council assembly resolves to call on cabinet to commit to support and work with Thrive LDN, and develop the Mental Health and Wellbeing Strategy, to:
 - a) Create a citywide movement for all Londoners that empowers individuals and communities in our borough to lead change, address inequalities that lead to poor mental health and create their own ways to improve mental health.
 - b) Following on from the examples set by Harrow Thrive and Black Thrive in Lambeth, look in to localising Thrive LDN to Southwark by exploring the practicalities of establishing a local Thrive hub that responds to local needs.
 - c) Work with Thrive LDN and the Mental Health Foundation to develop a pilot programme on an estate to develop new approaches to improving mental health well-being.
 - d) Examine new methods to support more people in Southwark to access a range of activities that help them to maintain good mental health and wellbeing.
 - e) Work closely with partners across Southwark to end mental health stigma and discrimination.
 - f) Build on the great work happening across London to engage children and young people in mental health by helping Thrive LDN to develop training and resources for youth organisations, schools and student societies.
 - g) Support employers to make mental health and wellbeing central to the workplace.
 - h) Work with partners to explore new ways to access services and support, and consider the use of digital technologies to promote mental health and improve

information about accessing support.

- i) Work with partners and build on the excellent work being done across the borough to reduce suicides in Southwark. We welcome the vision in the Southwark Suicide Prevention Strategy to reduce suicide, attempted suicide and self-harm in Southwark to among the lowest rates in London, and to work towards this ambition by ensuring that the number of suicides across the borough decreases by at least 10% by 2023.

6. OTHER REPORTS

6.1 CHANGES TO COMMUNITY COUNCIL BOUNDARIES

(See pages 23-29 of the main agenda and pages 13-14 of supplemental agenda no. 1)

The amendment was put to the vote and declared Lost.

The recommendations were put to the vote and declared Carried.

RESOLVED:

1. That article 8 of the council's constitution be amended to establish five community councils composed with wards as set out in paragraph 12 and Appendix 1 of the report, to take effect after the council election in May 2018.
2. That following the election, members be invited to make proposals for changes to community council boundaries to be considered at council assembly in November 2018.

6.2 MEMBER ALLOWANCES SCHEME 2018-2019

(See pages 30-53 of the main agenda)

RESOLVED:

1. That having regard to the advice of the London Councils Independent Remuneration Panel Report 2018 (see Appendix 2 of the report), the Member Allowances Scheme for 2018-2019 with effect from 1 April 2018 (see Appendix 1 of the report) be approved.

6.3 COUNCIL ASSEMBLY DATES AND CALENDAR OF MEETINGS 2018-19

(See pages 54-70 of the main agenda and pages 15-22 of supplemental agenda no. 1)

RESOLVED:

1. That the following dates for meetings of council assembly be fixed in the council calendar for the 2018-19 municipal year be agreed:

Council Assembly	Type of Meeting
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Monday 21 May 2018 at 6.00pm (As agreed by 12 July 2017 council assembly)	Annual Meeting <i>Note: To be held jointly with Civic Awards Ceremony</i>
Wednesday 11 July 2018	Ordinary meeting
Wednesday 28 November 2018	Ordinary meeting
Wednesday 27 February 2019	Budget and council tax setting
Wednesday 27 March 2019	Ordinary meeting
Saturday 18 May 2019 <i>Note: Alternative date is Saturday 11 May 2019, however Southwark Cathedral is not available on this date</i>	Annual meeting <i>Note: To be held jointly with Civic Awards Ceremony</i>

2. That the calendar of council meetings for the 2018-19 municipal year as shown at Appendix 1 of the report be noted.

6.4 SPECIAL URGENCY AND URGENT IMPLEMENTATION DECISIONS - ANNUAL REPORT

(See pages 71-77 of the main agenda)

RESOLVED:

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

6.5 PAY POLICY STATEMENT

(See pages 78-89 of the main agenda)

RESOLVED:

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

7. AMENDMENTS

Amendments are set out in supplemental agenda no. 1.

The meeting closed at 10.50 pm.

CHAIR:

DATED:



Council Assembly (Annual Meeting)

MINUTES of the Council Assembly (Annual Meeting) held on Monday 21 May 2018 at 6.00 pm at Southwark Cathedral, Montague Close, London Bridge SE1 9DA

PRESENT:

The Worshipful the Mayor for 2017-18, Councillor Charlie Smith (Co-Chair)
The Worshipful the Mayor for 2018-19, Councillor Catherine Rose (Co-Chair)

Councillor Evelyn Akoto	Councillor Richard Livingstone
Councillor Anood Al-Samerai	Councillor Rebecca Lury
Councillor Jasmine Ali	Councillor Alice Macdonald
Councillor Peter Babudu	Councillor Eliza Mann
Councillor Maggie Browning	Councillor James McAsh
Councillor Jack Buck	Councillor Hamish McCallum
Councillor Radha Burgess	Councillor Darren Merrill
Councillor Victor Chamberlain	Councillor Victoria Mills
Councillor Sunil Chopra	Councillor Adele Morris
Councillor James Coldwell	Councillor Graham Neale
Councillor Stephanie Cryan	Councillor Margy Newens
Councillor Helen Dennis	Councillor David Noakes
Councillor Dora Dixon-Fyle MBE	Councillor Jason Ochere
Councillor Nick Dolezal	Councillor Victoria Olisa
Councillor Karl Eastham	Councillor Leo Pollak
Councillor Gavin Edwards	Councillor Sandra Rhule
Councillor Paul Fleming	Councillor Jane Salmon
Councillor Tom Flynn	Councillor Martin Seaton
Councillor Renata Hamvas	Councillor Andy Simmons
Councillor Barrie Hargrove	Councillor Johnson Situ
Councillor Jon Hartley	Councillor Michael Situ
Councillor Sirajul Islam	Councillor Cleo Soanes
Councillor Peter John OBE	Councillor Leanne Werner
Councillor Nick Johnson	Councillor Dan Whitehead
Councillor Sarah King	Councillor Kath Whittam
Councillor Sunny Lambe	Councillor Bill Williams
Councillor Lorraine Lauder MBE	Councillor Kieron Williams
Councillor Richard Leeming	Councillor Ian Wingfield
Councillor Maria Linforth-Hall	

1. ELECTION OF THE MAYOR

The outgoing Mayor, Councillor Charlie Smith, welcomed everyone to the meeting.

Councillors Peter John and Anood Al-Samerai paid tribute to Alderman George Dunk, Alderman Toby Eckersley, and Dame Tessa Jowell, who had recently passed away.

The outgoing Mayor announced that the leaders of each political group wished to make a statement.

Thereafter, Councillors Peter John and Anood Al-Samerai paid tribute to the outgoing Mayor.

The outgoing Mayor asked for nominations for Mayor for the ensuing municipal year 2018-19.

Councillor Peter John, seconded by Councillor Andy Simmons, moved that Councillor Catherine Rose be elected Mayor of the London Borough of Southwark for the municipal year 2018-19.

The nomination was put to the vote and it was:

RESOLVED: That Councillor Catherine Rose be elected Mayor for the 2018-19 municipal year.

Councillor Catherine Rose accepted the office of Mayor. The outgoing Mayor declared that Councillor Catherine Rose was duly elected Mayor of Southwark for 2018-19.

The retiring Mayor, Councillor Charlie Smith, invested the new Mayor, Councillor Catherine Rose, with the badge of office. The new Mayor signed the declaration of acceptance of office and took the chair.

Thereafter, the outgoing Mayor was presented with a replica of the Mayoral badge of the London Borough of Southwark.

The new Mayor stated that for the annual meeting she will be accompanied by her son Peter. For other occasions throughout her Mayoral term, Cllr Rose will offer invitations and welcome nominations for local residents from across Southwark to join her at events and occasions that have special meaning or significance to them, as the Mayor's Community Consort. The new Mayor's consort was presented with a badge.

The new Mayor appointed Councillor Sandra Rhule as Deputy Mayor. The Deputy Mayor was invested with the badge of office.

The outgoing Mayor, Councillor Charlie Smith, gave his outgoing speech.

The new Mayor gave her incoming speech and announced that her chosen charities would be the Family and Childcare Trust, the Centre for Literacy in Primary Education, and Dulwich Hamlet Aspire Academy.

2. PRELIMINARY BUSINESS

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

There were no announcements.

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

There was no late business.

2.3 DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interest.

2.4 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Eleanor Kerslake, who is on maternity leave.

3. REPORTS

3.1 APPOINTMENT OF LEADER AND EXECUTIVE FUNCTIONS - 2018/19

1. Councillor Peter John was nominated as leader of the council. The nomination was put to the vote and it was:

RESOLVED: That Councillor Peter John be elected leader of the council for the period of 2018-2022.

2. That a report be received from the leader on the following executive issues for the coming municipal year 2018-19 and that the following be noted:
 - the appointment by the leader of cabinet members
 - the appointment of any deputy cabinet members
 - the establishment and appointment of any cabinet committees
 - the leader's report on the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and community councils
 - that as a consequence the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

Appointment of the cabinet

3. That the leader reported to council assembly on the appointment of members of the cabinet and determination of their executive functions.

Cabinet

Councillor Peter John – Leader of the Council

Councillor Rebecca Lury – Deputy Leader of the Council and Cabinet Member for Culture, Leisure, Equalities and Communities

Councillor Evelyn Akoto – Cabinet Member for Community Safety and Public Health

Councillor Jasmine Ali – Cabinet Member for Children, Schools and Adult Care

Councillor Stephanie Cryan – Cabinet Member for Housing Management and Modernisation

Councillor Richard Livingstone – Cabinet Member for Environment, Transport Management and Air Quality

Councillor Victoria Mills – Cabinet Member for Finance, Performance and Brexit

Councillor Leo Pollak – Cabinet Member for Social Regeneration, Great Estates and New Council Homes

Councillor Johnson Situ – Cabinet Member for Growth, Development and Planning

Councillor Kieron Williams – Cabinet Member for Jobs, Skills and Innovation

Appointment of deputy cabinet members

4. That the leader reported to council assembly on the appointment of deputy cabinet members and determination of their duties and responsibilities.

Deputy Cabinet Members

Deputy Cabinet portfolio	Deputy Cabinet member
Deputy Cabinet Member for Digital Inclusion	Councillor Richard Leeming
Deputy Cabinet Member for Innovation	Councillor Peter Babudu
Deputy Cabinet Member for Tenant and Leaseholder Engagement	Councillor Victoria Olisa

Establishment and appointment of cabinet committees

5. That the leader reported on the establishment of the following cabinet committees:
 - Cabinet (Livesey Trust) Committee
 - Better Placed Joint Committee (Lambeth, Lewisham and Southwark)
 - Joint IT Committee (Brent, Lewisham and Southwark).

Delegation of executive functions

6. That the leader reported on the delegation of executive functions between full cabinet, individual decision makers, chief officers and community councils (see paragraphs 18 – 21 of the report).
7. That council assembly noted the leader's report on any changes to the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and community councils.
8. That council assembly noted that as a consequence of recommendation 6 the

proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

3.2 ESTABLISHMENT OF COMMITTEES, COMMUNITY COUNCILS, PANELS AND RELATED MATTERS 2018/19

The nominations for chairs and vice chairs of committees and the nominations to the Local Government Association General Assembly were circulated.

There were two contested positions.

RESOLVED:

1. That the appointment of political group leaders, deputies and whips be noted as follows:

LABOUR GROUP

Leader	Councillor Peter John
Deputy Leader	Councillor Rebecca Lury
Chief Whip	Councillor Sarah King

LIBERAL DEMOCRAT GROUP

Leader	Councillor Anood Al-Samerai
Deputy Leader	Councillor David Noakes
Chief Whip	Councillor Hamish McCallum

2. That the new division of seats and percentage allocation of each political group on the council as set out in the report at Table 1 be noted.
3. That the following committees and community councils for the coming municipal year 2018/19 be established:

Table 2: Ordinary Committees - Total number of seats 29

Committee	Total	Lab	Lib Dem
Committee 1 Appointments Committee	7	6	1
Committee 2 Planning Committee	8	6	2
Committee 3 Audit, Governance and Standards Committee	7	5	2
Committee 4 Corporate Parenting Committee	7	6	1
Total	29	23	6

Table 3: Other committees - Total number of seats 26

Committee	Total	Lab	Lib Dem
Overview and Scrutiny Committee	11	8	3
Licensing Committee	15	12	3

Table 4: Community councils

1.	Bermondsey and Rotherhithe
2.	Borough, Bankside and Walworth
3.	Camberwell
4.	Dulwich
5.	Peckham and Nunhead

Health and wellbeing board

4. That the health and wellbeing board be established as a committee of the council under the Health and Social Care Act 2012 with the membership set out in paragraph 39 of the report.
5. That it be noted that the local authority membership is nominated by the leader of the council. In accordance with committee procedure rules, the board is chaired by the leader.

Appointment of chairs and vice chairs

6. That the following chairs and vice chairs for the following committees and community councils be appointed:

APPOINTMENTS COMMITTEE

Chair - Councillor Peter John
Vice chair – Vacant

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

Chair - Councillor Gavin Edwards
Vice chair – Councillor Dan Whitehead

CORPORATE PARENTING COMMITTEE

Chair - Councillor Jasmine Ali (Appointment of cabinet member with the responsibility for children and schools formally noted)
Vice chair – Vacant

LICENSING COMMITTEE

Chair - Councillor Renata Hamvas
Vice chair - Councillor Adele Morris

OVERVIEW & SCRUTINY COMMITTEE

Chair - Councillor Bill Williams
Vice chair - Councillor Maria Linforth-Hall

PLANNING COMMITTEE

Chair - Councillor Martin Seaton
Vice Chair - Councillor Lorraine Lauder

COMMUNITY COUNCILS

Bermondsey and Rotherhithe

Chair - Councillor Kath Whittam
Vice chair - Councillor Leanne Werner

Borough, Bankside and Walworth

Chair - Councillor James Coldwell
Vice chair - Councillor Jack Buck

Camberwell

Chair - Councillor Dora Dixon-Fyle
Vice chair - Councillor Jason Ochere

Dulwich

Chair - Councillor Andy Simmons
Vice chair - Councillor Margy Newens

Peckham and Nunhead

Chair - Councillor Sunil Chopra
Vice chair - Councillor Barrie Hargrove

Note: Any outstanding appointments will be referred to the first meeting of the respective committee in the 2016/17 municipal year.

Establishment of the council's panels

7. That the following council panels be established:

Table 5: Panels - Total number of seats 16

Panel	Total	Lab	Lib Dem
Council assembly business panel	4	3	1
Constitutional steering panel	4	3	1
Pensions advisory panel	3	2	1

7

Voluntary bodies appointments panel	5	4	1
Total	16	12	4

Appointments of chair to constitutional steering panel and voluntary bodies appointments panel

8. That Councillor Sarah King be appointed chair of the Constitutional Steering Panel.

Urgency committee

9. That the role of the urgency committee between a municipal election and the annual meeting of council assembly, as agreed by council assembly on 26 March 2014, be noted as set out in paragraphs 58 and 59 of the report.

Appointments to Local Government Association (LGA) General Assembly

10. That up to three representatives and allocates the seven votes to representatives to attend the LGA General Assembly (see paragraphs 58 to 60 of the report) be appointed.

Representative	No. of votes	Group
To be nominated by whip	3	Labour
To be nominated by whip	3	Labour
To be nominated by whip	1	Liberal Democrat

Other appointments to joint committees/outside bodies

11. That the cabinet and other committees will make appointments to all other outside committees and bodies for the municipal year 2018/19 as required by part 3Q of the constitution be noted.

3.3 NOMINATIONS TO LONDON COUNCILS COMMITTEES, GREATER LONDON EMPLOYMENT FORUM, BOROUGH LEAD MEMBERS AND LONDON COUNCILS LIMITED 2018/19

RESOLVED:

1. LONDON COUNCILS LEADERS' COMMITTEE (S101 JOINT COMMITTEE)

Note: Council Assembly may only nominate cabinet members as representatives or deputies to this joint committee.

1 representative and up to 2 deputies

Labour nomination

Councillor Peter John

Deputies

Labour nominations

Councillors Rebecca Lury, Victoria Mills

2. LONDON COUNCILS TRANSPORT AND ENVIRONMENT COMMITTEE (S101 ASSOCIATED JOINT COMMITTEE)

Note: Council Assembly may only nominate cabinet members as representatives or deputies to this joint committee.

1 representative and up to 4 deputies

Labour nomination Councillor Richard Livingstone

Deputies

Labour nominations Councillor Johnson Situ

3. LONDON COUNCILS GRANTS COMMITTEE (ASSOCIATED JOINT COMMITTEE)

Note: Council Assembly may only nominate cabinet members as representatives or deputies to this joint committee

1 representative and up to 4 deputies

Labour nomination Councillor Rebecca Lury

Deputies

Labour nominations Councillor Evelyn Akoto

4. LONDON COUNCILS PENSIONS COMMON INVESTMENT VEHICLE (CIV) SECTORAL JOINT COMMITTEE

1 representative and up to 2 deputies

Labour nomination Councillor Victoria Mills

Deputy

Labour nomination Councillor Peter John

5. GREATER LONDON EMPLOYMENT FORUM

1 representative and 1 deputy

Labour nomination Councillor Kieron Williams

Deputy

Labour nomination Councillor Leo Pollak

6. LONDON COUNCILS BOROUGH LEAD MEMBER – CHILDREN AND YOUNG PEOPLE

Labour nomination Councillor Jasmine Ali

7. LONDON COUNCILS BOROUGH LEAD MEMBER – CRIME AND PUBLIC PROTECTION

Labour nomination Councillor Evelyn Akoto

8. LONDON COUNCILS BOROUGH LEAD MEMBER – CULTURE AND TOURISM

Labour nomination Councillor Rebecca Lury

9. LONDON COUNCILS BOROUGH LEAD MEMBER – ECONOMIC DEVELOPMENT/REGENERATION

Labour nomination Councillor Leo Pollak

10. LONDON COUNCILS BOROUGH LEAD MEMBER – EMPLOYMENT AND SKILLS

Labour nomination Councillor Kieron Williams

11. LONDON COUNCILS BOROUGH LEAD MEMBER – HEALTH AND ADULT SERVICES

Labour nomination Councillor Jasmine Ali

12. LONDON COUNCILS BOROUGH LEAD MEMBER – HOUSING

Labour nomination Councillor Stephanie Cryan

13. LONDON COUNCILS BOROUGH LEAD MEMBER – PLANNING/ INFRASTRUCTURE

Labour nomination Councillor Johnson Situ

14. LONDON COUNCILS LIMITED

1 representative

Labour nomination Councillor Peter John

4. AMENDMENTS

There were none.

The meeting closed at 8.05pm

CHAIR:

DATED:

Item No. 2.1	Classification: Open	Date: 11 July 2018	Meeting Name: Council Assembly
Report title:		Petition – Provision of Respite Facilities for Children with Disabilities during School Holidays	
Ward(s) or groups affected:		All	
From:		Chief Executive	

RECOMMENDATION

1. That council assembly consider a petition from local residents regarding the provision of respite facilities for children with disabilities during school holidays.
2. That council assembly decide how to respond to the petition at this meeting. A decision could be made to:
 - Take the action the petition requests
 - Not to take the action requested for reasons put forward in the debate, or
 - To commission further investigation into the matter.

BACKGROUND INFORMATION

3. A petition containing 1,500 signatures or more may be presented to the Mayor at council assembly. A petition can be submitted by a person of any age who lives, works or studies in Southwark. Petitions must relate to matters which the council has powers or duties or which affects Southwark.
4. At the meeting, the spokesperson for the petition will be invited to speak for up to five minutes on the subject matter. Council assembly will debate the petition for a period of up to 15 minutes and may decide how to respond to the petition at the meeting.
5. Any relevant resource or community impact issues will be contained in the comments of the strategic director.

KEY ISSUES FOR CONSIDERATION

6. A petition containing over 1,500 signatures has been received from Tolulope Enifeni. The petition states:

‘Please kindly support me in signing the petition I created to support parents, carers, children with special needs and disabilities living in Southwark borough. The petition is to encourage the local authority to open a specialised play centre with facilities tailored to meet the needs of all children with complex needs and disabilities.

We currently do not have enough respite facilities, any specialised play centres with indoor facilities in the borough that is accessible after school, during term time, school holidays and over the weekends for children with additional needs and disabilities to benefit from.

Parents always have to go out of the borough paying a lot of money to access the leisure and play scheme facilities. Few of the play scheme facilities available are for children from age 8 and over. During the school holidays, most families with children with disabilities struggles to engage their children due to the lack of leisure facilities and play centres in the borough.

A play centre with different recreational facilities tailored to meet our children's need will be beneficial to our community.

Recreational facilities such as trampolines, hydrotherapy pool, wall climbing, adventure playground, sensory garden, sensory room and a large soft play area.

Indoor activities which also includes a music room, game room and different sport facilities for children age 3 - 15.'

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Petition Request File	Constitutional Team 160 Tooley Street, London SE1 2TZ	Virginia Wynn-Jones 020 7525 7055
Council Assembly Procedure Rule 2.4, Southwark Constitution	Constitutional Team 160 Tooley Street, London SE1 2TZ	Virginia Wynn-Jones 020 7525 7055

AUDIT TRAIL

Lead Officer	Chidi Agada, Head of Constitutional Services	
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer	
Version	Final	
Dated	28 June 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Strategic Director of Environment and Leisure	No	No
Strategic Director of Finance and Governance	No	No
Director of Law and Democracy	Yes	No
Date final report sent to Constitutional Team		28 June 2018

Item No. 3.2	Classification: Open	Date: 11 July 2018	Meeting Name: Council Assembly
Report title:		Motion on the Theme: Stronger, Safer, More Resilient Communities	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

BACKGROUND INFORMATION

The theme for this meeting is Stronger, Safer, More Resilient Communities.

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 COUNCILLORS REBECCA LURY, DEPUTY LEADER AND CABINET MEMBER FOR CULTURE, LEISURE, EQUALITIES AND COMMUNITIES, AND EVELYN AKOTO, CABINET MEMBER FOR COMMUNITY SAFETY AND PUBLIC HEALTH

Stronger, Safer, More Resilient Communities

1. Council assembly notes:
 - a. That Southwark’s communities add great value to our borough, and make Southwark a place which we can all be proud of
 - b. That despite cuts from this Conservative government, Southwark Council continues to provide financial support to community groups, voluntary organisations and faith groups through the community capacity grants programme
 - c. The council’s Voluntary and Community Sector Strategy which aims to deliver a thriving voluntary and community sector which meets the needs of our residents
 - d. The role played by faith groups in creating strong and resilient communities, and the development of a Faith Strategy which will be launched later this year
 - e. The zero-tolerance to hate crime approach taken by the council
 - f. That youth violence continues to be a problem in Southwark and across London
 - g. That the council is working with communities, the police, and other partners to tackle youth violence, violence against women and girls, and other issues which harm our communities
 - h. Southwark Labour’s manifesto commitment to work with our communities to find local solutions that help young people stay away from knives and launch a Positive Futures Fund to support groups that provide inspiring opportunities for young people

2. Council assembly calls on cabinet to:
- a. Build on the work done on the Women's Safety Charter and develop and deliver a Violence Against Women and Girls Strategy to tackle all forms of gender-based violence in our communities
 - b. Fulfil Labour's manifesto pledge and establish a Positive Futures Fund to empower communities to provide inspiring opportunities for young people which help them to stay away from knives and not become involved in youth violence
 - c. Continue to work with groups and partners in the community to tackle extremism and support those who may be at risk of radicalisation, recognising that the best solutions to these problems can often be found in the community
 - d. Continue to work with and for Southwark's communities to ensure that they are strong, safe and resilient.

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

Lead Officer	Chidilim Agada, Head of Constitutional Services
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer
Version	Final
Dated	22 June 2018

Item No. 5.1	Classification: Open	Date: 11 July 2018	Meeting Name: Council Assembly
Report title:		Members' Question Time	
Ward(s) or groups affected:		All	
From:		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 May 2018.

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 OF THE COUNCIL FROM COUNCILLOR DAVID NOAKES

Will the council commit to working with recognised local community groups and community councils to draw up a new borough-wide local list, backed up by a Heritage supplementary planning document (SPD)?

2. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR KATH WHITTAM

In November 2017, the leader told us that the council had already hit the ambitious target of helping 5,000 residents into work. Could he update us on what the final number of people helped into work during the last administration was?

3. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR ADELE MORRIS

Will the leader confirm the pledge he made at the Southwark Council Leaders Hustings on 24 April 2018, that community infrastructure levy (CIL) projects will be decided and prioritised locally by ward and furthermore procured and delivered by local experienced agencies where they exist?

4. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR SIRAJUL ISLAM

Could the leader update us on what steps the council is taking to secure three new tube stations along the Old Kent Road as part of the Bakerloo Line Extension, including one at the Bricklayers Arms?

5. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR HAMISH MCCALLUM

Will the Leader confirm the commitment he made at the Southwark Council Leaders Hustings on 24 April 2018, that the criteria for allocating the 25% community portion of community infrastructure levy (CIL) will include a very clear link between where the money is raised and where the money is spent? Can the leader further confirm what steps have been taken to establish the criteria for allocating community CIL following the election? And will he commit to meeting with representatives from Bankside Neighbourhood Plan, STAMP and other interested parties to implement a transparent and consistent process for CIL allocation in Southwark?

6. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR JASON OCHERE

Before the election, Labour pledged to campaign to re-open Camberwell Train Station. Can the leader tell us what work has been done on this since the election?

7. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR JANE SALMON

Will the council write to Transport for London (TfL) and commit to pay its share to developing the 40-50 stations required for a Rotherhithe expansion of the Bike Hire Scheme?

8. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR TOM FLYNN

Can the Leader update us on what work has been done to implement the Homelessness Reduction Act and what initiatives the council are using to reduce homelessness?

9. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR DAN WHITEHEAD

How many electric vehicle charging points does the council plan to install over the next 12 months?

10. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR SUNIL CHOPRA

Could the leader tell us how the council is listening to and addressing the concerns of local residents over the council's plans for Queens Road 4?

11. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR NICK JOHNSON

What share of Local Full Fibre Networks (LFFN) challenge fund is Southwark – in particular the Rotherhithe peninsula – receiving? What percentage of residents on the peninsula are still without fast broadband?

12. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR VICTOR CHAMBERLAIN

Will the council conduct an audit of empty homes in the borough – given the shortcomings in council tax data following changes to council tax exemptions, and likely underreporting?

13. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR MARIA LINFORTH-HALL

How many major planning applications has Southwark received since 2010?

14. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR HUMAIRA ALI

Given the sharp rise in crime across Southwark over recent years, why has the council refused to take advantage of the Metropolitan Police Service policy of match-funding new police officers on a two-for-one offer, as other borough councils such as Hounslow and Tower Hamlets have?

15. QUESTION TO THE CABINET MEMBER FOR FINANCE, PERFORMANCE AND BREXIT FROM COUNCILLOR DAMIAN O'BRIEN

What has the council done to make the financial case to Transport for London (TfL) on Bricklayers Arms? Has it provided information on land use and costs from Bermondsey or other new stations in Southwark?

16. QUESTION TO THE CABINET MEMBER FOR FINANCE, PERFORMANCE AND BREXIT FROM COUNCILLOR LORRAINE LAUDER

Could the cabinet member update us on what progress has been made towards bringing housing repairs in-house?

17. QUESTION TO THE CABINET MEMBER FOR FINANCE, PERFORMANCE AND BREXIT FROM COUNCILLOR JAMES COLDWELL

Recent reports have discovered some London councils failing to ensure payment of the London Living Wage to sub-contracted staff, despite being Living Wage-accredited boroughs. Can you confirm that Southwark meets its London Living Wage commitments, including ensuring contractors are paid the London Living Wage as a minimum?

18. QUESTION TO THE CABINET MEMBER FOR FINANCE, PERFORMANCE AND BREXIT FROM COUNCILLOR JAMES MCASH

Following the publication of the "Safe as Houses" report, and the worrying picture that revealed for Universal Credit recipients, could the cabinet member tell us what more the council is doing to draw attention to this concerning issue?

19. QUESTION TO THE CABINET MEMBER FOR FINANCE, PERFORMANCE AND BREXIT FROM COUNCILLOR RENATA HAMVAS

Could the cabinet member explain what the 2017/18 budget outturn report tells us about the council's current financial position and future financial sustainability?

20. QUESTION TO THE CABINET MEMBER FOR FINANCE, PERFORMANCE AND BREXIT FROM COUNCILLOR ALICE MACDONALD

Since being appointed the cabinet member for Brexit, what work has the cabinet member done on this issue?

21. QUESTION TO THE CABINET MEMBER FOR COMMUNITY SAFETY AND PUBLIC HEALTH FROM COUNCILLOR CHARLIE SMITH

Can the cabinet member update us on plans to improve the uptake of the NHS Health Checks that will be carried out in Southwark?

22. QUESTION TO THE CABINET MEMBER FOR COMMUNITY SAFETY AND PUBLIC HEALTH FROM COUNCILLOR LEANNE WERNER

Could the cabinet member tell us what steps the council is taking to respond to the recent and very worrying incidents of violent crime in our borough?

23. QUESTION TO THE CABINET MEMBER FOR COMMUNITY SAFETY AND PUBLIC HEALTH FROM COUNCILLOR BARRIE HARGROVE

Safer Neighbourhood Teams are being asked to follow up on burglary investigations. Is the cabinet member aware of this practice, how widespread is it and does she think this type of duty is consistent with the concept and the purpose of neighbourhood policing?

24. QUESTION TO THE CABINET MEMBER FOR COMMUNITY SAFETY AND PUBLIC HEALTH FROM COUNCILLOR SANDRA RHULE

Can the cabinet member update us on how the council is currently working with our local faith communities to improve health and wellbeing across the borough?

25. QUESTION TO THE CABINET MEMBER FOR COMMUNITY SAFETY AND PUBLIC HEALTH FROM COUNCILLOR HELEN DENNIS

Can the cabinet member describe the work the council is doing to improve services provided for the treatment and rehabilitation of drug and alcohol addiction in the borough?

26. QUESTION TO THE CABINET MEMBER FOR COMMUNITY SAFETY AND PUBLIC HEALTH FROM COUNCILLOR RADHA BURGESS

Can the cabinet member provide an update on the progress being made towards a London e-service for sexually transmitted infections (STI) screening and treatment and when we anticipate local residents will be able to take advantage of this service?

27. QUESTION TO THE CABINET MEMBER FOR COMMUNITY SAFETY AND PUBLIC HEALTH FROM COUNCILLOR MARGY NEWENS

Can the cabinet member update us on the recent trends in childhood obesity in the borough and what new initiatives are being planned or considered to strengthen our approach in the year ahead?

28. QUESTION TO THE CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE FROM COUNCILLOR NICK DOLEZAL

Harris Academy Peckham are consulting on closing their sixth form. Could the cabinet member provide an update on what impact this is likely to have on sixth form provision in Southwark?

29. QUESTION TO THE CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE FROM COUNCILLOR MARTIN SEATON

Could the cabinet member explain what work Southwark Council is doing to improve hospital discharge rates?

30. QUESTION TO THE CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE FROM COUNCILLOR JON HARTLEY

Could the cabinet member update us on when the outcome of the OFSTED inspection of the council's special educational needs and disability (SEND) provision will be known?

31. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT, TRANSPORT MANAGEMENT AND AIR QUALITY FROM COUNCILLOR GRAHAM NEALE

How much money did Southwark Council spend on road and pavement works, by ward, in the 12 months leading up to 3 May 2018?

32. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT, TRANSPORT MANAGEMENT AND AIR QUALITY FROM COUNCILLOR ANOOD AL-SAMERAI

Will the council create a third PM2.5 monitoring station on Jamaica Road?

33. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT, TRANSPORT MANAGEMENT AND AIR QUALITY FROM COUNCILLOR ELIZA MANN

Will the council formally investigate the costs and feasibility of deploying a 'smog sign' – an electronic display showing live pollution levels – on Jamaica Road?

34. QUESTION TO THE CABINET MEMBER FOR GROWTH, DEVELOPMENT AND PLANNING FROM COUNCILLOR WILLIAM HOUNGBO

Was Southwark Council notified that More London planned to brick-up the water feature at More London by London Bridge before works went ahead?

Item No. 5.2	Classification: Open	Date: 11 July 2018	Meeting Name: Council Assembly
Report title:		Members' Motions	
Ward(s) or groups affected:		All	
From:		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 minutes¹.

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.

¹ Council assembly procedure rule 1.14 (9)

1. **MOTION FROM COUNCILLOR KATH WHITTAM** (Seconded by Councillor Jasmine Ali)

Corporate Parenting in Southwark

1. This motion seeks to build on the good work that Southwark is doing with children in our care and young people leaving care. Last year we received a good rating from Ofsted, secured innovation funding to enable young people in care to reconfigure our care leaving services, and waived council tax fees for all care leavers.
2. This year, in our forward plan, we have guaranteed an education placement or apprenticeship for all children and young people preparing to leave care.

Background

3. At the same time we have witnessed a national scrutiny spotlight being put on children's social care. The Children and Social Work Act 2017 has released updated statutory guidance to improve corporate parenting. This was followed by the launch of the Education Committee's scrutiny of foster care which was in turn swiftly followed by the release of government commissioned Foster Care in England Inquiry authored by Martin Narey and Mark Owers.
4. The government's response to the scrutiny reports has yet to be released – but we can anticipate a shift to improve services along the lines of permanence as opposed to fragmented responses to families requiring care services into adoption, SGOs and foster care.
5. At the same time the Local Government Association (LGA) and the Association of Directors of Children's Services (ADCS) have launched its Brighter Future campaign which has exposed a £2 billion deficit in children's social care. In Southwark we hosted the launch of a suite of reports entitled Care Crisis.

Individual councillors as corporate parents

6. The role that this council plays in looking after children is one of the most important things that we do. Just like all other local authorities, we have a unique responsibility to the children that we look after. It is in this context that local authorities are referred to as the 'corporate parent' of these children and young people, and the critical question that we should ask in adopting such an approach is 'would this be good enough for my child?'
 - a. Council assembly recognises that children in care are more likely to succeed in education or employment if someone is interested in their progress.
 - b. Council assembly will build on its strong ethos of corporate parenting by inviting all councillors to participate in this role, not only those on the Corporate Parenting Committee
 - c. Council assembly calls on cabinet to develop a scheme to engage councillors with looked after children, including monitoring their progress and encouraging written contact in the form of cards to acknowledge

birthdays, faith festival dates and dates of exams, results of exams and education or job interview results

- d. Council assembly encourages councillors to volunteer to be a part of this initiative, recognising that this is a serious commitment to a potentially vulnerable child.

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

2. MOTION FROM COUNCILLOR DAN WHITEHEAD (Seconded by Councillor Jane Salmon)

Rising crime in Surrey Docks

1. Council assembly recognises:
 - a. The dramatic rise in violent crime across London.
 - b. The spread of violent crime – especially knife crime – across most wards in Southwark Council.
 - c. The fact that Surrey Docks has seen the fastest rise in violent crime in the borough, approaching 40% in the last year.
 - d. The fact that assaults and GBH (grievous bodily harm) are becoming more common in Surrey Docks, rising 63% and 83% respectively last year.
 - e. The serious rise in robberies in Surrey Docks over the past two years, including a 6% rise last year.
 - f. The persistent threat from burglaries in the ward. There are several hundred break-ins every year, and in the last 12 months burglaries went up by almost 90%.

2. Council assembly further recognises:
 - a. The reduction in police officers and community support officers across London.
 - b. The reduction in police officers across Southwark from 957 to 665 – a 30% drop – since 2010.
 - c. The reduction in Safer Neighbourhood Teams for each ward from 6 members to 3.
 - d. The reduction in Community Wardens from 31 to 19.
 - e. The withdrawal of Southwark Police into ‘reactive’ policing. Long-term and pro-active investigations into gangs and organised crime have been heavily reduced.
 - f. The severe cuts to youth services, leading to the closure of youth clubs and the loss of youth workers.

3. Council assembly is aware that:
 - a. Tower Hamlets Council have hired 39 police officers.
 - b. Extra police now patrol housing estates in Tower Hamlets.
 - c. Tower Hamlets have been able to direct these officers to deal with residents’ priorities.
 - d. These successful deployments have helped in tackling anti-social behaviour and drugs.

- e. More than 155 arrests have been made by these new officers, 387 stop and searches, and regular weapons sweeps for knives and guns – as well as cash acquired from crime.
- f. The Mayor of London will provide a free officer for every officer a council pays for.
- g. This has kept the cost of Tower Hamlets scheme relatively low – at £1m per year.

4. Council assembly recommends that Southwark Council:

- a. Hire extra police officers to patrol Southwark's neighbourhoods.
- b. Create a dedicated unit to carry out proactive investigations into violent crime in the borough.
- c. Direct this unit to focus initially on knife crime, recognising that Southwark now has the highest rate of knife crime in London.
- d. Allow the Borough Commander to determine how resources are allocated within the unit – whether that be extra detectives, analysts, surveillance equipment, or other technology.
- e. Install extra streetlights and CCTV cameras in hotspot areas for violent crime.

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

3. **MOTION FROM COUNCILLOR HELEN DENNIS** (Seconded by Councillor Victoria Olisa)

Modern slavery

1. Council assembly notes:

- a. Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.
- b. There were 3,805 victims of modern slavery identified in the UK in 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office.
- c. Modern slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

2. Council assembly believes:

- a. That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK.
- b. That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.
- c. That councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.

3. Council assembly calls on cabinet:

- a. To adopt the Co-operative Party's Charter against modern slavery to ensure our procurement practices do not support slavery.
- b. To consider the wider impact of modern slavery on the borough, and work to ensure that all forms of modern slavery are eliminated in Southwark.

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

4. MOTION FROM COUNCILLOR VICTOR CHAMBERLAIN (Seconded by Councillor Adele Morris)

Saving the RV1 bus

1. Council assembly notes:
 - a. The doubling of wait times for an RV1 bus.
 - b. The fact that there are now just three RV1 buses every hour.
 - c. The rushed decision to cut the service on 10 February 2018, publicised just 14 days before the changes went ahead.
 - d. The complete lack of consultation prior to the cut.
 - e. The complete reliance on data to make the decision.
 - f. The use of data addled by a year-long diversion at London Bridge station.
2. Council assembly recognises that:
 - a. The RV1 bus provides a vital service to elderly residents, who made almost 60,000 journeys with bus passes and 45,000 with Freedom Elderly passes last year – even with the route on diversion.
 - b. The bus is heavily used by students, disabled residents, and commuters from Covent Garden, Waterloo, Blackfriars, Borough, London Bridge, and North Bermondsey.
 - c. The suggestion from TfL that residents use the Jubilee Line instead of the RV1 completely ignores issues of accessibility, affordability and overcrowding.
 - d. The RV1 is one of the only zero-emission routes in London, operated by a fleet of hydrogen-powered buses.
 - e. 1,000 Southwark and London residents signed a petition condemning the RV1 cuts and the failure to consult.
 - f. To this date there has still been no consultation with residents – despite a significant public petition.
 - g. There is cross-party opposition to the cuts, including from the leader of the council.
3. Council assembly is disappointed that:
 - a. It took pressure from the Liberal Democrat London Assembly member, Caroline Pidgeon, at Mayoral Question Time to get the Deputy Mayor for Transport to agree to review the service after 6 months. The review is due by 10 August 2018.
 - b. Freedom of Information (FOI) requests were required to discover the basis for this decision.
 - c. FOI responses showed that TfL and the Mayor's office knew the cut was due to go ahead with little or no warning – but pressed ahead anyway.

- d. Concerns were raised, including comments over email that ‘this is going ahead very quickly’ and ‘there will be a stink’.
 - e. There was confusion and division surrounding the decision, revealed by emails that said: ‘Thought this was all up for discussion with the Mayor’ and ‘I thought this was on hold’. And yet the decision was still allowed to go ahead.
 - f. An FOI request submitted by Liberal Democrat councillors for Borough and Bankside on 7 February 2018 went unanswered for more than 3 months (when a response ought to be provided within 3 weeks).
4. Council assembly calls on cabinet to:
- a. Officially condemn the cuts to the RV1 bus service.
 - b. Write to TfL opposing the cuts, requesting a full consultation, and formally asking for the RV1 bus to be restored to full service.
 - c. Take up the novel idea put forward by Caroline Pidgeon to pitch the RV1 bus service to tourists – supported by the Mayor of London and TfL Commissioner Mike Brown – since the route passes dozens of London and Southwark landmarks along the river.
5. Council assembly calls on TfL and the Mayor of London to:
- a. Fulfil the promise in a written response to Caroline Pidgeon to review the RV1 bus cut after 6 months.
 - b. Hold a consultation with residents on the full restoration of the RV1 bus service.
 - c. Introduce more zero-emission buses in Southwark to cut the high concentrations of air pollution in the borough, especially on Southwark Bridge Road, Borough High Street, Tower Bridge Road, Jamaica Road, and the Old Kent Road.

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

5. MOTION FROM COUNCILLOR DAMIAN O'BRIEN (Seconded by Councillor Humaira Ali)

Securing a Bricklayers Arms tube station

1. Council assembly recognises that:
- a. The Bricklayers Arms site is ideal for a tube station.
 - b. There is strong cross-party support for the station in Southwark.
 - c. Close to 3,000 people have signed the petition for a Bricklayers Arms tube station.
 - d. The station has the support of local businesses and community groups – including the Tower Bridge Alliance, Bermondsey Street Area Partnership and Bricklayers Arms Tenants and Residents Association.
2. Council assembly further recognises that:
- a. A station between Elephant & Castle and Old Kent Road would bring tube access to thousands of people in Chaucer, North Walworth and West Bermondsey.

- b. A station at Bricklayers Arms would also provide much-needed relief for the overcrowded Jubilee Line.
- c. A station would also be a vital future-proofing measure, given the rapid expansion in population due to take place in the area – especially under the Old Kent Road Area Action Plan.
- d. There is an historic divide between north and south London in tube access. Zone 1 in the north has 55 tube stops. In the south, we have 7.
- e. Transport for London (TfL) is planning wide gaps between stations on the Bakerloo Line Extension (1.2 miles, comparing poorly with the 0.59 mile average on the rest of the line).
- f. This would be an enormous missed opportunity to narrow the gap between north and south London.
- g. A sparsity of stations on the extension will actually reinforce this gap – and the social and economic inequality that comes with it.
- h. An additional station would be a landmark contribution to the reduction of inequality, bringing clear social, economic and environmental gains for the area.

3. Council assembly is clear that:

- a. To secure an additional tube station at Bricklayers Arms a strong case has to be made to TfL and the Mayor of London on costs.
- b. A station at Bricklayers Arms would increase passenger numbers and revenue for TfL, offsetting the immediate costs to TfL over the long-term.
- c. A station would also bring investment, business, and jobs to the area – that would in the long-term outweigh the upfront costs – but that little analysis has been conducted so far.
- d. A station would reduce demand for cars, taxis and buses, reducing air pollution and cutting congestion. Nearby New Kent Road and Tower Bridge Road have some of the highest nitrogen dioxide levels in London. Last year, they averaged 71 and 91 $\mu\text{g.m}^{-3}$. The limit is 40.
- e. Short-termist policy-making tends to lead to higher costs, lower quality, greater inconvenience and less coordination.

4. Council assembly calls on cabinet to:

- a. Submit a formal case to TfL on how to fund a station at Bricklayers Arms, as part of their current round of consultation on the Bakerloo Line Extension.
- b. Produce an analysis of anticipated costs and feasibility for a station that:
 - i) Takes account of the (inflation-adjusted) costs at Southwark, Bermondsey, Canada Water and other new tube stations built in recent decades.
 - ii) Confirms how much cheaper Bricklayers would be than most new stations – given the open land available at the site and that the station removes the need for a ventilation shaft.
- c. Produce an analysis of both the social and economic impact a Bricklayers tube station would have in the local area.
- d. Produce an analysis of the revenue that could be generated from a mixed use site at Bricklayers Arms – estimating the contribution a residential and commercial development above the station could make towards the capital costs of the station's construction.
- e. Make a clear commitment – given the strategic importance of a tube station at Bricklayers Arms – for the council to contribute a proportion of the funding (drawn from the Community Infrastructure Levy, section 106

agreements and/or the capital budget) and offer to gift the land at Bricklayers Arms roundabout to TfL.

5. Council assembly further calls on cabinet to:
 - a. Submit a comprehensive, written case to the Mayor of London on Bricklayers Arms, setting out:
 - i) The council's willingness to contribute funding for the station.
 - ii) The expansion in tube access – the estimated number of residents brought within walking distance of a station.
 - iii) Estimates of the local economic impact – including potential investment, business growth, and job creation.
 - iv) Independent analysis of upfront station costs – comparing recent station construction costs and accounting for savings on a ventilation shaft.
 - v) Independent analysis of long-term station costs – including estimates for population growth, future passenger numbers from a Bricklayers station, and additional bus services required in the absence of a station at Bricklayers Arms.
 - vi) The wider economic, social and environmental importance of long-term infrastructure planning.
 - vii) The rare opportunity that Bricklayers Arms presents to secure a new tube station at a much lower than average cost.

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

6. **MOTION FROM COUNCILLOR MARIA LINFORTH-HALL** (Seconded by Councillor Graham Neale)

Taking action on Airbnb

1. Council assembly recognises:
 - a. That national legislation has not caught up with the sharing economy.
 - b. That plenty of Airbnb and short-term let hosts are responsible and make a real effort to encourage their guests to be quiet, tidy and courteous.
 - c. That a sizeable minority of hosts do not make these efforts.
 - d. That some residents – both council and private tenants – are barred from hosting, yet do so anyway.
 - e. That Southwark Council has made it clear to council leaseholders that they are not allowed to host via Airbnb or other home-sharing websites, but that some continue to do so.
 - f. That Airbnb type hosting can lead to security risks, anti-social behaviour and noise nuisance, and other loss of amenity for our residents.
 - g. That some Airbnbs bear no relation to the idea of flat-sharing and are effectively hotels or hostels – sometimes run by owners who live away, sometimes overseas.
2. Council assembly finds it unacceptable that:
 - a. Some Airbnb-type hosts are sharing estate entry codes with guests.
 - b. Multiple reports of anti-social behaviour have been made by residents at the Dodson Estate, Gerridge Court, Cooper Close and other estates across the borough.

- c. Short-term lets have continued in Southwark, despite a series of promises to local residents in March 2017 that Southwark Council would not tolerate tenants or leaseholders renting on a short-term basis.(1)
3. Council assembly agrees that:
- a. Short term letting constitutes a breach of the lease covenants “not to use or suffer the flat to be used for any purpose other than as a private dwelling house” and “not to do or permit or suffer to be done any act or thing which may be or become a nuisance or annoyance to the Council or to the Lessees owners or occupiers of adjoining or neighbouring property.”
 - b. We applaud the leader of the council when he said: “We will take legal action where such cases come to our attention.”(2)
 - c. We look forward to that action, for the protection of our residents and visitors.
4. Council assembly calls on cabinet to:
- a. Take action beyond merely writing standard form letters to every leaseholder and tenant.
 - b. Publicise the ban on Airbnb in council estates – on notice boards, at TRA meetings, with leaflet drops, and via digital channels (both council outlets and community forums), and help to enable residents to feel empowered to combat the use of their communities as profit centres for pernicious landlords.
 - c. Remind HMO (houses in multiple occupation) licence holders of their obligations
 - d. Record and investigate all resident reports of unlicensed hosting.
 - e. Publish quarterly reports on unlicensed hosting that state: how many reports the council has received, from where, what action has been taken, and what the next steps are.
 - f. Create a joint enforcement team (between the council’s housing and the anti-social behaviour departments) dedicated to Airbnb.
 - g. Make clear to leaseholders that they are accountable for the behaviour of their tenants.
 - h. Take pro-active enforcement action against offenders.
 - i. Alert Airbnb and other platforms of users who breach local authority rules.
 - j. Write to Airbnb, discouraging the company or its affiliates from promoting the platform to buy-to-let landlords.
 - k. Introduce a borough-wide licensing scheme for private landlords. Like Newham’s licensing scheme, this could include a requirement for landlords to set out in writing how they plan to reduce anti-social behaviour from tenants, guests and visitors. These include, for example: ‘provision of an emergency 24hr contact number (including out of hours response arrangements)’ and ‘formal arrangements for the disposal of rubbish and bulky waste’. Licence conditions also stipulate that a ‘licence holder must not ignore or fail to take action if he or she has received complaints of anti-social behaviour that concern the visitors to or occupiers of the premises’.
 - l. Recognise that four London boroughs now have a borough-wide licensing scheme in place: Newham, Waltham Forest, Barking and Dagenham, and Croydon. Given the high number of Airbnb hosts in Southwark, it would make sense to include Airbnb-specific conditions in a council application to the Secretary of State to introduce such a scheme in this borough.

(1) Southwark cracks down on short term holiday lets with warnings to local leaseholders: <http://www.southwark.gov.uk/news/2017/mar/southwark-cracks-down-on-short-term-holiday-lets-with-warnings-to-local-leaseholders>

(2) Homes not hotels: council to take action on Airbnb-style lets: <http://www.london-se1.co.uk/news/view/9324>

7. MOTION FROM COUNCILLOR ELIZA MANN (Seconded by Councillor Hamish McCallum)

Jamaica Road gridlock

1. Council assembly is exasperated by:
 - a. The continued failure of Transport for London (TfL) to make any serious attempt to reduce congestion on Jamaica Road.
 - b. The fact that congestion on Jamaica Road is actually getting worse – with traffic up 19% this year.
 - c. Tailbacks along Jamaica Road that now begin before 3pm.
 - d. The likelihood that a tolled Silvertown Tunnel and Blackwall Tunnel will drive even more traffic to a toll-free Rotherhithe Tunnel – creating more backups along Jamaica Road.
 - e. The fact that TfL has not even taken the simple step to introduce Variable Message Signs on Jamaica Road. There are roughly 3,000 of these across England – but not on one of its most congested roads.

2. Council assembly is aware that:
 - a. Congestion on Jamaica Road has left the area with some of the worst air pollution in London.
 - b. Nitrogen dioxide (NO₂) consistently sits above the legal limit (a maximum of 40µg/m³). Very often it reaches 60-70µg/m³. Around some stretches of the road it is 90-100µg/m³.
 - c. At the Abbey St junction NO₂ was 50% above the limit last year. At Rotherhithe Tunnel it was almost 150% over.
 - d. At St James' primary school near Jamaica Road last year, NO₂ was above the legal limit in every month but one.

3. Council assembly requests that cabinet call on TfL to:
 - a. Make the decongestion of Jamaica Road an urgent priority.
 - b. Set a timetable and targets for traffic reduction on Jamaica Road.
 - c. Following the grant of a Development Consent Order in May 2018 to build Silvertown Tunnel, urgently consider a rush-hour toll on Rotherhithe Tunnel.
 - d. Invest the revenue from a Rotherhithe Tunnel toll in better infrastructure on Jamaica Road and Lower Road to reduce congestion and pollution.
 - e. Finally introduce Variable Message Signs on roads leading to Rotherhithe Tunnel, warning drivers about queue lengths – or indeed alerting them when the tunnel is closed.
 - f. Make key changes to its plans for Cycle Superhighway 4 (CS4), removing the cycle crossing at West Lane junction, adding plans for Lower Road, extending the proposed route into Greenwich, and consulting on an option for one-way segregated lanes on both sides of Jamaica Road – similar to CS2 on Whitechapel Road – rather than merely consult on a two-way

- superhighway on the north side. If CS4 is to cut congestion, TfL needs to be more ambitious.
- g. Introduce electric buses on the 1, 47, 188, 199, 225, 381, C10, P12, N1, N199 and N381 routes along Jamaica Road to reduce air pollution.
4. Council assembly calls on the Mayor of London to:
 - a. Reconsider the decision not to increase the number of carriages on the Jubilee Line.
 5. Council assembly calls on cabinet to:
 - a. Write to TfL formally proposing to fund the Bermondsey-Rotherhithe Santander bike hire expansion.
 - b. Install a PM2.5/PM10 (Particulate Matter pollution) automatic monitoring station on Jamaica Road, in addition to those currently operating at Old Kent Road and Elephant & Castle.
 - c. Introduce 'smog signs' – especially outside the primary schools and secondary school by Jamaica Road – electronic displays that warn the public about pollution levels in real time, not just in a report several months later.

BACKGROUND DOCUMENTS

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

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer
Version	Final
Dated	22 June 2018

Item No. 6.1	Classification: Open	Date: 11 July 2018	Meeting Name: Council Assembly
Report title:		Calculation of Political Balance (proportionality) - The Local Government and Housing Act 1989	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly note the revised division of seats and percentage allocation of each political group on the council following the outcome of the election in London Bridge and West Bermondsey ward on 14 June 2018 set out below:

Table 1: Division of seats

Group	Total	%
Labour	49	77.78
Liberal Democrat	14	22.22
Total	63	100.00

2. That council assembly note that following the elections in London Bridge and West Bermondsey ward on 14 June 2018, there is no change to proportionality and the allocation of seats on committees, community councils and panels for the municipal year 2018/19, as agreed by council assembly on 21 May 2018, remains same, as set out below:

Table 2: Ordinary Committees - Total number of seats 29

Committee	Total	Lab	Lib Dem
Committee 1 Appointments Committee	7	6	1
Committee 2 Planning Committee	8	6	2
Committee 3 Audit, Governance and Standards Committee	7	5	2
Committee 4 Corporate Parenting Committee	7	6	1
Total	29	23	6

Table 3: Other committees - Total number of seats 26

Committee	Total	Lab	Lib Dem
Overview and Scrutiny Committee	11	8	3
Licensing Committee	15	12	3

Table 4: Community councils areas divided by geographical areas

Name of community council	Members from electoral wards serving on Community councils
Bermondsey and Rotherhithe	London Bridge & West Bermondsey, North Bermondsey, South Bermondsey, Old Kent Road (North), Rotherhithe and Surrey Docks wards.
Borough, Bankside and Walworth	Borough & Bankside, St George's, Chaucer, Newington, North Walworth and Faraday wards.
Camberwell	Camberwell Green, St Giles and Champion Hill wards.
Dulwich	Goose Green, Dulwich Village, Dulwich Hill and Dulwich Wood wards.
Peckham and Nunhead	Old Kent Road (South), Peckham, Rye Lane, Nunhead & Queen's Road and Peckham Rye wards.

BACKGROUND INFORMATION

3. The constitution is updated as and when changes are required. The recommendations in this report are based on the current constitution and previous decisions of the council.

KEY ISSUES FOR CONSIDERATION

4. The election for London Bridge and West Bermondsey ward election was deferred following the death of a Conservative Party candidate in the lead up to the local election held on 3 May 2018. The election was subsequently held on 14 June 2018.

Division of seats

5. As a result of the 3 May 2018 local elections and the deferred election on 14 June 2018, the political composition of the council is as set out in table 1 above.

Proportionality – the legal position

6. The size and composition of the council's regulatory and other committees are established in accordance with the number of seats each political group has on the council as a whole – this is known as "proportionality".
7. The Local Government and Housing Act 1989 covers the allocation of seats to political groups. The political balance rules require the council to ensure that the political groups represented on council have proportionate representation on the committees of the council. Political groups have to constitute two or more members and be actively constituted as a group in accordance with the above regulations.
8. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as is reasonably practicable:
 - (i) That not all the seats on a committee or sub-committee are allocated to the same political group

- (ii) That the majority group must have the majority of seats on each committee or sub-committee

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

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

Notes:

1. The ordinary committees are: appointments; planning; audit, governance and standards; corporate parenting.
 2. The licensing committee is appointed under the Licensing Act 2003, the overview and scrutiny committee is appointed under section 9F of the Local Government Act 2000 and the health and wellbeing board is appointed under the Health and Social Care Act 2012 and is to be treated as if appointed under section 102 of the Local Government Act 1972 (subject to modifications of the effect of section 102 made by the Secretary of State). None of the aforementioned committees are treated as an ordinary committee.
- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.
9. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.
 10. The regulations provide an exception from the political balance requirements where a committee is established to discharge functions in part of an authority's area, and
 - (i) Consists entirely of members elected for wards which comprise the area, and
 - (ii) Either the area or its population does not exceed two-fifths of the total for the authority.
 11. The membership of community councils is set out in Article 8 of the constitution. Community councils do not need to be politically balanced. Community councils can only include members of the local authority who are members for the electoral wards wholly or partly contained within the area for which the community council has functions.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Establishment of committees and other constitutional issues 2018/19 report - Council Assembly 21 May 2018	Southwark Council Constitutional team 160 Tooley Street, London, SE1 2QH	Chidilim Agada 020 7525 3310

APPENDICES

Appendix	Title
None.	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Chidilim Agada, Head of Constitutional Services	
Version	Final	
Dated	25 June 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	25 June 2018	

Item No. 6.2	Classification: Open	Date: 11 July 2018	Meeting Name: Council Assembly
Report title:		Constitutional Changes 2018/19: Contract Standing Orders, appointment of a data protection officer and scrutiny arrangements	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATIONS

1. That council assembly agree the proposed changes to the constitution as outlined in Appendices 1 to 4 of the report.
2. That council assembly note the addition to the proper officer list in the council's constitution to include a data protection officer.

BACKGROUND INFORMATION

3. This report outlines some constitutional changes. The constitutional steering panel has considered the suggested changes to the constitution and recommend them to council assembly.

Reasons for proposing a change to the contract standing orders

4. Under the Public Contracts Regulations 2015, electronic tendering will be compulsory from 18 October 2018. To ensure the council can comply with this requirement, it has implemented an e-procurement software system for use by legal services, procurement and all officers who manage procurement across the council.
5. All bar one of the proposed amendments to the contract standing orders (CSOs) relate to the requirement to use the council's e-procurement system, in line with legislative requirements. The other proposed change is designed to put more appropriate governance arrangements in place in respect of contracts affecting the budget of more than one department.
6. A summary of the changes is set out below:
 - A new CSO 2.5.2 to require records to be kept on the e-procurement system for all contracts with an estimated value of £25,000 or more
 - A new CSO 6.2.2 to require procurement concurrents in Gateway reports where it is not possible to undertake a procurement with an estimated value of £25,000 or more through the e-procurement system
 - Amendments to CSO 6.4.3c) and 6.5.2c) to allow relevant chief officers to agree that a contract decision to be taken by another chief officer but which affects the budget of more than one department does not have to be considered by their departmental contract review board (DCRB) as well as the DCRB of the decision taker

- Replacement of CSO 7 concerning the issue, return and opening of quotes and tenders, in line with the council's e-procurement system (with a definition of 'e-procurement system' being added to the Glossary).

Reasons for proposing a change to the proper officer list

7. The General Data Protection Regulation (GDPR) came into force on 25 May 2018. It imposes new requirements on data controllers in managing personal data and evidencing compliance. One of these is the appointment of a data protection officer (DPO). This role is a new one created under section 4 (articles 37-39) of the regulations.
8. The corporate governance panel recommended the Senior Information Risk Owner (SIRO) as the DPO. The SIRO is currently Duncan Whitfield, the strategic director of finance and governance. The Chief Executive has further to the recommendation made the appointment.
9. This appointment will need to be included in the proper officer list in the council's constitution. The addition will be made by the proper constitutional officer as a housekeeping change to the constitution.

Reasons for proposing scrutiny changes

10. Southwark, like all councils, wants to ensure that the arrangements supporting the effective overview and scrutiny of executive decision making is efficient, effective and transparent and done so to maintain relevance with the changing circumstances in which the council operates. To that end a change is proposed from previous sub-committee arrangements to "task and finish groups" for the constitutional year 2018-19. The reason being to focus the work of the groups over a time limited period, whilst ensuring the council's statutory scrutiny responsibilities and other such arrangements (e.g. call-in, cabinet member interview) are delivered through the overview and scrutiny committee. The essential constitutional changes required to affect this are set in appendices 3 to 4.
11. The constitutional amendments set out in this report are the procedural changes required to shift to a task and finish mode. Overview and scrutiny committee held a workshop session on 12 June 2018 to develop the committee's approach in more detail and worked through the cultural changes.
12. Arrangements will be monitored and kept under review to ensure continued fitness for purpose, with any relevant impacts of such a review on constitutional procedures reported back to CSP and council assembly as appropriate and in a timely manner.

KEY ISSUES FOR CONSIDERATION

13. The context for this report is the on-going review of efficient democracy and the current financial climate requiring savings to be identified.

Community impact statement

14. The proposal in this report provides additional benefits to the public and the local community and enhances the council's commitment to diversity and fairness.

Resource implications

15. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution	160 Tooley Street London SE1 5LX	Constitutional Team 020 7525 7228

APPENDICES

No.	Title
Appendix 1	Schedule of constitutional changes
Appendix 2	Contract standing orders - draft
Appendix 3	Article 5 of the Constitution – Overview and scrutiny committee and sub-committees
Appendix 4	Overview and Scrutiny Procedure Rules – proposed amendments

AUDIT TRAIL

Lead Officers	Chidilim Agada, Head of Constitutional Services	
	Jo Anson, Head of Financial and Information Governance	
	Shelley Burke, Head of Overview and Scrutiny	
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer	
Version	Final	
Dated	27 June 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes (Included in the body of the report)
Strategic Director of Finance and Governance	No	Not applicable
Date final report sent to Constitutional Team		27 June 2018

Proposed Constitutional Amendments

Changes to the constitution are shown as follows:

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

No.	Section	Issue / Reason for change	Current Wording	Proposed Amendment	Proposed by
1.	21. Proper Officer List	Inclusion of Data Protection Officer	[blank]	<u>General Data Protection Regulation Article 37-39 designation of the data protection officer</u> <u>Strategic Director of Finance and Governance</u>	Corporate Governance Panel
2.	10. Contract Standing Orders	See report	See Appendix 2	See Appendix 2	Head of Financial and Information Governance
3.	Article 5 - Overview and scrutiny committee	Change of sub-committees to task and finish groups	See Appendix 3	See Appendix 3	Head of Overview and Scrutiny
4.	9. Overview and scrutiny procedure rules	Change of sub-committees to task and finish groups	See Appendix 4	See Appendix 4	Head of Overview and Scrutiny

CONTRACT STANDING ORDERS

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- 5.1 Using Framework agreements
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6. Approvals processes

- 6.1 Gateway and other reports
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- 6.7 Retrospective approvals
- 6.8 Exemptions
- 6.9 Emergencies

7. Quote and Tender issue, return and opening procedure

[7.1 Issue of quotes and tenders through the e-procurement system](#)

[7.2 Quote and tender return and opening procedure](#)

7.3 Exceptions to the requirements set out in 7.2 above

8. Advertisement and publication of procurement notices

9. Contract management and monitoring

10. Contract termination / Mergers and acquisitions

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.

2.3.4 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.

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.

2.5 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 Where the Estimated Contract Value is £25,000 or more, these records must be kept on the e-procurement system.

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

2.6 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.

2.7 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.

2.8 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.

2.9 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 (Gateway 0 report) – 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.a) and d) above, unless approval has been previously obtained via a GW0 report.

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 Gateway 1 and Gateway 2 reports.

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 Where it is not possible to undertake a procurement through the e-procurement system and the Estimated Contract Value or proposed variation is £25,000 or more, a Gateway report must include procurement advice from the strategic director of finance and governance or delegated officer(s).

- 6.2.3 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 department but does not fall into a) or b) above, the decision must be taken by the chief officer responsible for the contract after consideration of the report by all relevant DCRBs or as otherwise agreed by the relevant chief officers 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 £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 department but does not fall into a) or b) above, the decision must be taken by the chief officer responsible for the contract after consideration of the report by all relevant DCRBs or as otherwise agreed by the relevant chief officers 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 procurement activity being commenced or 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 0, 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 DCRB 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 CCRB and 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. Quote and tender issue, 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.~~

7.1 Issue of quotes and tenders through the e-procurement system

7.1.1 Officers must use the e-procurement system for all quotes and tenders with an Estimated Contract Value of £25,000 or more to ensure compliance with relevant legislative and corporate requirements and to provide a complete audit trail.

7.1.2 If the e-procurement system is not to be used for a quote or tender with an Estimated Contract Value of £25,000 or more, the Gateway 1 must include procurement advice from the strategic director of finance and governance or delegated officer(s).

7.1.3 If the e-procurement system is not used for a tender with an Estimated Contract Value above the relevant EU threshold, a report should be submitted to the relevant DCRB for information and to CCRB and 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.

7.2 Quote and tender return and opening procedure

7.2.1 All quote and tender processes must comply with the following requirements.

7.2.2 Those submitting quotes or tenders must be told that their quotes or tenders may only be considered if they are received in time within the protocols of the council's e-procurement system.

7.2.3 All quotes and tenders will be electronically released or opened at the same time and place, after the closing date and time for receipt stated in the quote or tender documents and the e-procurement system.

7.2.4 A quote or tender received by the council via the e-procurement system or otherwise (subject to CSO 7.3) after the time and date specified in the invitation shall not be accepted or considered.

7.2.5 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, quotes or tenders will be released from the e-procurement system by the relevant LCO or their authorised representative.

7.3 Exceptions to the requirements set out in 7.2 above

7.3.1 Exceptions to the requirements set out in 7.2 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.
Contracts Finder	Contracts Finder is a government website which the council is legally required to use to advertise contract opportunities, contract award notices and early engagement advertisements, as set out in the Contracts Finder Protocol which can be found on the Source at: http://thesource.southwark.gov.uk/tools-and-resources/contracts/eu-procurement/advertising-eu-contracts/?_ga=2.249398721.79453278.1523519154-77434579.1523519154 .
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.
<u>e-procurement system</u>	<u>The council's e-procurement system, Pro-Contract 3, should be used for all procurements with an Estimated Contract Value of £25,000 or more unless approval has been obtained, to use an alternative e-procurement system. Agreement not to use the council's system must be obtained from the procurement advice team and their advice included in the Gateway 1 report.</u>
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 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.

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).

Gateway report A written report in substantially the same terms as those contained in the relevant template which can be found on the Source at <http://thesource/SectionLandingPage.asp?id=22344&cat=1234>.

Key Decision 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:

- 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)
- those which have a significant impact on communities
- Strategic Assessment (Gateway 0) approvals
- Gateway 1 approvals in respect of a Strategic Procurement.

Lead contract The LCO for each contract is the officer who has a duty to

officer (LCO)	ensure that the obligations set out in these CSOs are complied with.
Light Touch Regime	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.
Lowest Bid	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.
Procurement Guidance	Guidance, advice or templates published on the intranet pages in relation to the procurement process.
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"> 1) Estimated Contract Value of £4 million or more for non-works and of £15 million or more for works 2) a significant change to previous service 3) possible externalisation or change in manner of delivery 4) significant transfer of assets or staff 5) political sensitivity 6) contract carrying a high level of risk.
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.

Article 5 – Overview and scrutiny committee and sub-committees

- 5.1 The council will appoint an overview and scrutiny committee to discharge the functions conferred by section 9A of the Local Government Act 2000. The overview and scrutiny committee will appoint sub-committees and determine their terms of reference. Sub-committees will operate as scrutiny commissions whose role will be to undertake specific reviews as specified by Overview & Scrutiny Committee.

The overview and scrutiny committee will also discharge those functions of the council relating to the scrutiny of the health service contained in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, except where a function is reserved to the council.

Where an NHS body or health service provider consults the council and another authority or authorities about a proposal for a substantial development of or variation to the health service affecting each council's area, the overview and scrutiny committee will appoint a joint overview and scrutiny committee with the other authority or authorities for the purposes of that consultation.

- 5.2 Within their terms of reference, the overview and scrutiny committee and its sub-committees will:
- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions
 - b) make reports and/or recommendations to council assembly and/or the cabinet in connection with the discharge of any functions
 - c) consider any matter affecting the area or its inhabitants.

5.3 Specific functions

1. Policy development and review

Overview and scrutiny committee and its sub-committees may:

- a) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- b) conduct research, community and other consultation in the analysis of policy issues and possible options
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- d) question members of the cabinet and chief officers about their views on issues and proposals affecting the area
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
- f) decide whether to consult with community councils as part of the consideration of the budget and policy framework.

2. Health and wellbeing

Overview and scrutiny committee and its sub-committees must acknowledge, and respond to, a referral of a matter for review and scrutiny received from a local Healthwatch organisation.

Overview and scrutiny committee and its sub-committees may:

- a) review and scrutinise the work of the Health and Wellbeing Board
- b) review and scrutinise any matter relating to the planning, provision and operation of the health service in its area (but in doing so it must invite comments from interested parties and consider information provided by a Local Healthwatch organisation or contractor)
- c) make reports and recommendations to a NHS body or health service provider and the council on any matter it has scrutinised
- d) consider consultations from a NHS body or health service provider and to make comments
- e) question members or employees of a NHS body or health service provider.

3. Scrutiny

Overview and scrutiny committee and its sub-committees may:

- a) review and scrutinise the decisions made by and performance of the cabinet and council officers both in relation to individual decisions and over time
- b) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas
- c) consider referrals from members on any of the functions of the committee/~~sub-committee~~
- d) question members of the cabinet and chief officers and relevant partner authorities about their decisions and performance, whether generally in comparison with local area agreements, service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- e) make recommendations to the cabinet and/or council assembly arising from the outcome of the scrutiny process or refer entire reports produced as the result of the scrutiny process to be debated and noted at council assembly
- f) give notice of its recommendations to the cabinet and/or council assembly and publish recommendations
- g) give notice of its recommendations to the relevant partner authority

- h) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee/sub-committee and local people about their activities and performance
- i) question and gather evidence from any person (with their consent).

4. **Crime and disorder**

Overview and scrutiny committee and its sub-committees may:

- a) act as the crime and disorder committee within the meaning of section 19 of the Police and Justice Act 2006
- b) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions
- c) make reports or recommendations to the local authority with respect to the discharge of those functions
- d) make recommendations to the cabinet and/or council assembly with respect to any matter which is a local crime and disorder matter in relation to a member of the authority
- e) consider any crime and disorder matters referred by any member of the council.

5.4 **Annual report**

The overview and scrutiny committee will report annually to council assembly on the workings of the overall scrutiny function, and may make recommendations for future work programmes and amended working methods if appropriate.

5.5 **Key tasks of the chairs of overview and scrutiny committee ~~and sub-committees~~**

The Overview and scrutiny committee ~~and sub-committee~~ chairs will:

- a) lead the scrutiny function
- b) propose ~~to the appropriate committee/sub-committee~~ a programme of work devised in consultation with senior management
- c) achieve a balance of service interests
- d) achieve broad coverage across all services over time
- e) propose arrangements for the involvement of community or other non-councillor representatives
- f) own and present the resulting reports (to the council assembly or the cabinet, including any minority views which might be reported separately).

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Arrangements for overview and scrutiny

The council will appoint an overview and scrutiny committee. The overview and scrutiny committee will appoint scrutiny sub-committees and determine their terms of reference. Sub-committees will operate as scrutiny commissions whose role will be to undertake specific reviews as specified by Overview & Scrutiny Committee.

- 1.2 The overview and scrutiny committee and its sub-committees may appoint informal member working groups to undertake specific tasks. While such bodies cannot substitute for the scrutiny committees, or exercise the powers associated with scrutiny (which are the preserve of the scrutiny committees) they can contribute to or inform the scrutiny process.
- 1.3 Meetings of overview and scrutiny committee and its sub-committees must comply with council's committee procedure rules.

2 Membership of overview and scrutiny committees and its sub-committees

- 2.1 All councillors except members of the cabinet may be members of the overview and scrutiny committee and sub-committees. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- 2.2 The overview and scrutiny committee will include:
- a) a chair, appointed by council assembly
 - b) a vice-chair, appointed by council assembly
 - c) ~~the chairs of the scrutiny sub-committees, provided that the proportionality rules are not compromised~~
 - c) education representatives as set out at paragraph 4.
- 2.3 Overview and scrutiny committee will appoint the chairs and vice-chairs of the scrutiny sub-committees and agree the size and composition of the sub-committees, in accordance with the statutory rules relating to proportionality.
- 2.4 Each political group is entitled to nominate reserve members to overview and scrutiny committee and its sub-committees. The number of reserve member seats that each political group is entitled to nominate is equal to the number of places each group holds on overview and scrutiny committee or its sub-committees.

4. Education representatives

4.1 Overview and scrutiny committee and any sub-committee dealing with education functions shall include in its membership the following voting representatives:

- a) one Church of England diocese representative
- b) one Roman Catholic diocese representative
- c) two duly elected parent governor representatives

4.2 Overview and scrutiny committee and any sub-committee dealing with education functions may also contain the following co-opted, non-voting members:

- a) up to three representatives of other faiths or denominations, of which at least two should be from non-Christian faiths
- b) up to two co-opted non-voting representatives of community groups.

4.3 If the committee/sub-committee deals with any matters outside education functions, the representatives outlined in 4.1 above shall not vote on these matters, though they may stay in the meeting and, with the discretion of the chair, speak.

4.4 Voting education representatives on overview and scrutiny committee may only sign a call-in request when the matter called-in relates to an education function.

4.5 In the event that an education representative does not attend a meeting of the committee on which they serve for a period of six consecutive months, without the approval of the council, they shall cease to be a representative on the committee.

34. Co-optees

3.1 Overview and scrutiny committee and its sub-committees may appoint a number of people as non-voting co-optees, with the approval of the chair and vice chair of the overview and scrutiny committee, who may be appointed to serve for the full year or the duration of a specific task or review.

3.2 In the event that a co-opted member does not attend a meeting of the committee on which they serve for a period of six consecutive months, without the approval of the council, they shall cease to be a member of the committee.

~~4. Education representatives~~

~~4.1 Overview and scrutiny committee and any sub-committee dealing with education functions shall include in its membership the following voting representatives:~~

~~one Church of England diocese representative~~

~~one Roman Catholic diocese representative~~

~~two duly elected parent governor representatives~~

~~4.2 Overview and scrutiny committee and any sub-committee dealing with education functions may also contain the following co-opted, non-voting members:~~

~~up to three representatives of other faiths or denominations, of which at least two should be from non-Christian faiths~~

~~up to two co-opted non-voting representatives of community groups.~~

~~4.3 If the committee/sub-committee deals with any matters outside education functions, the representatives outlined in 4.1 above shall not vote on these matters, though they may stay in the meeting and, with the discretion of the chair, speak.~~

~~4.4 Voting education representatives on overview and scrutiny committee may only sign a call-in request when the matter called in relates to an education function.~~

~~4.5 In the event that an education representative does not attend a meeting of the committee on which they serve for a period of six consecutive months, without the approval of the council, they shall cease to be a representative on the committee.~~

5. General terms of reference of all scrutiny committees/sub-committees

5.1 Within their terms of reference, all scrutiny committees/sub-committees will:

~~produce a one year rolling work programme, which will be approved by the overview and scrutiny committee~~

a) review and scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions

b) review and scrutinise the decisions made by and performance of the cabinet and council officers both in relation to individual decisions and over time in areas covered by its terms of reference

c) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas

d) question members of the cabinet and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions,

initiatives or projects and about their views on issues and proposals affecting the area

- e) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- f) make reports and recommendations to the cabinet and or council assembly arising from the outcome of the scrutiny process
- g) consider any matter affecting the area or its inhabitants
- h) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
- i) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance
- j) conduct research and consultation on the analysis of policy issues and possible options
- k) question and gather evidence from any other person (with their consent)
- l) consider and implement mechanisms to encourage and enhance community participation in the scrutiny process and in the development of policy options
- m) conclude inquiries promptly and normally within six months.

5.2 The overview and scrutiny committee, or one of its sub-committees shall be responsible for scrutinising the crime and disorder function.

6. Terms of reference of the overview and scrutiny committee

6.1 The terms of reference of the overview and scrutiny committee will be:

- a) to appoint sub-committees, agreeing the size, composition and terms of reference and to appoint chairs and vice chairs
- b) to agree the committee's annual work programme and to ~~approve the programmes of~~ propose reviews for the sub-committees
- c) to consider requests from the cabinet and/or council assembly and community councils for scrutiny reviews
- d) to exercise the right to call-in for reconsideration of executive decisions made but not yet implemented
- e) to receive and comment on scrutiny reports from the sub-committees
- f) to arrange for relevant functions in respect of health scrutiny to be exercised by an overview and scrutiny committee of another local authority where the council considers that another local authority would be

better placed to undertake those relevant functions, and that local authority agrees to exercise those functions

- g) if appropriate, to appoint a joint overview and scrutiny committee with two or more local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee
- h) to periodically review overview and scrutiny procedures to ensure that the function is operating effectively
- i) to report annually to all councillors on the previous year's scrutiny activity

~~to determine major funding requests from sub-committees in respect of particular reviews~~

- j) to scrutinise matters in respect of:
 - the council's policy and budget framework
 - regeneration
 - human resources and the council's role as an employer and corporate practice generally
 - customer access issues, including digital strategy, information technology and communications
 - the council's equalities and diversity programmes.

7. Terms of reference of a joint overview and scrutiny committee appointed to consider proposals relating to the health service

- 7.1 Where the council is required to form a joint overview and scrutiny committee with another authority or authorities to consider a consultation on a proposal for substantial development of or variation to the health service affecting each council's area, it will be for each appointing authority to adopt terms of reference and procedure rules as they consider appropriate.
- 7.2 The joint overview and scrutiny committee may:
 - only consider the relevant matter
 - make comments on the proposal
 - require relevant information or require an employee or member of a NHS body or health service provider to attend and answer questions.
- 7.3 When establishing a joint overview and scrutiny committee, the appointing local authorities will determine whether the power of referral to the Secretary of State in relation to a relevant proposal should be made by the Joint Committee or by the local authorities themselves. If the power is retained by the local authorities it may then be delegated to the overview and scrutiny committee or one of its sub-committees.
- 7.4 The joint overview and scrutiny committee will meet for such a period as is necessary to consider the consultation and make reports and recommendations.

~~8. Matters within the remit of more than one scrutiny sub-committee~~

~~8.1 Where a matter for consideration by a scrutiny sub-committee also falls (whether in whole or in part) within the remit of one or more other scrutiny sub-committees, then the sub-committee conducting the review shall either:~~

~~invite the chair of the other sub-committee (or his/her nominee) to attend meetings when the matter is being reviewed~~

~~invite the other sub-committee to comment on findings prior to submitting its report to overview and scrutiny committee and the cabinet/council assembly.~~

~~8.2 If necessary, overview and scrutiny committee will determine which sub-committee will assume responsibility for any particular issue and resolve any issues of dispute between sub-committees.~~

9. Policy review and development

9.1 The cabinet is required to make arrangements for consultation in respect of any proposals to the council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. The role of the overview and scrutiny committee and its sub-committees in relation to consultation is set out in detail in the budget and policy framework procedure rules.

9.2 In relation to council policy, the overview and scrutiny committee/sub-committees may make proposals to the cabinet for developments insofar as they relate to matters within their terms of reference.

10. Meetings of the overview and scrutiny committee and its sub-committees

10.1 At least one ordinary meeting of the overview and scrutiny committee (or sub-committee) will act as the crime and disorder committee for the year.

10.2 Extraordinary meetings may be called by the chair of the committee, by two-thirds of the committee's voting membership or by the proper officer if he or she considers it necessary or appropriate.

10.3 The sub-committees shall determine their own arrangements for when meetings are held.

11. Prohibition of party whip over voting on overview and scrutiny committee/sub-committees

11.1 The party whip does not apply to meetings of overview and scrutiny committees or sub-committees.

11.2 The expression "party whip" is taken to mean "any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner."

12. Work programmes

- 12.1 The overview and scrutiny committee ~~and each of its sub-committees will develop an annual work programme and propose reviews for the sub-committees~~.
- 12.2 ~~The overview and scrutiny committee will approve and review the individual work programmes of the sub-committees.~~
- 12.3 ~~Five members of the council may request the overview and scrutiny committee to consider an individual addition or subtraction to the work programme of a sub-committee.~~

13. Agenda items

~~Reference by committee members~~

- ~~13.1 Any member of the overview and scrutiny committee or a sub-committee shall be entitled to give notice to the scrutiny officer that he/she wishes an item relevant to the functions of the committee/sub-committee of which they are a member to be included on the agenda for the next available meeting. On receipt of such a request the scrutiny officer will ensure that it is included on the next available agenda.~~

Reference by councillors

- 13.2 Any member of the council or co-opted member of Overview & Scrutiny Committee may give written notice to the scrutiny officer that he/she wishes an item relevant to the functions of the overview and scrutiny committee or a sub-committee and which is not an “excluded matter”¹ to be included on the agenda of the next available meetings. On receipt of such a request the scrutiny officer will ensure that it is included on the next available agenda of the committee/sub-committee for consideration².

14. Members and officers giving account

- 14.1 Overview and scrutiny committee or a sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. In fulfilling the scrutiny role, a committee may require

¹ An “excluded matter” is defined in accordance with section 9FC (5) of the Local Government Act 2000, and set out in the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012. An excluded matter is:

- a) Any matter relating to a planning or licensing decision
- b) Any matter relating to a person who has a right of recourse to a review of right of appeal conferred by or under any enactment
- c) Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a sub-committee.

A matter does not fall within a description in a) or b) above if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis.

² If an item for which a councillor has given notice is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters) and it does not fall within the definition of an excluded matter set out in footnote 1 above, it shall be included on the next available agenda of the committee/sub-committee with responsibility for scrutinising the crime and disorder function.

any member of the cabinet, the head of paid service and/or any senior officer to attend before it to explain, in relation to matters within their remit:

- a) any particular decision or series of decisions
- b) the extent to which the actions taken implement council policy
- c) their performance

and it is the duty of those persons to attend if so required.

- 14.2 In fulfilling the scrutiny role, a committee may require any deputy cabinet member to attend before it to explain, in relation to matters within their remit, their performance and it is the duty of those persons to attend if so required.
- 14.3 In response to the receipt of a petition (with 500 or more signatures) requesting that an officer be held to account at a meeting of an overview and scrutiny committee or sub-committee, a meeting may require a named officer to report and be questioned on their actions (as set out in the council's petition scheme). It is the duty of those persons to attend if so required.
- 14.4 Where any member or officer is required to attend a scrutiny committee/sub-committee under this provision, the chair of the committee/sub-committee will inform the scrutiny officer. The scrutiny officer shall inform the member or officer in writing giving at least five clear working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account, the specific area of inquiry and whether any papers are required to be produced for the committee/sub-committee.
- 14.5 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny officer in consultation with the committee/sub-committee and the member or officer shall arrange an alternative date for attendance.

15. Attendance by others and public attendance

- 15.1 A scrutiny committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance by these people is optional.
- 15.2 Where people attend to give evidence as part of an investigation, meetings are to be conducted in accordance with the following principles:
 - a) that the investigation be conducted fairly and all members of the committee/sub-committee be given the opportunity to ask questions of attendees, and to contribute and speak
 - b) that those assisting the meeting by giving evidence be treated with respect and courtesy
 - c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

15.3 Members of the public may attend meetings of scrutiny committees that are open to the public and may request to speak. The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential or exempt information would be disclosed³.

16. Reports from the overview and scrutiny committee and its sub-committees

16.1 Once it has formed recommendations on proposals for development, the overview and scrutiny committee or a sub-committee will prepare a formal report and submit it to the proper constitutional officer for consideration by the cabinet. The committee/sub-committee will also report to council assembly as appropriate (in respect of the budget setting process, relevant scrutiny reports should be forwarded with cabinet recommendations to council assembly).

16.2 If the overview and scrutiny committee or a sub-committee cannot agree on one single final report, then any member of the committee/sub-committee may prepare a minority report to be submitted for consideration by the cabinet or council assembly with the majority report.

16.3 The cabinet shall consider and provide a written response to a scrutiny committee's/sub-committee's report within two months.

16.4 Management of the flow of reports to the cabinet will be the responsibility of the overview and scrutiny committee. Reports are formally routed via the overview and scrutiny committee so that it can add its own comments.

17. Decisions subject to call-in

17.1 The overview and scrutiny committee can "call-in" any executive decision⁴ which has been made but not yet implemented by the following:

- a) the cabinet
- b) an individual member of the cabinet
- c) a committee of the cabinet
- d) an executive decision taken by a community council
- e) a key decision made by an officer with delegated authority.

This enables the overview and scrutiny committee to consider whether the decision is appropriate. The committee may recommend that the decision maker reconsider the decision.

Decisions not subject to call-in

³ See Access to Information Procedure Rules 3 and 10.

⁴ An executive decision is considered to be any single recommendation in a report or the whole of the report. The members calling in the decision will specify their intentions in the call-in request.

- 17.2 The following categories of executive decision are not subject to call-in:
- a) recommendations on the budget and policy framework
 - b) decisions for urgent implementation (Rule 20, Access to Information procedure rules)
 - c) urgent decisions outside the budget or policy framework (Rule 4, Budget and Policy Framework procedure rules)
 - d) non-key decisions relating to contract standing orders
 - e) non-key decisions taken by officers.

18. Procedure to call-in a decision

Publishing the decision and call-in period

- 18.1 When a decision as defined in overview and scrutiny procedure rule 21.1 is made, the decision shall be published, normally within two clear working days of being made. All members will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- 18.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless the overview and scrutiny committee objects to it and calls it in.
- 18.3 For reports which contain a number of individual schemes for decision an individual stand-alone proposal may be called-in rather than the whole report. For the avoidance of doubt the proposals not called-in may be implemented.

Call-in threshold

- 18.4 During that period, the scrutiny officer shall call-in a decision for scrutiny if so requested by three members of the committee, including education representatives for the purpose of education decisions only.
- 18.5 A member serving on a community council (who is also a member of the overview and scrutiny committee) who participates in taking an executive decision shall not sign a call-in request on the same decision (thus avoiding any conflict of interests).

Scope and form of a call-in request

- 18.6 Requests for call-in should normally only be made if there is evidence that the decision maker did not take the decision in accordance with the principles of decision making as set out in Article 1.3 of the constitution.
- 18.7 A valid request for call-in must contain the requisite number of signatures and give reasons for the call-in. In particular, the request must state whether or not

the members believe that the decision is outside the policy or budget framework.

19. Procedure following call-in

Invalid call-in request – next steps

- 19.1 If the scrutiny officer is of the opinion that a request for a call-in may not be valid, because of a breach of procedure or other reason under this constitution, they shall inform the relevant members (this must always include the chair and vice chair) within one clear working day of receipt of the request. In the event of dispute, the decision of the monitoring officer shall be final.

Valid call-in request – Notice and next steps

- 19.2 Following call-in of a decision, the scrutiny officer shall notify the decision maker and the relevant chief officer, who shall suspend implementation of the decision. If the request for call-in states that the reason for call-in is that the decision is outside the budget or policy framework, the scrutiny officer shall also notify the monitoring officer and chief finance officer in order for a report to be prepared for the overview and scrutiny committee.

Actions following notice of a valid call-in request

- 19.3 Within five clear working days of the call-in request, and where possible in consultation with the chair of the overview and scrutiny committee, the scrutiny officer shall:
- a) refer the called-in decision to the next meeting of the overview and scrutiny committee, if that meeting is within ten clear working days of the receipt of the call-in request, or
 - b) call an extraordinary meeting of the overview and scrutiny committee to consider the called-in decision, to take place as soon as possible and in any case within ten clear working days of the call-in request, or
 - c) if appropriate arrange, where a called-in decision cannot reasonably be considered within the timescale in clauses a) or b) above, an extraordinary meeting of the overview and scrutiny committee to consider the matter outside the normal timetable, unless in the view of the monitoring officer and/or the chief finance officer, in consultation with the relevant chief officer, the matter cannot wait and in which case it shall be considered in accordance with the timescale set out above.

Time limit for consideration of the call-in request

- 19.4 If the overview and scrutiny committee does not meet within the constitutional timescale set out for call-ins, the decision shall take effect on the expiry of 15 clear working days after the decision was published, unless the provisions of 19.3(c) are applied.

20. Call-in meeting and action required of decision-makers

Attendance of decision maker or an appropriate substitute

- 20.1 The decision maker or an appropriate substitute will be invited to attend and speak at the call-in meeting of the overview and scrutiny committee. Inability to attend will not delay consideration of the called-in decision.

Call-in meeting

- 20.2 Following the introductory business (i.e. apologies, confirmation of voting members, minutes, declarations) a call-in of a decision shall be the first substantive item of business to be considered at the meeting. On meeting, the overview and scrutiny committee will consider the call-in request and in particular whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget. Advice should be sought from appropriate chief officers, the monitoring officer or the chief finance officer. The monitoring officer's report and/or the chief finance officer's report shall be copied to every member of the council.

Potential outcomes available to the call-in meeting

- 20.3 If, having considered the decision and all relevant advice, the overview and scrutiny committee may either:
- a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
 - b) refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework, or
 - c) not refer the matter back to the decision making person or body but decide to undertake a subsequent scrutiny review of a policy or service issue, which shall not affect the implementation of the decision, or
 - d) not refer the matter back to the decision making person or body.

In 20.3 c) and d) above, the decision shall take effect on the date of the scrutiny meeting, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website.

Referral back to the decision making person or body

- 20.4 If referred to the decision maker, unless the decision maker is a body such as cabinet or a community council, the proper constitutional officer shall give five clear working days notice to all councillors of a forthcoming decision for reconsideration. The decision maker shall then reconsider their decision within a further 10 clear working days. If referred back to a body, reconsideration will wait until the next scheduled meeting of the body, unless the monitoring officer determines, following consultation with the relevant chief officer and chair of the body (or in his or her absence the vice-chair), that the matter can not wait in which case it will be considered within 15 clear working days. If it is the view of the monitoring officer or the chief finance officer that the decision falls within the policy and budget framework, the decision maker may amend the decision or not, before adopting a final decision. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional

officer. Notice of the decision will be issued to all councillors and published on the council's website.

Referral to council assembly

- 20.5 If referred to council assembly, the decision is further suspended pending a meeting of council assembly, which must take place within 20 clear working days of the decision to refer to council, unless the monitoring officer determines, following consultation with the relevant chief officer and the Mayor as chair of council assembly, that the matter can wait until the next scheduled meeting of council assembly or another appropriate time or date.

Within this time, the decision maker must decide what action to take in respect of the monitoring officer's and/or the chief finance officer's advice and to prepare a report to council assembly.

- 20.6 If the council assembly does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the council assembly meeting, or the expiry of 20 clear working days after the decision was published, whichever is the earlier.
- 20.7 The council assembly will receive details of the decision, the advice of the monitoring officer and/or the chief finance officer, the comments of the overview and scrutiny committee and the report from the decision maker.
- 20.8 Where the council assembly accepts that the decision is within the budgetary and policy framework it may either:
- a) endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the council assembly be minuted and circulated to all councillors in the normal way. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website, or
 - b) if it objects to the decision on grounds other than it falling outside the budget or policy framework, refer the decision back to the decision making person or body, together with the council assembly's views on the decision. The decision maker will reconsider the decision within 15 clear working days and choose whether to amend the decision or not before reaching a final decision. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website.
- 20.9 Where the council assembly accepts that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget, it may either:
- a) amend the council's budget or policy framework to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the council

assembly be minuted and circulated to all councillors in the normal way. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website; or

- b) require the individual decision maker or body to reconsider the matter in accordance with the advice of either the monitoring officer or chief finance officer. If referred to an individual decision maker, the proper constitutional officer shall give five clear working days notice to all councillors of a forthcoming decision for reconsideration. The decision maker shall then choose whether to amend the decision or not before reaching a final decision, within a further 10 clear working days. If referred back to a body, reconsideration will wait until the next scheduled meeting of the body, unless the monitoring officer determines, following consultation with the relevant chief officer and chair of the body (or in his or her absence the vice-chair), that the matter can not wait in which case it will be considered within 15 clear working days. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website.

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