

Council Assembly (Constitutional)

Wednesday 11 June 2014
7.00 pm

Council Offices, 160 Tooley Street, London SE1 2QH

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

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

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Access

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Contact

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

Date: 3 June 2014



Council Assembly

(Constitutional)

Wednesday 11 June 2014
7.00 pm
Council Offices, 160 Tooley Street, London SE1 2QH

Order of Business

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PART A - OPEN BUSINESS

1. PRELIMINARY BUSINESS

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

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

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

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

1.3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

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

1.4. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1.5. MINUTES

To approve as a correct record the open minutes of the council assembly meeting held on 26 March 2014 (to be circulated separately).

2. OTHER REPORTS

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2.1.	EXECUTIVE FUNCTIONS 2014/15	1 - 4
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Council assembly is asked to appoint the leader of the council and note the appointment by the leader of cabinet portfolio members and the leader's report on the delegation of executive functions.

2.2.	ESTABLISHMENT OF COMMITTEES, COMMUNITY COUNCILS, PANELS AND RELATED MATTERS 2014/15	5 - 19
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Council assembly is asked to establish committees, community councils and panels for 2014/15.

2.3.	NOMINATIONS TO LONDON COUNCILS COMMITTEES, GREATER LONDON EMPLOYMENT FORUM AND NOMINATIONS OF LEAD BOROUGH MEMBERS 2014/15	20 - 24
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Council assembly is asked to agree nominations to the London Councils Committees, Greater London Employment Forum and nominate lead borough members.

3. 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

Item No.

Title

Page No.

Date: 3 June 2014

Item No. 2.1	Classification: Open	Date: 11 June 2014	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Appointment of Leader and Executive Functions – 2014/15	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly consider the following executive issues for the coming municipal year 2014/15:
 - Appoint a leader of the council
 - Notes the appointment by the leader of cabinet members
 - Notes the appointment of any deputy cabinet members
 - Notes the establishment and appointment of any cabinet committees
 - Notes the leader's report on the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and community councils
 - Notes 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 leader of the council

2. That council assembly appoint a leader of the council.
3. That council assembly notes that the leader's term of office shall commence from 11 June 2014, and end at the start of the first annual meeting of the council following the next ordinary election¹. Unless otherwise specified by a resolution of council assembly (see paragraphs 10 – 13).

Appointment of the cabinet

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

- Note:
1. The leader will report on appointments to the cabinet and on individual portfolios.
 2. The leader can appoint between two and nine members to form a cabinet.
 3. The leader must appoint a deputy leader.

¹ Article 6.3 of the Constitution

Appointment of deputy cabinet members

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

Note: The leader will report on any changes to deputy cabinet members and on individual responsibility for specific tasks designated by the leader, following consultation with the monitoring officer.

Establishment and appointment of cabinet committees

6. That the leader reports on the establishment of any cabinet committees.

Note: The leader to establish any cabinet committees, set terms of reference and nominate cabinet members to serve on the committees, including appointing a chair and vice-chair.

Delegation of executive functions

7. The leader will report on the delegation of executive functions between full cabinet, individual decision makers, chief officers and community councils (see paragraphs 17 - 21)
8. That council assembly notes 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.
9. That council assembly notes 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.

BACKGROUND INFORMATION

10. The constitution is updated annually and the recommendations in this report are based on the current constitution.

KEY ISSUES FOR CONSIDERATION

Leader and cabinet

11. The Local Government and Public Involvement in Health Act 2007 required the council to make changes to its governance and decision making arrangements. At an extraordinary meeting of council assembly on 4 November 2009 the council agreed that the current executive leader and cabinet model be adopted. The new arrangements commenced immediately after the elections in May 2010.
12. Under the executive "leader and cabinet" model there is a leader of the council and a cabinet of at least two but no more than nine other councillors. The leader is responsible for all executive functions, and decides which of these functions are going to be delegated to other cabinet members, local committees or council officers. The cabinet is appointed by the leader.

Appointment of leader of the council

13. The Local Government Act 2000 provisions on executive arrangements were updated by the Localism Act 2011 and the new provision for electing a leader and agreeing the term of office is less prescriptive. It states a council operating leader and cabinet executive arrangements must make provision for the election of a leader, but it may make provision with respect to their term of office. So, the council no longer has to make provision for a four year term, or indeed any defined term. Under the new provisions, the constitution will retain the clause that allows for the leader to be removed by a resolution of the council assembly.
14. The new provisions apply at this annual meeting (constitutional). The meeting will appoint a leader of the council and at the same time have the opportunity of setting a different term of office and/or end point of the leader's term of office; otherwise the status quo would prevail. Currently the constitution states that the leader is appointed for four years and the term ends at the annual meeting following borough-wide elections, at which the new leader is to be appointed.
15. In a report to the constitutional steering panel (CSP) on 5 March 2014, it was reported that in officers' view the current term of office arrangements in the constitution should be maintained. There is some merit in maintaining stable leadership and stability to the council's constitutional and executive arrangements over the four year period between elections. This enhances transparency and accountability for executive decision making. It should be noted by way of balance, the constitution includes a number of measures to hold the executive to account including scrutiny committees, call-in of executive decisions, urgent implementation procedures requiring involvement of the chair of the overview and scrutiny committee and a means of removing the leader from office if a resolution is approved by council assembly.
16. Some of the alternatives reported to CSP for the annual meeting (constitutional) included reducing the length of the term, appointing the leader annually or changing the end point of the leader's term of office to the fourth day after the next borough wide elections.

Report of the leader of the council and delegation of executive functions

17. Each year the elected leader must appoint their cabinet. In accordance with the constitution this can consist of a minimum of two and up to a maximum of nine nominated members, whose portfolios are determined and allocated by the leader. The leader must appoint a deputy leader.
18. The leader will be invited to report on the delegation of executive functions, appoint a deputy leader and appoint other cabinet members and determine their portfolios.
19. The leader will report on any further delegations including:
 - The extent of any authority delegated to cabinet members individually, including details of the limitation on their authority
 - The terms of reference and membership of any cabinet committees
 - The nature and extent of any delegation of executive functions to community councils, any other authority or joint arrangement

- The nature and extent of any delegation to officers with details of any limitation on that delegation.
20. The leader will also report on the appointment of any deputy cabinet members and determine their roles. Deputy cabinet members may hold responsibility for specific tasks designated by the leader, in consultation with the monitoring officer. Deputy cabinet members cannot take part in any formal decision making.
21. Following receipt of the leader's report, council assembly will note as a consequence that the monitoring officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

Appointments to panels, boards and forums

22. The cabinet will consider appointments to panels, boards and forums where the function falls within the responsibility of the executive (e.g. housing, education, social services, regeneration, etc).

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Executive Functions 2013/14 Council Assembly May 2013 report. Constitutional Steering Panel 5 March 2014.	160 Tooley Street, London, SE1 2TZ	Ian Millichap 020 7525 7225

APPENDICES

Appendix	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Lesley John, Principal Constitutional Officer	
Version	Final	
Dated	27 May 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes (included in body of report)
Strategic Director Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	2 June 2014	

Item No. 2.2	Classification: Open	Date: 11 June 2014	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Establishment of Committees, Community Councils, Panels and Related Matters – 2014/15	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly notes the appointment of political group leaders, deputies and whips (see Appendix 1).
2. To note the new division of seats and percentage allocation of each political group on the council as follows:

Table 1: Division of seats

Group	Total	%
Labour	48	76.19
Liberal Democrat	13	20.64
Conservative	2	3.17
Total	63	100.00

3. That council assembly establishes the following committees and community councils for the coming municipal year 2014/15:

Table 2: Ordinary Committees - Total number of seats 35

Note: The allocation prior to the borough wide elections is shown in brackets. This table is based on the committees established in 2013/14. To achieve the most proportionate allocation of seats, the total number of seats has been reduced to 35.

Committee	Total	Lab	Lib Dem	Con	Other
Committee 1 Appointments Committee	7	6 (4)	1 (3)	0	0 (-)
Committee 2 Planning Committee	7	5 (4)	2 (3)	0	0 (-)
Committee 3 Standards Committee	7 (11)	5 (6)	1 (3)	1	0 (1)
Committee 4 Audit and Governance Committee	7	5 (4)	2 (2)	0 (1)	0 (-)
Committee 5 Corporate Parenting Committee	7	6 (4)	1 (3)	0	0 (-)
Total	35 (39)	27 (22)	7 (14)	1	0 (1)

Table 3: Other committees - Total number of seats 29

Committee	Total	Lab	Lib Dem	Con
Overview and Scrutiny committee	11	8 (6)	3 (4)	0 (1)
Licensing Committee	15	11 (8)	3 (6)	1 (1)

Community councils:

- Bermondsey and Rotherhithe
- Borough, Bankside and Walworth
- Camberwell
- Dulwich
- Peckham and Nunhead.

Note: Membership as set out in Article 8 of the constitution (see paragraphs 53 – 55 of this report).

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 51 of the report.
5. That council assembly considers whether it wishes to review the membership of the board.
6. 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

7. That council assembly considers whether it wishes to appoint chairs and vice chairs for the following committees and community councils:

Committees

- Overview and scrutiny committee
- Planning committee
- Licensing committee
- Appointments committee
- Audit and governance committee
- Corporate parenting committee*
- Standards committee

Community councils

- Bermondsey and Rotherhithe
- Borough, Bankside and Walworth
- Camberwell
- Dulwich
- Peckham and Nunhead

Notes: * In 2013/14 the cabinet member responsible for children's services chaired the corporate parenting committee. Council assembly is asked to formally approve this appointment in 2014/15.

All outstanding appointments will be referred to the first meeting of the respective committee or community council in the 2014/15 municipal year.

Establishment of the council's panels

8. That council assembly establishes the following council panels (see paragraph 66):

Table 4: Panels - Total number of seats 18

Note: The allocation in 2013/14 is shown in brackets with the proposed changes in bold.

Committee	Total	Lab	Lib Dem	Con	Other
Council assembly business panel	5 (6)	3	1	1	0 (1)
Constitutional steering panel	5 (6)	3	1	1	0 (1)
Pensions advisory panel	3	1	1	1	0 (1)
Voluntary bodies appointment panel	5	4 (3)	1 (2)	0	0 (0)

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

9. That council assembly appoints a chair to the constitutional steering panel and voluntary bodies appointment panel.

Appointments to Local Government Association General Assembly

10. That council assembly appoints up to three representatives and allocates five votes to the representatives to the LGA General Assembly (see Appendix 2).

Other appointments to joint committees/outside bodies

11. That council assembly notes the cabinet and other committees will make appointments to all other outside committees and bodies for the municipal year 2014/15 as required by part 3S of the constitution.

Urgency committee

12. 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 71 and 72.

BACKGROUND INFORMATION

13. The constitution is updated annually and the recommendations in this report are based on the current constitution and previous decisions of the council.

KEY ISSUES FOR CONSIDERATION

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

Division of seats

Group	Total	%
Labour	48	76.19
Liberal Democrat	13	20.64
Conservative	2	3.17
Total	63	100.00

Proportionality – the legal position

15. 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”.
16. The Local Government and Housing Act 1989 covers the allocation of seats to political groups. It makes no provision for single independent councillors so they do not form part of the proportionality considerations.
17. 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 and governance and corporate parenting and the standards committee. (see also paragraphs 20 – 23)

- 2. The licensing committee is appointed under the Licensing Act 2003, the overview and scrutiny committee is appointed under section 21 of the Local Government Act 2000 and the health and wellbeing committee is appointed under the Health and Social Care Act 2012 and is to be treated as if appointed under section 102 of the Local Government Act 1972. None of the committees are an ordinary committee.

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

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

18. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.

Appointments to seats

19. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of an authority or committee to exercise its power to make appointments in such a way as to give effect "to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group".

Ordinary committees

20. The regulatory and other committees are the "ordinary committees" of the council. In 2013/14 the annual meeting established the following:
- Appointments committee
 - Planning committee
 - Audit and governance committee
 - Corporate parenting committee
 - Standards committee.
21. The total number of seats on the ordinary committees is allocated and then divided between the committees to give each committee as proportionate an allocation as is possible within the overall total. Officers have reviewed the impact on the proportionality calculations on the ordinary committees for 2014/15. The table set out in recommendation 3 is based on the assumption that the same committees are established in 2014/15 as existed in 2013/14.
22. The proportionality is based on the total number of seats compared to the overall allocation of seats each political group has on the council. As the Labour Group has an overall majority on the council, it has been allocated a majority on each committee.
23. Council assembly is exercising a matter reserved to it in Part 3A (4) of the constitution to establish committees. It is for council assembly to agree the committees it wishes to establish, to set the total number of seats and allocate them to the committees numbered 1 to 5 in the table above.

Appointments committee

24. The appointments committee determines appointments to posts of chief officers, chief finance officer and monitoring officer.
25. At least one member of the cabinet shall serve on the appointments committee.

Standards committee

26. The Localism Act 2011 (“the Act”), section 27 of the Act places a duty on the council to ensure that its members and co-opted members maintain high standards of conduct and requires such authorities to adopt a code of conduct for their members.
27. Although the act does not make provision for a ‘standards committee’ the council has the power to form a ‘standards committee’ under the Local Government Act 1972. In May 2013 the council established a standards committee with the role of exercising a general duty to “promote and maintain high standards of conduct by members and co-opted members” of the authority.
28. Not more than one cabinet member may sit on a standards committee.
29. The increase in the size of the committee was necessary in ensuring that all political groups were represented on the committee.
30. A summary of the role and function of the committee is set out in the Appendix 2.

Audit and governance committee

31. The audit and governance committee provides independent assurance of the adequacy of the council’s governance arrangements, independent scrutiny of the council’s financial and non-financial performance and has oversight of the financial reporting process of the council.
32. In 2013/14 in order to ensure the audit and governance committee included at least one member of each political group, council assembly established a committee comprising seven councillors.
33. The constitution states no more than one member of the cabinet may be a member of the audit and governance committee and no cabinet member may chair the committee. The chair may be a deputy cabinet member as this role does not include the exercise of any delegated powers.
34. CIPFA’s guidance (Audit Committees Practical Guidance for Local Authorities, 2005) states that although audit committees are not mandatory, “Audit committees are an essential element of good governance”. It goes on to say “Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an audit committee, independent from the executive and scrutiny functions.”
35. No more than one member of the overview and scrutiny committee may be a member of the audit and governance committee and no member of the overview and scrutiny committee may chair the committee. In 2013/14 no members of the

cabinet sat on the audit and governance committee and former Councillor Toby Eckersley was the overview and scrutiny committee member on the committee.

Overview and scrutiny committee

36. The overview and scrutiny committee (OSC) is the coordinating scrutiny body and appoints a number of scrutiny sub committees. It questions cabinet members and can "call-in" decisions taken by the cabinet, individual cabinet members, community councils taking decisions on executive functions and key decisions taken by chief officers.
37. OSC co-ordinates councillor calls for action and scrutiny of crime and disorder, considers requests for scrutiny reviews and approves scrutiny work programmes. It receives and comments on reports from scrutiny sub-committees, and reviews overview and scrutiny procedures.
38. The committee can also appoint joint committees with other local authorities.
39. The overview and scrutiny committee is not an ordinary committee and is considered separately for the purposes of proportionality. Scrutiny sub-committees will be established by the overview and scrutiny committee at its first meeting and it will consider the allocation of places on sub-committees including members who are not part of any political group.
40. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.
41. The overview and scrutiny procedure rules provide that the overview and scrutiny committee will consist of the chair, vice chair and the chairs of the scrutiny sub-committees provided that the proportionality rules are not compromised. Each political group is permitted to nominate members who are not cabinet members should it be necessary to maintain proportionality and/or if there are fewer chairs of scrutiny sub-committees than places on the overview and scrutiny committee.
42. The overview and scrutiny committee and any sub-committee which scrutinises the council's education functions will contain in its membership four voting education representatives in addition to its councillor members, comprising one Church of England, one Roman Catholic Church and two parent governor representatives.
43. No member of the cabinet shall serve on any scrutiny committee.

Health and wellbeing board

44. The community councils are area 'committees'. The regulations¹ relating to the health and wellbeing board makes provision for the disapplication and modification of certain enactments relating to local authority committees appointed under section 102 of the Local Government Act 1972, insofar as they are applicable to a health and wellbeing board established under section 194 of the Health and Social Care Act 2012. The regulations aim to provide local areas with the flexibility and freedom to shape their health and wellbeing board as best fits with local circumstances. In particular:

¹ *The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 No. 218*

- Health and wellbeing board will be free to establish sub-committees and delegate functions to them.
 - Voting restrictions have been lifted so that non-elected members of a health and wellbeing board (i.e. CCG representative, local Healthwatch, Directors of Public Health, Children's Services and Adult Social Services and any wider members) could vote alongside nominated elected representatives on the committee.
 - Political proportionality requirements have also been lifted so that the question of political proportionality of health and wellbeing board membership is left to local determination.
45. The Health and Social Care Act 2012 enables the local authority to arrange for any of its functions to be exercised by the board should it so wish. The board will not have the power to perform any of the functions given to the health overview and scrutiny committee, and it will itself be subject to overview and scrutiny as a committee of the council. In addition members of scrutiny committees should not be members of the health and wellbeing board as this may create a conflict of interests.
46. It will be for the leader of the council under the 'strong leader' model to decide, based on the work of the committee through its first year of operation, whether any executive functions should be delegated to the board. Until such a decision is taken, the board will operate in accordance within the council's existing decision-making framework and normal council budget setting processes.
47. The secondary legislation provides no prescription regarding political proportionality for the health and wellbeing board. The cabinet on 12 February 2013 recommended that this be reflected in Southwark with no stipulation regarding the political proportionality of the membership of the board. It was noted at constitutional steering panel on 5 March 2013 that the issue of membership and representation from other political groups was an issue that could be considered by the board and the council in the future.
48. Beyond the technical governance and constitutional arrangements, there is a need to set out the way that the board will operate on a practical level. It is for each health and wellbeing board to determine how their decisions are made. The board will collectively take decisions via consensus, although provision for a vote is included should one be required.
49. Health and wellbeing board must include six statutory members which are:
- At least one councillor, who will be (or be nominated by) the leader
 - The director of adult social services of the local authority
 - The director of children's services of the local authority
 - The director of public health of the local authority
 - A representative of local healthwatch
 - A representative of the clinical commissioning group.
50. The primary legislation states that beyond the statutory members, the board can also include *(g) such other persons, or representatives of such other persons, as the local authority thinks appropriate*. The board once constituted will have the power to appoint additional members as it sees fit. The local authority may also appoint such additional members as it sees fit (in consultation with the board if an appointment is made after the establishment of the board).

51. On 27 March 2013 council assembly agreed the membership of the health and wellbeing board as follows:

- Local authority councillors, who will be (or be nominated by) the leader of the council*
 - The leader of the council*
 - The cabinet member for health and adult social care*
 - The cabinet member for children's services*
- The chief executive of the council
- The strategic director of children's and adults' services*
- The director of public health*
- Three representatives from the clinical commissioning group*
- A representative of Southwark HealthWatch*
- A representative from King's Health Partners
- Southwark Borough Commander, Metropolitan Police Service
- The chief executive of Community Action Southwark.

* = Denotes a statutory member of the board.

The membership was agreed for a fixed-term until the annual meeting of council assembly in 2014; thereafter it will be reviewed annually at the annual meeting of council assembly from 2014 onwards. This was to allow the membership to stay relevant to the work that the board chose to focus on.

52. All members of the health and wellbeing board are subject to Southwark's Code of Conduct for elected members when acting as a member of the board and will be subject to declarations of disclosable pecuniary interests. As a consequence it is recommended that substitutes should not be permitted at meetings of the committee.

Community councils

53. Community councils take decisions about local matters and have some responsibility for decisions in the following key areas: the cleaner, greener, safer capital and revenue programmes, community council fund, traffic management and agreeing schemes for the community infrastructure levy project bank. Community councils also offer an important mechanism for formal consultation on council wide policies and strategies.

54. Following the decision by council assembly in February 2012, there are five community councils areas divided by geographical areas as follows:

Table 5: Community councils areas divided by geographical areas

Name of community council	Members from electoral wards serving on community councils
Bermondsey and Rotherhithe	Grange, Livesey (north of the Old Kent Road), Riverside, Rotherhithe, South Bermondsey and Surrey Docks wards
Borough, Bankside and Walworth	Cathedrals, Chaucer, East Walworth, Faraday and Newington wards

Name of community council	Members from electoral wards serving on community councils
Camberwell	Brunswick Park, Camberwell Green and South Camberwell wards
Dulwich	College, East Dulwich and Village wards
Peckham and Nunhead	Livesey (south of the Old Kent Road), Nunhead, Peckham, Peckham Rye and the Lane wards

55. The membership of community councils included those councillors who were members for the electoral wards wholly contained within the area of each community council. Following the decisions of council assembly in February 2012, the community councils met five times a year in 2013/14. Community councils meet in local venues around the borough.

Licensing committee

56. Section 6 of the Licensing Act 2003 requires that each licensing authority must establish a licensing committee of at least 10, but no more than 15 members of the authority. The power to establish the committee rests with council assembly. Council agreed in December 2004 that the licensing committee should comprise 15 members in order to achieve maximum flexibility and provide a sufficient pool of members to ensure quorate sub-committees.
57. There is no requirement in the Licensing Act 2003 that the licensing committee should be proportionate. Council assembly agreed in December 2004 to establish the current committee on a proportionate basis. Council assembly, in 2013/14, agreed the following allocation of seats: eight Labour, six Liberal Democrat and one Conservative.
58. The Licensing Act 2003 makes no provision to appoint reserve members.
59. In accordance with the constitution, a licensing sub-committee with delegated authority to hear licence applications including Licensing Act 2003, Gambling Act 2005, street trading and other licensing responsibilities granted by statute. The sub-committee to include members of the licensing committee with a quorum of three members and a reserve and are called up on when required and membership is based on the allocation process agreed by the licensing committee in December 2007.

Appointment of chairs and vice chairs

60. Chairs and vice chairs may be appointed directly by council assembly or the appointments may be delegated to the first meeting of the relevant committee.
61. In the case of the corporate parenting committee, it is proposed that the cabinet member with responsibility for children's services be appointed chair. This is line with the decision of the annual meeting last year.
62. The health and wellbeing board is chaired by the leader of the council, in accordance with committee procedure rule 9.13.

Reserve members

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

Establishment of the council's panels

66. Council assembly will consider the establishment and composition of the following council panels:
 - **Council assembly business panel** – The panel is chaired by the Mayor and consists of two representatives from the majority group (one of whom is the whip) and the whips of the other political groups represented on the council. The panel acts as an advisory panel to the Mayor on council assembly matters, including the annual programme and the setting of themes for debate.
 - **Constitutional steering panel** – The panel is responsible for reviewing and recommending amendments to the constitution. It is also responsible for making recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Aldermen and to recommend changes to the members' allowances scheme.

In 2013/14 council assembly established a panel with a membership comprising the group whip and two other members from the majority group and the whips of the other political groups represented on the council. In accordance with current practice groups can nominate a reserve to attend in the absence of a representative. Council assembly is also invited to appoint a chair of the constitutional steering panel.

- **Pensions advisory panel** – The panel has a composition of three members, officers, independent advisors and a trade union representative. The purpose of the panel is to advise the chief finance officer when performing functions relating to the council's pension scheme.
- **Voluntary bodies appointment panel** – The panel has a composition of three Labour and two Liberal Democrat members. The panel will be responsible for recommending the appointment of charity trustees to specific Southwark charities and recommending appointments to the position of school governor on local education authority secondary and special school governing bodies.

Council assembly dates

67. A calendar of council assembly meetings for the 2014/15 municipal year was agreed at council assembly on 26 February 2014. This meeting agreed the council assembly dates, in accordance with the relevant statutory provision.

Appointments to Local Government Association (LGA) General Assembly

68. In 2013 council assembly appointed two representatives to the Local Government Association (LGA) General Assembly and allocated 5 votes amongst the two representatives. Councillors Peter John (3 votes) and Anood Al-Samerai (2 vote) were appointed. In 2014 council assembly is asked to appoint up to three representatives and allocate 5 votes (see Appendix 2). The LGA encourages local authorities with three or four representatives to allocate at least one position and vote to a minority group representative.

Appointments to outside bodies and joint committees

69. Government guidance states that appointments to outside bodies and joint committees are “local choice” functions. As such, the cabinet should make appointments that correspond to functions for which the executive has responsibility (e.g. housing, education, social services, regeneration, etc). Council assembly agreed in 2003 that appointments to outside bodies, where they are not a function of the executive or delegated to any other body, should be the responsibility of standards committee or other delegated body.
70. The nomination of representatives to serve on the various London Councils committees and forums is normally the responsibility of the cabinet, as a local choice function. However, as the deadline for nominations is 1 July 2014 council assembly is asked to agree the nominations for the year 2014/15 (see separate report).

Urgency committee

71. On 26 March 2014 council assembly established the urgency committee, together with planning and licensing sub-committees, to function during the interim period between the municipal election and the annual meeting of council assembly. The urgency committees will exercise all the functions of the council, other than those reserved by law to council assembly for decision, in cases where in the opinion of the chief executive it was necessary to act urgently. The urgency committees have normally only met to consider issues that are time sensitive and cannot wait for the annual meeting to establish the decision making arrangements.
72. Council assembly on 26 March 2014 agreed that the urgency arrangements should be as follows:
- i. Urgency committee - If the leader is re-elected the urgency committee will deal with non-executive functions only that are not reserved by law to council assembly, and are not planning or licensing applications. In the event the leader is not re-elected or is unable to act, the urgency committee will also exercise executive functions. The urgency committee arrangements comprise the leaders of the two largest political groups following the borough-wide elections.

- ii. Executive arrangements – Executive decisions will be exercised by the leader (if personally re-elected or his nominee, a relevant cabinet member). If the leader is not re-elected, then any executive decisions will be dealt with by the urgency committee. If the leader (or relevant cabinet member) is required to take an executive decision, because the normal scrutiny arrangements would not have been established by the annual meeting, executive decisions would be treated in a similar way to urgent implementation decisions or an urgent decision outside the budget and policy framework.
- iii. Planning and licensing – Separate arrangements exist for a planning (urgency) sub-committee and a licensing (urgency) sub-committee. Each licensing (urgency) sub-committee convened to hear an urgent application will comprise of three licensing members who will be selected using the current procedure from the pool of re-elected councillors who previously served on the licensing committee. The arrangements are set out in more detail in Part 3 of the council's constitution.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive Functions 2013/14 Report - Council Assembly 22 May 2013 Establishment of committees and other constitutional issues 2013/14 - Report - Council Assembly 22 May 2013 Agenda and minutes for the following meetings: <ul style="list-style-type: none"> • Council Assembly 23 May 2012 • Council Assembly February 2012 • Cabinet 12 February 2013 • Constitutional Steering Panel 5 March 2013 • Council Assembly 26 February 2014 • Council Assembly 26 March 2014 	Southwark Council Constitutional team 160 Tooley Street, London, SE1 2QH	Ian Millichap 020 7525 7225

APPENDICES

Appendix	Title
Appendix 1	Political Group Leaders, Deputies and Whips (to be circulated separately)
Appendix 2	Appointments to LGA General Assembly

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Lesley John, Principal Constitutional Officer	
Version	Final	
Dated	2 June 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes (included in body of report)
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	3 June 2014	

APPENDIX 2

APPOINTMENT TO LOCAL GOVERNMENT ASSOCIATION (LGA) GENERAL ASSEMBLY

Name	Purpose	Member Status	How often it Meets	Date of Meeting	No. of Places to be filled	Notes
LGA General Assembly	To provide an opportunity for discussion of motions calling on the Association to take action on major strategic policy issues.	Council representative	Once a year	8 July 2014 (annual meeting) 8, 9 & 10 July 2014 (annual conference)	Up to three representatives with an allocation of 5 votes. [2014/15: Two representatives - Councillors Peter John (3 votes), Anood Al-Samerai (2 votes)].	The Local Government Association advises that votes can be allocated amongst the representatives as the local authority sees fit. The Local Government Association encourages local authorities entitled to three or four representatives on the General Assembly to allocate one of the positions to minority group leaders. Council assembly can agree any combination of representatives and votes.

Item No. 2.3	Classification: Open	Date: 11 June 2014	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Nominations to London Councils Committees, Greater London Employment Forum, borough lead members 2014/15 and London Councils Limited	
Ward(s) or groups affected:		None	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly consider and agree nominations to the London Councils committees, the Greater London Employment Forum and London Councils Limited, details listed in Appendix 1 of the report.
2. That council assembly nominate borough lead members/relevant portfolio holders for the areas listed in paragraph 8 of the report.

BACKGROUND INFORMATION

3. The council nominates representatives to serve on the London Councils committees on an annual basis. The nomination of representatives to the London Councils committees and forums fall within the terms of reference of the cabinet. However, because the deadline for the submission of nominations to London Councils is 1 July 2014, council assembly is being asked to agree the nominations for 2014/15 in order to meet the deadline set by London Councils.

KEY ISSUES FOR CONSIDERATION

Joint committees

4. The Local Government Act 2000 and regulations enables local authorities to make use of joint arrangements with other authorities. Under these arrangements, a "joint committee" can be established in agreement with other local authorities to promote the economic, social or environmental well being of the area.
5. In this report the council is invited to make nominations to the following joint committees:
 - London Councils Leaders' Committee (s101 Joint Committee)
 - London Councils Transport and Environment Committee (Associated Joint Committee)
 - London Councils Grants Committee (Associated Joint Committee)
6. Council assembly may only nominate cabinet members as representatives or deputies to the joint committees. The nominations need not reflect the political composition of the local authority as a whole. This is set out in Article 9 on joint arrangements in the council's constitution. London Councils advise that the

deputies should have some knowledge of the policy area concerned, can be kept informed of the member body's activities and be able to act as substitute if the principal nominee is unable to attend a meeting.

Greater London Employment Forum

7. The London Councils discontinued forums in 2011 with the exception of the Greater London Employment Forum. The Forum acts as the regional employer for London for those staff employed under the National Joint Council for Local Government Services. The representative is usually the lead cabinet member for human resources issues.

Borough lead members

8. The London Councils Executives who lead on particular policy areas need to consult and liaise with relevant borough lead members on matters of major importance and are seeking to identify borough lead member / relevant portfolio holders (by way of nominations) for the following areas:
 - Children and Young People
 - Crime and Public Protection
 - Culture and Tourism
 - Economic Development/Regeneration
 - Health and Adult Services
 - Housing
 - Planning

London Councils Limited

9. The council is required to appoint a representative to the company, London Councils Limited. The London Councils advise that the borough's representative on the Leaders' Committee is normally appointed unless a council specifically indicates otherwise.
10. All formal London Councils committee and forum meetings are held during the day on weekdays.

Legal implications

11. There are no specific legal implications.

Community impact statement

12. The council is being invited to nominate to the London Councils committees, the Greater London Employment Forum and the London Councils Limited company. The nominations process has no direct impact on the community.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Correspondence from London Councils dated 17 March 2014	160 Tooley Street London SE1 2QH	Sarah Koniarski 020 7525 5824

APPENDICES

No.	Title
Appendix 1	Nominations to London Councils Committees, Greater London Employment Forum and London Councils Limited Company

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Sarah Koniarski, Constitutional Officer	
Version	Final	
Dated	2 June 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
Date final report sent to Constitutional Team		2 June 2014

APPENDIX 1

NOMINATIONS TO LONDON COUNCILS COMMITTEES, GREATER LONDON EMPLOYMENT FORUM AND LONDON COUNCILS LIMITED

Name	Remit	Member Status	No. of Places to be filled	Notes
London Councils Leaders' Committee (S101 Joint Committee)	The London Councils main decision-making forum. It sets policy and takes decisions on the latest developments affecting London local government.	Council Representative	1 representative and up to 2 deputies	Representative usually Leader of the Council, but another cabinet member can be nominated. Representative and deputies must be members of the cabinet.
London Councils Transport and Environment Committee (Associated Joint Committee)	The Transport and Environment Committee (TEC), provides a range of operational services such as parking and traffic appeals, the London night-time and weekend lorry ban, the Freedom Pass and Taxicard schemes. TEC aims to ensure that London boroughs' concerns and best practice are taken fully into account in the development and implementation of the whole range of transport and environment policies generated by government departments, the European Union, and the Mayor of London. The committee deals with a wide array of issues, including congestion charging, CCTV camera traffic enforcement, waste, air quality and public protection.	Council Representative	1 representative and up to 4 deputies	Representative usually lead cabinet member for transport and / or environmental issues. Representative and deputies must be members of the cabinet.

Name	Remit	Member Status	No. of Places to be filled	Notes
London Councils Grants Committee (Associated Joint Committee)	London Councils invests in voluntary organisations on behalf of all the London boroughs. The funding is provided by the London Boroughs Grant Scheme. The operation of the scheme is managed by the grants committee which comprises representatives from the 32 London Boroughs and the Corporation of London.	Council Representative	1 representative and up to 4 deputies	Representative preferably lead cabinet member with responsibility for partnerships with the voluntary sector. Representative and deputies must be members of the cabinet.
Greater London Employment Forum	The purpose of the GLEF is to provide a forum where London employer and employee representatives can meet to discuss and debate employment matters of concern to the London authorities and their workforces and, where appropriate, recommend areas/opportunities for regional agreement and working.	Council Representative	1 representative and 1 deputy	Representative expected to be lead cabinet member for human resources matters.
London Councils Limited	Each borough is required to appoint a representative to the company, London Councils Limited.	Council Representative	1 nomination	The borough's representative on the Leaders Committee is normally appointed and will be unless a borough specifically indicates otherwise.

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MUNICIPAL YEAR 2014/15**

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

ONE COPY TO ALL UNLESS OTHERWISE STATED	Copies	To	Copies
All Councillors	1 each	Officers	4
Group Offices	2	Doreen Forrester-Brown	1
Aine Gallagher, Labour Group Office	1	Robin Campbell	1
William Summers, Liberal Democrat Group Office	1	Ian Millichap	1
		Sonia Sutton	1
Press	2	Constitutional Team	25
Southwark News	1	(Copies to Lesley John, 2 nd Floor, Hub 4, Tooley Street)	
South London Press	1		
Corporate Management Team	5	Trade Unions	9
Eleanor Kelly	1	Roy Fielding, GMB	
Deborah Collins	1	Henry Mott, Unite	1
Romi Bowen	1	Sue Plain, Unison	1
Duncan Whitfield	1	Tony O'Brien, UCATT	1
Gerri Scott	1	Michael Davern, NUT	1
		James Lewis, NASUWT	1
		Pat Reeves, ATL	1
		Miss Sylvia Morris, NAHT	1
		Irene Bishop, ASCL	1
		Local M.P.	1
		Simon Hughes M.P.	
		Others	2
		Ann-Marie Connolly	1
		Elizabeth Olive, Audit Commission, Ground Floor, Tooley Street	1
		Total:	113
		Last updated: May 2014	