

# Council Assembly

## Annual Meeting

Saturday 18 May 2019  
11.00 am or at the rise of the Civic Awards ceremony  
Southwark Cathedral, Montague Close, London Bridge SE1 9DA

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

Eleanor Kelly  
Chief Executive

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### **Access to information**

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

#### **Babysitting/Carers allowances**

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

#### **Access**

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#### **Contact**

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

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Date: 10 May 2019



# Council Assembly

## Annual Meeting

Saturday 18 May 2019  
11.00 am

Southwark Cathedral, Montague Close, London Bridge SE1 9DA

## Order of Business

Item No.	Title	Page No.
1.	<b>ELECTION OF THE MAYOR</b>	
	To elect a mayor for the municipal year 2019/20.	
	<b>PART A - OPEN BUSINESS</b>	
2.	<b>PRELIMINARY BUSINESS</b>	
	<b>2.1. ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE</b>	
	To receive any announcements from the Mayor, members of the cabinet or the chief executive.	
	<b>2.2. APOLOGIES FOR ABSENCE</b>	
	To receive any apologies for absence.	
	<b>2.3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT</b>	
	In special circumstances an item of business may be added to an agenda within seven working days of the meeting.	
	<b>2.4. DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	

Item No.	Title	Page No.
<b>3. REPORTS</b>		
<b>3.1. EXECUTIVE FUNCTIONS 2019-20</b>		1 - 4
	Council assembly is asked to note the appointment by the leader of cabinet members, any deputy cabinet members, the establishment of any cabinet committees and the leader's report on the delegation of executive functions.	
<b>3.2. REFORM OF COMMUNITY COUNCILS: EMPOWERING COMMUNITIES PROGRAMME</b>		5 - 20
	Council Assembly to agree the proposal to replace Community Councils (CCs) with a more flexible and devolved Empowering Communities Programme, to note that there would still be opportunities to discuss Cleaner Greener Safer capital programmes (CGS), Devolved Highways, and Neighbourhoods Fund applications at ward meetings, and to approve the creation of five Community Champions.	
<b>3.3. CHANGES TO SCRUTINY ARRANGEMENTS FOR 2019-20</b>		21 - 40
	Council assembly to agree constitutional changes to the scrutiny article and procedure rules, and to note the proposals in the report for the practical operation of scrutiny.	
<b>3.4. MEMBER ALLOWANCES SCHEME 2019-2020 - AMENDMENT TO SPECIAL RESPONSIBILITY ALLOWANCES</b>		41 - 44
	That council assembly approves an amendment to section 5 of the Member Allowances Scheme for 2019-2020 with effect from 18 May 2019	
<b>3.5. ESTABLISHMENT OF COMMITTEES, PANELS AND RELATED MATTERS 2019-20</b>		45 - 56
	Council assembly is asked to establish committees and panels for the coming municipal year 2018/19 and to appoint up to three representatives to attend the Local Government Association General Assembly.	
<b>3.6. NOMINATIONS TO LONDON COUNCILS COMMITTEES, GREATER LONDON EMPLOYMENT FORUM, BOROUGH LEAD MEMBERS, LONDON LOCAL GOVERNMENT PENSION SCHEME (LGPS) COMMON INVESTMENT VEHICLE (CIV) LTD. AND LONDON COUNCILS LIMITED 2019/20</b>		57 - 62

Council assembly is asked to consider and agree nominations to the London Councils committees, the Greater London Employment Forum and London Councils Limited.

Council assembly is also asked to nominate borough lead members/relevant portfolio holders for various areas.

#### **4. 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: 7 May 2019

<b>Item No.</b> 3.1	<b>Classification:</b> Open	<b>Date:</b> 18 May 2019	<b>Meeting Name:</b> Council Assembly (Annual Meeting)
<b>Report title:</b>		Executive Functions 2019-20	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

1. That council assembly receives a report from the leader on the following executive issues for the coming municipal year 2019-20:
  - 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 any other delegations.

### Appointment of the cabinet

2. 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.

### Appointment of deputy cabinet members

3. 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

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

- Note:
1. 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.
  2. There are three cabinet committees: Cabinet (Livesey Trust) Committee, Better Placed Joint Committee and Joint IT Committee (Brent, Lewisham and Southwark).

### **Delegation of executive functions**

5. That the leader reports on the delegation of executive functions between full cabinet, individual decision makers, chief officers and any other delegations.
6. 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 any other delegations.
7. 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**

8. The constitution is updated as and when changes are required. The recommendations in this report are based on the current constitution.

### **KEY ISSUES FOR CONSIDERATION**

#### **Leader and cabinet**

9. 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.
10. 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.
11. On 21 May 2018, council assembly appointed Councillor Peter John as leader of the council and his term of office commenced from that date and shall end at the start of the first annual meeting of the council following the next ordinary election<sup>1</sup>.

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

12. 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.
13. 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.
14. 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

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<sup>1</sup> Article 6.3 of the Constitution

- The terms of reference and membership of any cabinet committees
  - The nature and extent of any delegation of executive functions, any other authority or joint arrangement
  - The nature and extent of any delegation to officers with details of any limitation on that delegation.
15. The leader may also decide to delegate executive functions to the health and wellbeing board. During the year the leader may vary the executive scheme of delegation by giving notice to the monitoring officer. A variation may be permanent or relate to a particular decision.

### **Deputy cabinet members**

16. 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.
17. Whilst a deputy cabinet member may be a member of a committee, scrutiny committee or scrutiny sub-committee, he or she will not be permitted to take decisions or scrutinise any of their own deputy cabinet member tasks or duties. Deputy cabinet members shall not be the chair or vice-chair of a committee or sub-committee which takes decisions or scrutinises matters relating to their tasks or duties. The chairs of the licensing and planning committees shall not be deputies.
18. The duties and responsibilities of deputy cabinet members will be:
- To assist cabinet members with specific aspects of their portfolio
  - To contribute to the process of setting policy direction, development and review by assisting cabinet members to develop specific aspects of their individual portfolio
  - To represent the relevant cabinet member at non-decision making meetings
  - To assist cabinet members in the drafting and preparation of reports, responses to questions and other work related to the cabinet deputy's duties
  - To promote the core values, corporate priorities and objectives of the council.

### **Role of council assembly**

19. Following receipt of the leader's report, council assembly will note as a consequence that the proper constitutional 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**

20. 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 Leader and Executive Functions 2018-19 Council Assembly 21 May 2018 report.	160 Tooley Street, London, SE1 2QH	Virginia Wynn-Jones 020 7525 7055
The Council's Constitution: <a href="http://moderngov.southwark.gov.uk/eListMeetings.aspx?Committeeld=425&amp;Info=1&amp;bcr=1">http://moderngov.southwark.gov.uk/eListMeetings.aspx?Committeeld=425&amp;Info=1&amp;bcr=1</a>		

**APPENDICES**

Appendix	Title
None	

**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Author</b>	Chidilim Agada, Head of Constitutional Services	
<b>Version</b>	Final	
<b>Dated</b>	7 May 2019	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	7 May 2019	



<b>Item No.</b> 3.2	<b>Classification:</b> Open	<b>Date:</b> 18 May 2019	<b>Meeting Name:</b> Council Assembly (Annual meeting)
<b>Report title:</b>		Reform of Community Councils: Empowering Communities Programme	
<b>Ward(s) or groups affected:</b>		All wards	
<b>From:</b>		Constitutional Steering Panel	

## RECOMMENDATIONS

1. That Council Assembly agree the proposal to replace Community Councils (CCs) with a more flexible and devolved Empowering Communities Programme, that promotes:
  - Resident-led initiatives
  - Strengthens the local leadership role of ward councillors
  - Cabinet accountability
  - Community Champion councillors
  - Transparency of funding.
2. To note that there would still be opportunities to discuss Cleaner Greener Safer capital programmes (CGS), Devolved Highways, and Neighbourhoods Fund applications at ward meetings. Ward councillors will take the final decisions for their respective areas. This proposal retains the popular opportunity for residents to present funding proposals for their local area.
3. To approve the creation of five Community Champions.
4. To note that the proposed changes will require changes to Article 8 and Part 3H of the Constitution and any other consequential constitutional changes.
5. To note that once the new structure is agreed, it would then be implemented for a year, during which time the effectiveness would be reviewed to ensure that any new model is as effective as possible in engaging the public. There will be an update on how the process is working presented to the Constitutional Steering Panel followed by a full annual review which will include feedback from residents. The purpose of these reviews is to ensure the changes are effective, inclusive and value for money. There will be evaluation of individual meetings as they take place.

**To note that the following recommendations will be considered by the Leader as an IDM:**

6. To approve the creation of a Democracy Fund to allow communities to hold their own events/meetings to tackle local priorities.
7. To approve the introduction of a new Ward Fund for ward councillors to organise at least six ward based meetings a year.
8. To introduce the option for an Annual Residents' Conference.

9. The leader will be asked to delegate executive functions for Neighbourhoods Fund, CGS and Devolved Highways to ward councillors.

## **BACKGROUND INFORMATION**

10. At the November 2018 Council Assembly (CA) meeting, the constitutional steering panel recommended that proposals for changes to current arrangements for community councils be brought to its March 2019 meeting. However, this was then deferred to a future CA meeting in 2019.
11. The cabinet member for culture, leisure, equalities and communities subsequently asked officers to examine the role of community councils and whether their remit and operation meet the council's and community's needs and expectations.
12. Currently there are five community councils (CCs), each meeting five times a year. CCs are managed by a team of 6 officers and with an operational budget of (approx.) £375k, excluding the Neighbourhoods Fund (NsF). The main elements of this budget are staffing, publicity & marketing and other administrative costs which includes venue and sound equipment hire etc.
13. The current staffing role does not exclusively concentrate on running/supporting CCs as the bulk of the team's work also involves managing the NsF process.
14. Community councils currently fulfil four main functions:
  - Political – allow residents to meet ward councillors, allow councillors to speak to and listen to members of the community
  - Community – enable local people and groups to engage with each other and allowing local people and groups to publicly raise and discuss issues with each other and their councillors
  - Consultative – Commenting on Section 106 expenditure, conservation areas, supplementary planning documents (SPD) adoption, strategic schemes before they go to planning committee, Local Implementation Plan (LIP) and traffic and highways projects
  - Executive – allocation of Neighbourhood Funds, CGS, Devolved Highways Fund, environmental management, additions to the community project bank.
15. Compared with other boroughs, Southwark's Community Councils are a sophisticated method for undertaking all four of these functions. A review of 18 London councils found 4 distinct approaches.
  - No area based meetings – Croydon, Harrow
  - Ward based meetings – Camden, Hackney, Islington, Lewisham, Tower Hamlets, Waltham Forest
  - Neighbourhood meetings – Newham, Greenwich, Lambeth (community rather than councillor led)
  - Area meetings with delegated authority – Barnet, Bromley, Kingston
16. Each CC has its own culture and leadership. However, the limited number of meetings and the large populations covered by each CC means that meetings can be overloaded with items with limited opportunities for residents to discuss

issues of concern or be informed of the follow up/outcomes of previously discussed matters.

17. CC meetings sometimes do not reflect the diversity of the local community and their mode of operation tends to exclude contributions from less confident or assertive residents.

### **KEY ISSUES FOR CONSIDERATION**

18. The proposal ensures that each of the key functions listed in paragraph 14 continues to be undertaken, but in a more efficient, focused and inclusive manner.
19. Community councils would be replaced from 18 May 2019 with a combination of meetings, events and funds, together with the new role of Community Champions:
  - A Democracy Fund to facilitate community led events
  - A fund to organise ward meetings
  - An annual residents' conference.

#### **Annual Residents' Conference**

20. A large public conference will be convened to create an opportunity for residents to engage with all their councillors, particularly the Cabinet Members, and help influence the priorities for the council. There should be the option for cabinet members to engage directly with residents, and the conference would allow for consultation on priorities and resource allocations.
21. The meeting would be interactive, well promoted and held in a sufficiently large location. The annual conference could include a marketplace for community groups to promote their work, with the addition of breakout areas and opportunities for questions and answers with panels.
22. The direct costs of holding an annual conference would be offset by no longer arranging Leader's Question Time, and it would be overseen by the Community Champions and organised by Communities Division, who will ensure all councillors have a role in the event.

#### **Ward Meetings**

23. Each of the council's 23 wards will have access to a fund to organise meetings to discuss matters of local interest to residents. Meetings could involve just one ward or link together two or more wards.
24. Ward meetings would be held at least six times a year. The dates of the ward meetings will be published on the Southwark website (Modern.Gov) as they are arranged. At least one meeting per ward will include a discussion of community funding proposals including CGS and Neighbourhoods Fund.
25. The funding for ward meetings budget would be approved by the cabinet member for culture, leisure, equalities and communities each year, with the funding process and meetings administered by the Communities Division and coordinated with ward councillors, with overall oversight of the whole

empowering communities programme by the Community Champions.

26. The presumption is that the councillors will arrange, promote and service these meetings using the funding provided, although officers from the Communities Division could be asked to attend and support where this is absolutely necessary. The process for organising ward meetings is set out in the appendix 3. Further detail will be provided to ward councillors following an initial meeting with Community Champions.
27. Community Champions will exercise oversight of how the ward fund is used by receiving quarterly reports on completed and proposed ward fund meetings.

### **Community Champions**

28. It is proposed to establish the new role of Community Champions to be filled by five councillors chosen by council assembly in May 2019, one for each of the new areas on the attached map (Appendix 1). The main function of the Community Champions will be to scrutinise funding applications to the proposed Democracy Fund and to provide an overview and guidance for meetings organised through the Ward Fund. Through the management of a meetings database, they will ensure a reasonable balance of topics, timings and locations for these meetings and events.
29. The functions of Community Champions will include, and are not limited to:
  - Attendance at Community Champion meetings – held regularly to review progress of the Empowering Communities Programme
  - Chairing of Area Based meetings – where these are held, Community Champions will Chair and facilitate the meeting
  - Democracy Fund decision making – meetings to be held by the Community Champions to agree funding proposals from the Democracy Fund throughout each year
  - Community engagement – Community Champions should be figureheads for their area, working with the local community and wards to encourage maximum participation in the Empowering Communities Programme
  - Annual Conference – Community Champions will work with officers to organise the annual conference
  - Annual report – Community Champions will produce an annual report on the use of ward and democracy funds, and the effectiveness of the Empowering Communities programme, to be presented to Cabinet and published on the Council's website.
30. Currently CC chairs receive a Band 1b Special Responsibility Allowance (SRA) of £9,064 per annum. The newly appointed Community Champions would receive a newly created band 1c SRA of £7,851. The role of a Community Champion is more fluid than that of a community council chair, with fewer meetings to formally chair. A slight reduction in the SRAs for community champions has therefore been made to reflect this. A description of the role and responsibilities of the Community Champions will be produced by the Communities Division in consultation with the Constitutional Team. A draft version is attached in Appendix 5.

### **Democracy Fund**

31. A Democracy Fund of £20,000 per annum will be established, for which individuals and community groups can bid to organise events, to discuss specifics or a range of local issues. Funding would cover items such as:
  - Venue hire
  - Equipment hire
  - Publicity and invitations
  - Speakers' fees
  - Refreshments etc.
32. To ensure autonomy of residents' initiatives, the events will be serviced by the organisers and not require council officers' attendance.
33. The Democracy Fund will be overseen by five councillors appointed by Council Assembly as Community Champions, who will recommend which Democracy Fund proposals to fund via Delegated Authority to Chief Officer. Community Champions will ensure an appropriate balance of events across the borough and calendar, taking into account local meetings organised using the Ward Fund.
34. Events should be relevant to the community and related to council business. The Communities Division will develop clear criteria for awarding funding, establish an online application process and a procedure for the management of the Democracy Fund.
35. The proposed criteria for the Democracy Fund are listed below and an indicative process is set out in Appendix 2, including:
  - Where possible two months' notice for event
  - Relevant to council business and the local community
  - No similar meetings held in previous 12 months
  - Event open to all
  - Register of attendees and equalities monitoring
  - The event is held in an in an accessible venue that complies with all relevant legislation and council policy.
36. Community-led area meetings supported by Democracy Fund grants will increase opportunities for residents to raise and address issues of local concern. They will also encourage community networking. One of the roles of the Community Champions will be to reduce the risk of such events becoming politicised. Events will not have any constitutional role or represent formal consultation.

### **Constitutional issues**

37. Community councils exercise a number of executive and consultative functions.
  - Executive: Allocation of Neighbourhoods Fund, CGS and the Devolved Highways Fund; Recommendations of chief officer and cabinet on variations to environment contracts, receive reports on and take part in contract reviews; Appoint ward members to sit on warden scheme steering groups; Approve projects to be included in the Community Projects Bank.

- Consultative: Comment on £100K+ expenditure of section 106 funding, on proposals for development control documents for specific sites and on all strategic schemes being dealt with by Planning Committee; To be consulted on Local Implementation Plans (public transport) and on traffic/highways improvement projects

38. This paper proposes a method to replace the executive function in respect of the allocation of Neighbourhoods and other funds. The ability of the community and councillors to take part in discussions about the delivery and variations to environment contracts, as well as for proposing new projects for the Community Projects Bank, can be addressed through adapting current council processes and can also be the subject of Ward or Democracy Fund meetings, if people so choose.
39. The consultative functions can all be addressed through adapting council processes, particularly through the increasingly widely used Consultation Hub.
40. The current CC roles and functions are listed in Appendix 4, which shows where these functions will be transferred to in the new proposal.

### **Community impact statement**

41. The proposed changes to the CC structure provide alternative structures and processes to enable all Southwark residents to participate in discussing matters of interest and concern for their local community, while strengthening the relationship with their elected members.
42. Placing the emphasis on resident led initiatives for smaller areas, will help bring together members of Southwark's diverse local communities, in compliance with the council's duty under the Equality Act 2010 which requires the council to have due regard when taking decisions to the need to:
- a. Eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct
  - b. Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it
  - c. Foster good relations between those who share a relevant protected characteristic and those that do not share it.
43. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
44. Having due regard to the need to advance equality of opportunity is further explained by the Act, which states that it involves
- Removing or minimising disadvantages connected with a relevant protected characteristic.
  - Taking steps to meet the different needs of persons who share a relevant protected characteristic.

- Encouraging persons who share a relevant protected characteristic to participate in public life or any other activity in which they are under-represented.

45. Due consideration was given to this duty during this process and no adverse impact on any group with a protected characteristic was evident.

### **Resource implications**

46. There are no resource implications. The new arrangements will be met within existing resources.

### **Consultation**

47. The constitutional steering panel has been consulted.

### **Financial implications**

48. There are no financial implications although this will be reviewed after an initial year.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

49. Part II of the Local Government Act 2000 provides for the discharge of a local authority's functions by an executive of the authority (in Southwark the Leader and Cabinet), unless those functions are specified as functions that are not to be the responsibility of the authority's executive. The current Community Councils show in Part 3H of the constitution which functions are executive and which are non-executive.

50. The Localism Act 2011 gives councils a general power of competence whereby they have power to do anything that individuals generally may do. This power can be used even if legislation already exists that allows a local authority to do the same thing. However the general power of competence does not enable a local authority to do anything which it was restricted or prevented from doing under that previous legislation. The Director is not aware of any restrictions on the other than those outlined in paragraph 48 above.

51. The proposed role of Community Champions can have no decision making powers.

### **Strategic Director of Finance and Governance**

52. The Strategic Director of Finance and Governance notes the proposed recommendations and resource and financial implications detailed in the report.

## **BACKGROUND DOCUMENTS**

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

**APPENDICES**

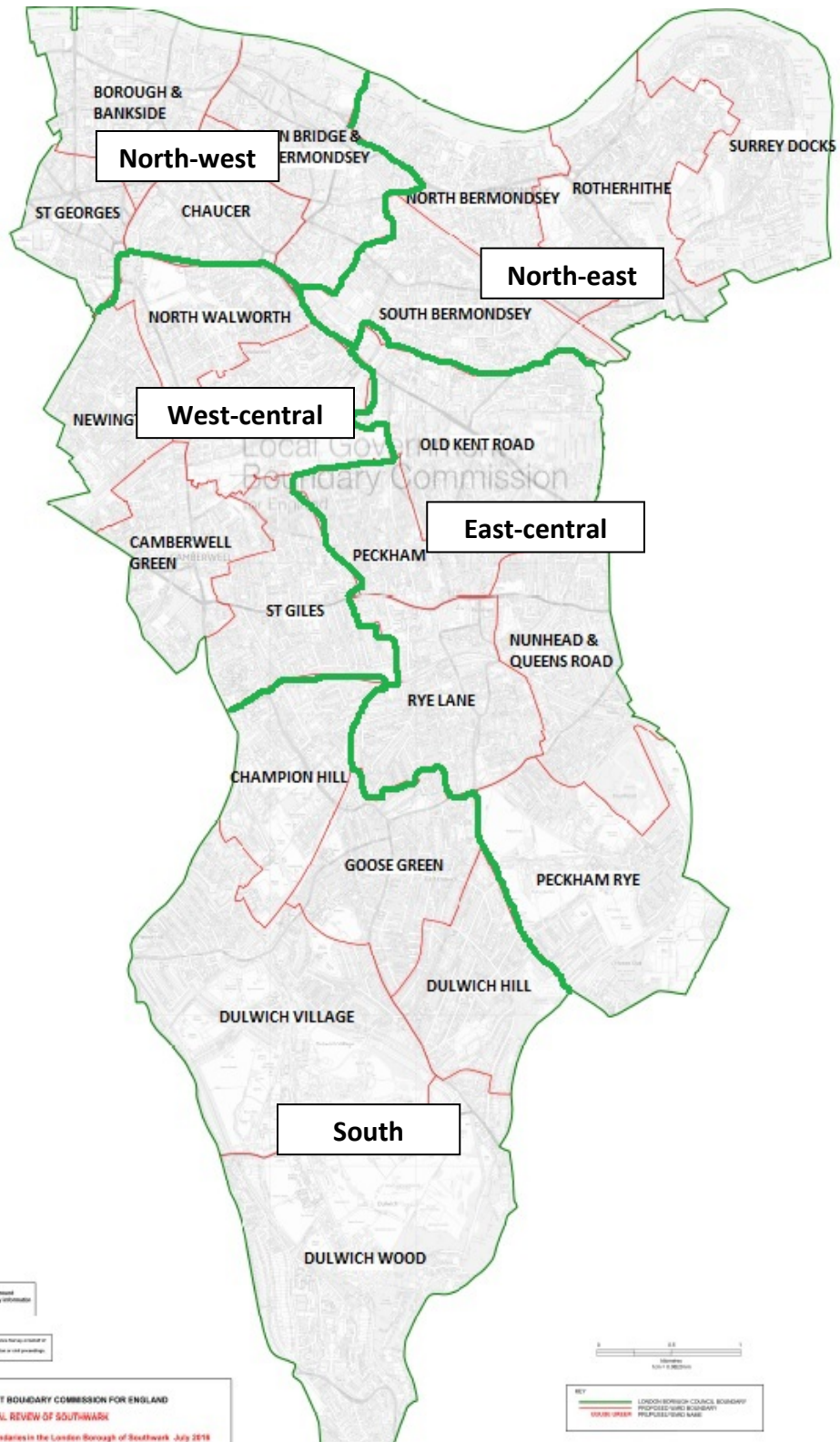
No.	Title
1	New multi-ward map
2	Democracy Fund Process
3	Ward fund/meeting process
4	Current and proposed decision-making table
5	Draft Community Champion role description
6	Timeline

**AUDIT TRAIL**

<b>Lead Officer</b>	Stephen Douglass, Director of Communities	
<b>Report Author</b>	Forid Ahmed, Community Council Team Leader Martin Kovats, Community Projects Manager	
<b>Version</b>	Final	
<b>Dated</b>	9 May 2019	
<b>Key Decision</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Strategic Director of Housing and Modernisation	No	No
<b>Cabinet member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>		9 May 2019



Appendix 1 – New multi-ward areas



Boundary algorithms and names shown on the mapping background may not be up to date. They may differ from the ward boundary information supplied as part of this review.

This map is based on the information provided to the Local Government Boundary Commission for England by the London Borough of Southwark and is not intended to be a legal document. The Local Government Boundary Commission for England is not responsible for any errors or omissions in this map.

**THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND**  
**ELECTORAL REVIEW OF SOUTHWARK**  
 Final recommendations for ward boundaries in the London Borough of Southwark July 2018

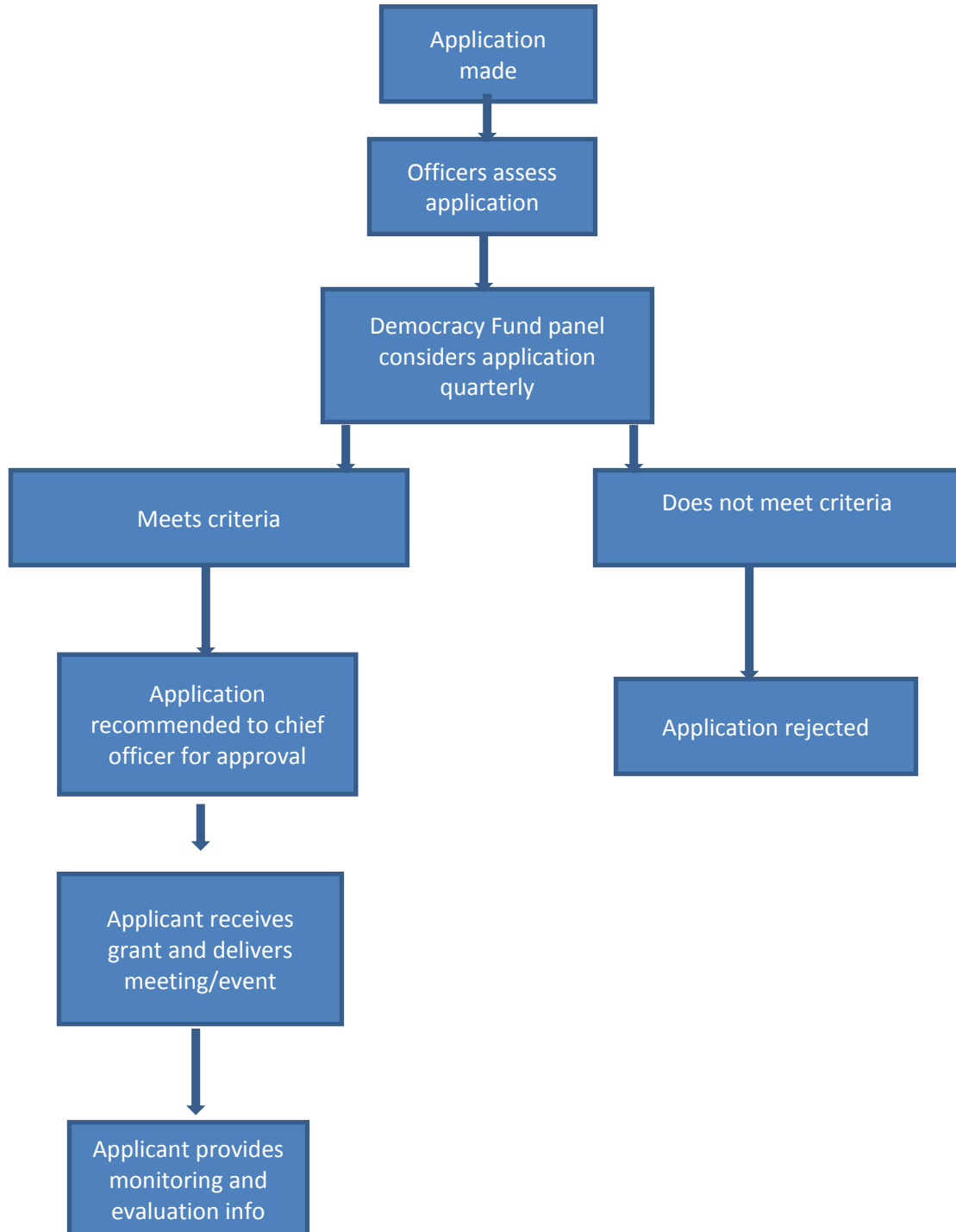
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KEY  
 — LONDON BOROUGH COUNCIL BOUNDARY  
 — PROPOSED WARD BOUNDARY  
 — PROPOSED WARD NAME

**Democracy Fund process**

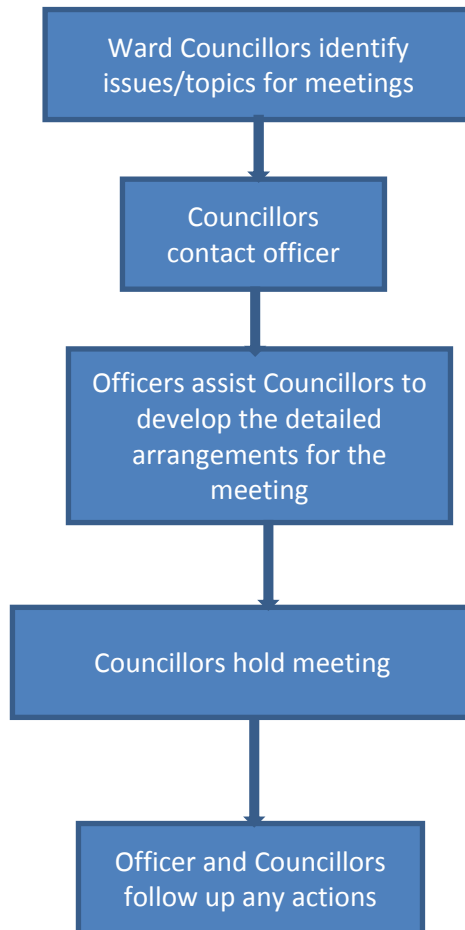
Application periods will be set for communities to apply via online or paper form.

Applications will be presented to panel made up of five Community Champions and they will decide whether the proposal meets criteria and recommend for funding.



### Ward meeting process

Ward Councillors identify issue and instruct relevant officer (1 officer per multi-ward area) to organise meeting. This will include hiring venue, inviting key partners and general promotion of meeting.



**Proposed decision-making process following CC changes**

<b>PART 3H: COMMUNITY COUNCILS ROLE AND FUNCTIONS</b>	
<b>Current</b>	<b>Proposed new arrangements</b>
1. To promote the involvement of local people in the democratic process and to bring decision making closer to local people.	Ward meetings
2. To take decisions about local matters. At present community councils have delegated authority in the following key areas: the neighbourhoods fund, cleaner, greener, safer and devolved highway capital programmes.	Leader delegates authority to individual ward members
3. To act as a formal consultation mechanism on council wide policies and strategies.	Ward meetings and consultation hub
4. To be a focal point for discussion and consultation on matters that affects the area.	Ward meetings and consultation hub
<b>MATTERS RESERVED FOR DECISION</b>	
<b>Planning functions (non-executive function)</b>	
<u>Consultative/non decision making</u>	
<b>Current</b>	<b>Proposed new arrangements</b>
5. To comment to planning committee or its sub-committees on the proposed expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation where the site to which the agreement relates and the site(s) where expenditure will be incurred are in the same community council area	Consult ward members – Planning committee decision  Ward meetings/consultation hub
6. To comment to planning committee on proposals for the designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995 affecting the area of the community council.	Consult ward members – Planning committee decision  Ward meetings/consultation hub
7. To comment to planning committee on proposals to adopt supplementary planning documents for development control purposes to guide the development of particular sites within the area of the community council.	Consult ward members – Planning committee decision  Ward meetings/consultation hub

8. To be consulted on all major and strategic schemes prior to consideration by the planning committee, subject to the consultation deadlines.	Consult ward members – Planning committee decision
<b>Environmental management (executive function)</b> <u>Consultative/non decision making</u>	
<b>Current</b>	<b>Proposed new arrangements</b>
9. Recommendations to the appropriate chief officer on local contract variations.	Ward members recommend to chief officer
10. Recommendations to the cabinet on issues concerning major changes to contracts.	Ward members recommend to cabinet
11. Appointment of ward members to serve on warden schemes steering groups.	Ward members recommend to cabinet member
12. To consider regular reports on environmental management issues, including street cleaning, refuse collection, abandoned vehicles and leisure centres.	Cabinet member with input from ward members
13. To participate in contract reviews and be able to suggest service improvements and identify local priority issues.	Ward members advise cabinet member
<b>Neighbourhood fund<sup>1</sup>, cleaner, greener, safer and devolved highway capital programmes (executive function)</b> <u>Decision making</u>	
<b>Current</b>	<b>Proposed new arrangements</b>
14. To approve the allocation of neighbourhood funds, cleaner, greener, safer and devolved highway capital schemes of a local nature using the resources and criteria identified by the cabinet.	Ward members
15. In the event that a programme variation decision is required before the next scheduled meeting of a community council the appropriate chief officer shall be authorised to determine this, in consultation with the relevant chair of the community council and relevant ward members. Variation decisions shall include any allocation or reallocation of funds or variation in projects (this list is not exhaustive).	Chief Officer in consultation with ward members
16. If successful in the bidding to the cabinet for strategic projects, to oversee and take responsibility for the development and implementation of the schemes.	Cabinet member in consultation with ward members

<u>Consultative/non decision making</u>	
17. Recommendation of bids to the cabinet for funding for capital schemes of a strategic nature as part of an open bidding process.	Ward members to cabinet
<b>Consultation/non-decision making</b>	
18. To be consulted on the Local Implementation Plan (LIP) programme before it is submitted to Transport for London.	Ward Members
19. To be consulted on strategic traffic and highway improvement projects.	Ward Members
20. To be consulted on any non-strategic traffic and highway improvement project that has been referred to community council.	Ward Members
<b>Community project bank (executive function)</b> <u>Decision making</u>	
21. To approve projects for inclusion within the community project bank.	Cabinet member in consultation with Ward Members

**Appendix 5****Community Champion Role Description**

It is proposed to establish a new role of Community Champions to be filled by 5 councillors chosen by Council Assembly in May. There would be one Community Champion for each of the new multi ward areas. (See appendix 1)

Community Champions will receive Special Responsibility Allowances and their roles will include:

- To be a panel member to assess Democracy Fund applications
- To make recommendation to chief officer for awarding Democracy Fund events
- To work with officers to ensure funding outcomes are met
- To ensure ward meetings are taking place and staying within budget
- To receive quarterly reports on meetings organised through ward funding
- To support and coordinate the Annual Residents conference
- To produce an annual report on use of Ward and Democracy funds
- To Chair multi-ward meetings
- Attendance at Community Champion meetings – held regularly to review progress of the Empowering Communities Programme
- Community engagement – Community Champions should be figureheads for their area, working with the local community and wards to encourage maximum participation in the Empowering Communities Programme.

## Indicative Timeline

	June 2019	July	Aug	Sep	Oct	Nov	Dec	Jan 2020	Feb	March	April	May
Resident Conference										Resident Conference		
Community Champion panel meeting	First meeting					Decision			Decision		Last meeting	
Democracy Fund applications					Launch/ Open			Open				
Democracy Fund event							Event held			Event held		
Ward Forum**		Multi-ward meetings				Multi-ward workshop meetings		Multi-ward decision making meeting				
CGS/NsF						Multi-ward workshop meetings		Multi-ward decision making meeting				
Leader IDM (ward and democracy fund)	IDM											

\*\* Three further meetings to be organised by wards

1. Constitutional Steering Panel – 1 May 2019
2. Council Assembly (CA) – 18 May 2019
3. Community Champions selected at CA – 18 May 2019
4. 1 June implementation of new structure
5. Leader IDM for Ward and Democracy funds – June/July 2019
6. First ward meetings – June/July 2019
7. First Community Champions meeting – June 2019
8. Residents Conference – March 2020
9. Quarterly Community Champion meeting – November 2019
10. Quarterly Community Champion meeting – February 2020
11. Community Champion meeting and annual report - April 2020



<b>Item No.</b> 3.3	<b>Classification:</b> Open	<b>Date:</b> 18 May 2019	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Changes to scrutiny arrangements for 2019-20	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Constitutional Steering Panel	

## RECOMMENDATIONS

1. To agree constitutional changes to the scrutiny article and procedure rules as set out in appendices as agreed at Constitutional Steering Panel 1 May 2019.
2. To note the proposals at paragraph 7 for the practical operation of scrutiny.

## BACKGROUND INFORMATION

3. The council decided to change its scrutiny committee arrangements following the 2018 local elections. The purpose was to trial a way of working that provided for policy review type scrutiny to be carried out by task and finish groups, with Overview and Scrutiny Committee focusing on holding to account. The new model was an Overview and Scrutiny Committee and four short term scrutiny commissions. The arrangements were endorsed by Council Assembly in July 2018 with an agreement to review in six months and report any recommendations for change. This report presents the outcome of the review and recommends constitutional changes accordingly.

## KEY ISSUES FOR CONSIDERATION

4. The legal requirement is for the council to have at least one overview and scrutiny committee, and however the council chooses to organise, the scrutiny function must be able to receive referrals from Healthwatch, take part in NHS scrutiny and provide for scrutiny of crime and disorder.
5. Members of the scrutiny committees participated in a workshop in June 2018 to discuss proposals for the scrutiny model. This was supported and contextualized by an external facilitator who presented research and examples of scrutiny models in other local authorities. The workshop also drew up a list of values that are important in the council's scrutiny work. This work was reported to July 2018 overview and scrutiny committee (OSC):  
<http://modern.gov.southwark.gov.uk/documents/s76532/scrutiny%20workshop%20report%20for%202023%20July%20OSC.pdf>
6. OSC agreed to review the scrutiny arrangements in 6 months time so that any changes could be recommended to CSP and Council Assembly in time for 2019/20. OSC agreed the following principles for the review:
  - Achieving a balanced work programme - does the structure allow for effective health scrutiny? Have we got the balance right about task and finish vs ongoing scrutiny of key areas?
  - Accessibility of scrutiny arrangements – look and feel of the model, its terminology, channels for public participation

- Contribution to overall good governance for the council – how does the scrutiny function play its part in efficient and effective decision making?
7. The review was undertaken in three steps: a session focusing on the scrutiny commissions, a session focusing on OSC and a final session to discuss the model overall.
  8. There was general consensus that the model needed rebalancing – the limit of three meetings for the commissions was too restrictive and OSC's workload had become overly focused on cabinet member interviews with no capacity to conduct its own investigations. In particular, health scrutiny needed more capacity so that relationships with local NHS bodies could be maintained. Could OSC carry out more pre-decision scrutiny and find ways to follow through and look at how council decisions land in communities? Should the commissions have a fixed role for the council term or should one or more of them be flexible?

### **Proposals**

9. The following changes are proposed:
  - The structure under OSC should comprise four commissions meeting throughout the year - one of the commissions should focus on health and social care and one on housing. All four commissions would be able to develop a full year's work programme with a mix of review topics.
  - Cabinet member interviews should be spread across OSC and the commissions. This will enable OSC to rethink its role more strategically and develop its work plan accordingly.
  - Commission chairs should all be on OSC, assuming proportionality allows.
  - Commissions can send reports direct to cabinet – removing the current need to route them via OSC.

### **Resource implications**

10. The scrutiny function is supported by a team of three officers based within the Chief Executive's office. It has been challenging to support the 2018-19 scrutiny commissions with this level of resource. The new model proposes an OSC with four commissions meeting throughout the year whereas in 2018-19, commissions were restricted to three meetings. There is clear ambition to ensure there is appropriate capacity to deliver commission work programmes effectively, efficiently and to the highest possible quality. To meet this ambition it is recommended that officer support capacity be increased. At the same time, the council needs to balance increased demand to meet local ambition with smart use of resources. Officers would therefore recommend a net increase of one full time equivalent scrutiny project officer, subject to commensurate resource availability.

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

#### **Director of Law and Democracy**

11. Included in the report.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Moving to a new scrutiny model and establishing the basis for a review	Scrutiny Team	Shelley Burke 02075257344
<a href="http://modern.gov.southwark.gov.uk/documents/s76532/scrutiny%20workshop%20report%20for%2023%20July%20OSC.pdf">http://modern.gov.southwark.gov.uk/documents/s76532/scrutiny%20workshop%20report%20for%2023%20July%20OSC.pdf</a>		

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Draft scrutiny article May 2019
Appendix 2	Draft scrutiny procedure rules May 2019

**AUDIT TRAIL**

<b>Lead Officer</b>	Shelley Burke, Head of Overview & Scrutiny	
<b>Report Author</b>	Shelley Burke, Head of Overview & Scrutiny	
<b>Version</b>	Final	
<b>Dated</b>	3 May 2019	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	Not applicable	Not applicable
<b>Date final report sent to Constitutional Team</b>		3 May 2019



## PART 2 – ARTICLES

### Article 5 – Overview and scrutiny committee and ~~sub-committees~~ commissions

- 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~~ commissions 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 ~~commissions~~ 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 For the purpose of this constitution, scrutiny commissions are considered as sub-committees

### 5.3 Specific functions

#### 1. Policy development and review

Overview and scrutiny committee and its ~~commissions 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 ~~commissions 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 ~~commissions 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 commissions 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
- 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 commissions 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 chair of overview and scrutiny committee

The Overview and scrutiny committee chair will:

- a) lead the scrutiny function
- b) propose 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

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

### 2. Membership of overview and scrutiny committees and its commissions sub-committees

- 2.1 All councillors except members of the cabinet may be members of the overview and scrutiny committee and commissions ~~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 commissions, provided that the proportionality rules are not compromised
  - d)
  - e) education representatives as set out at paragraph 4.
- 2.3 Overview and scrutiny committee will appoint the chairs and vice-chairs of the scrutiny commissions sub-committees and agree their 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 commissions~~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 commissions~~sub-committees~~.

### 3. Education representatives

3.1 Overview and scrutiny committee and any ~~commission 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

3.2 Overview and scrutiny committee and any ~~commission 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.

3.3 If the committee/~~commission 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.

3.4 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.

3.5 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.

### 4. Co-optees

4.1 Overview and scrutiny committee and its ~~commission 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.

4.2 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.

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

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

- 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 ~~commissions 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 commissions ~~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 propose reviews for the sub-committees for OSC and the commissions~~
- 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
- 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. Policy review and development

8.1 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 ~~commissions sub-committees~~ in relation to consultation is set out in detail in the budget and policy framework procedure rules.

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

## 9. Meetings of the overview and scrutiny committee and ~~commissions its sub-committees~~

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

9.2 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.

9.3 The ~~commissions sub-committees~~ shall determine their own arrangements for when meetings are held.

## 10. Prohibition of party whip over voting on overview and scrutiny committee/~~commissions sub-committees~~

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

10.2 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."

## 11. Work programmes

- 11.1 The overview and scrutiny committee will develop an annual work programme and coordinate the work programmes for the commissions ~~propose reviews for the sub-committees.~~

## 12. Agenda items

### Reference by councillors

- 12.2 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 commission sub-committee and which is not an “excluded matter”<sup>1</sup> 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/commission sub-committee for consideration<sup>2</sup>.

## 13. Members and officers giving account

- 13.1 Overview and scrutiny committee or a commission 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 or commission may require 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.

- 13.2 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.

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<sup>1</sup> 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.

<sup>2</sup> 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.

- 13.3 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 commission 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.
- 13.4 Where any member or officer is required to attend a scrutiny committee/commission sub-committee under this provision, the chair of the committee/commission 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.
- 13.5 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/commission sub-committee and the member or officer shall arrange an alternative date for attendance.

#### **14. Attendance by others and public attendance**

- 14.1 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.
- 14.2 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/commission 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.
- 14.3 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 disclosed<sup>3</sup>.

#### **15. Reports from the overview and scrutiny committee and its commission sub-committees**

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<sup>3</sup> See Access to Information Procedure Rules 3 and 10.

- 15.1 Once it has formed recommendations on proposals for development, the overview and scrutiny committee or a ~~commission sub-committee~~ will prepare a formal report and submit it to the proper constitutional officer for consideration by the cabinet. The committee/~~commission 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).
- 15.2 If the overview and scrutiny committee or a ~~commission sub-committee~~ cannot agree on one single final report, then any member of the committee/~~commission sub-committee~~ may prepare a minority report to be submitted for consideration by the cabinet or council assembly with the majority report.
- 15.3 The cabinet shall consider and provide a written response to a scrutiny committee's/~~commission sub-committee's~~ report within two months.
- 15.4 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.~~

## 16. Decisions subject to call-in

- 16.1 The overview and scrutiny committee can “call-in” any executive decision<sup>4</sup> 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

- 16.2 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)

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<sup>4</sup> 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.

- 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.

## **17. Procedure to call-in a decision**

### **Publishing the decision and call-in period**

- 17.1 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.
- 17.2 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.
- 17.3 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**

- 17.4 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.
- 17.5 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**

- 17.6 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.
- 17.7 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.

## **18. Procedure following call-in**

### **Invalid call-in request – next steps**

- 18.1 a) 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) by 4pm on the second working day after the day that the request is received. In the event of dispute, the decision of the monitoring officer shall be final.

b) Where a call-in has been ruled invalid by the scrutiny officer, a request by the relevant members for the monitoring officer to review shall be made by 4pm on the second working day after the day of the notification of the decision by the scrutiny officer.

#### **Valid call-in request – Notice and next steps**

- 18.2 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**

- 18.3 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**

- 18.4 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.

### **19. Call-in meeting and action required of decision-makers**

#### **Attendance of decision maker or an appropriate substitute**

- 19.1 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**

- 19.2 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**

- 19.3 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**

- 19.4 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**

- 19.5 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.

- 19.6 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.
- 19.7 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.
- 19.8 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.
- 19.9 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.

<b>Item No.</b> 3.4	<b>Classification:</b> Open	<b>Date:</b> 18 May 2019	<b>Meeting Name:</b> Council Assembly (Annual Meeting)
<b>Report title:</b>		Member Allowances Scheme 2019-2020 – amendment to special responsibility allowances	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Constitutional Steering Panel	

## RECOMMENDATIONS

1. That council assembly approves an amendment to section 5 of the Member Allowances Scheme for 2019-2020 with effect from 18 May 2019 (see paragraphs 11 to 14 of report), having regard to the update reports on community councils and overview and scrutiny committees being considered at this meeting.
2. That council assembly notes that a notice of motion signed by 16 councillors has been received, as per council assembly procedure rules 1.11.2.

## BACKGROUND INFORMATION

### Legal background

3. Under Section 18 of the Local Government and Housing Act 1989, the Secretary of State may make regulations authorising or requiring councils to make a scheme providing for the payment of allowances to members.
4. The council is required under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) to agree on an annual basis a schedule of Allowances payable to members for the following financial year. Under the regulations, when making or amending a scheme, the council is required to have regard to the recommendations of an Independent Remuneration Panel (section 19).
5. The council must publish its scheme of members' allowances, dealing with basic allowances and special responsibility allowances. Payments to members of the council may only be made in accordance with this.

### Current scheme and process for review

6. Southwark's member allowances scheme is comprehensive and includes basic allowances, special responsibility allowances (for posts which carry specific responsibilities) and other allowances and expenses that may be claimed.
7. The member allowances scheme for 2019-2020 was adopted by council assembly on 27 March 2019. The council agreed its scheme, having considered the recommendations of the constitutional steering panel and having taken into account the London Councils Independent Remuneration Panel's 2018 report.
8. The constitutional steering panel and council assembly are under a statutory duty to have regard to the advice of the London Councils Independent Remuneration Panel Report when considering the council's own scheme for member allowances.

9. In Southwark, the constitutional steering panel considers and recommends any changes to the member allowances scheme to council assembly for final adoption. The approval of the scheme and the setting of allowances are matters reserved for decision by council assembly.

## KEY ISSUES FOR CONSIDERATION

### London Councils Independent Remuneration Panel Report 2018

10. The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London boroughs. Such a panel ('the panel') was established and reported in 2001, 2003, 2006, 2010, 2014 and January 2018. The regulations require a review of the scheme every four years as a minimum. The January 2018 report is the current review: <https://www.londoncouncils.gov.uk/who-we-are/about-us/financial-information/leadership-and-expenses/remuneration-councillors-london>

### Proposed changes to current scheme

11. The revised Member Allowances Scheme for 2019-20 changes the allowance rates previously agreed as per the below table:

<b>Band 1a</b>	<b>SRA</b>
Chair audit & governance committee	£3,005
Deputy leader majority opposition	£3,005
Leader minority opposition	£3,005
Opposition whip	£3,005
Vice-chair overview & scrutiny committee	£3,005
Deputy cabinet member	£3,005

<b>Band 1b (new)</b>	<b>SRA</b>
<b>Community champion</b>	<b>£7,851</b>

<b>Band 1b c</b>	<b>SRA</b>
Deputy Mayor	£9,064
Chair community council	£9,064
Scrutiny commission chair	£9,064
Planning sub-committee chair	£9,064

Note: The above SRA figures are the new figures as from 1 April 2019, which reflects the 2% increase adjusted in line with the national local government officer pay settlement and allowances for officers.

12. A report on review of community councils is being considered at this meeting. If the recommendations are agreed, community council chairs will be replaced with community champions. Paragraph 5 of the member allowances scheme will therefore be amended by removing the special responsibility allowance (SRA) Band 1b paid to community council chairs, renaming that band as 1c and creating a new band 1b for community champions. There are no changes to bands 1a, 2a, 2b, 3 and 4.
13. A report on changes to scrutiny arrangements for 2019-20 is being considered at this meeting. If the recommendations are agreed, scrutiny sub-committees will operate as

commissions. Paragraph 5 of the member allowances scheme will therefore be amended by replacing the special responsibility allowance (SRA) Band 1b paid to scrutiny sub-committees chairs to scrutiny commission chairs.

14. The changes proposed would have no significant impact on the overall SRA costs.

### Community impact statement

15. No significant changes are currently proposed to the member allowances scheme. SRAs are paid to compensate members for their special responsibilities in addition to their role as ward councillors (for which a separate basic allowance is payable). SRAs are not deemed as salary, as members are not employees of the Council.
16. Any changes to the scheme are published on the council's website.

### Resource implications

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

### Legal implications

18. The council is under a duty to adopt a scheme of members' allowances by virtue of section 18 of the Local Government and Housing Act 1989 and relevant regulations. It may only pay allowances in accordance with such a scheme. Members are reminded of the need to have regard to the guidance issued in relation to members' allowance, which is referred to in the report of the London Councils Remuneration Panel.
19. There is a general rule that members may not usually vote on matters in which they have a disclosable pecuniary interest. However decisions relating to the member allowances scheme are an exception to this general principle, and members may vote on this issue. A dispensation has been granted by the monitoring officer.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Member Allowances Scheme, Southwark Constitution: <a href="http://moderngov.southwark.gov.uk/documents/s73935/Member%20Allowances%20Scheme%20March%202017.pdf">http://moderngov.southwark.gov.uk/documents/s73935/Member%20Allowances%20Scheme%20March%202017.pdf</a>	Constitutional Team 160 Tooley Street, London SE1 2QH	Constitutional Team constitutional.team@southwark.gov.uk 020 7525 7055

## APPENDICES

Appendix	Title
None	

**AUDIT TRAIL**

<b>Lead Officer</b>	Doreen Forrester-Brown, Director of Law and Democracy	
<b>Report Authors</b>	Chidilim Agada, Head of Constitutional Services	
<b>Version</b>	Final	
<b>Dated</b>	1 May 2019	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	1 May 2019	



<b>Item No.</b> 3.5	<b>Classification:</b> Open	<b>Date:</b> 18 May 2019	<b>Meeting Name:</b> Council Assembly (Annual Meeting)
<b>Report title:</b>		Establishment of Committees, Panels and Related Matters 2019-20	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

1. That council assembly notes the appointment of political group leaders, deputies and whips (information to be circulated separately).
2. That council assembly note the political balance of the council as follows:

**Table 1: Political balance**

Group	Members	%
Labour	48	76.19
Liberal Democrat	14	22.22
Independent (not a group)	1	1.59
<b>Total</b>	<b>63</b>	<b>100.00</b>

3. That council assembly notes that with one independent member on the council, there is no change to proportionality; the allocation of seats on committees and panels, as agreed by council assembly on 11 July 2018, remains the same as set out below.
4. That council assembly establishes the following committees for the coming municipal year 2019-20:

**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
<b>Total</b>	<b>29</b>	<b>23</b>	<b>6</b>

**Table 3: Other committees - Total number of seats 26**

Committee	Total	Lab	Lib Dem
Overview and Scrutiny Committee	11	8	3

Committee	Total	Lab	Lib Dem
Licensing Committee	15	12	3
<b>Total</b>	26	20	6

Note: The political balance rules require that the political groups represented on council have proportionate representation on council committees. A political group must comprise at least two members, so the one Independent member does not constitute a political group. Councils can allocate seats on committees to members not aligned to a group, but are under no statutory obligation to do so.

**Table 4: Multi-ward areas**

1.	North-west
2.	North-east
3.	West-central
4.	East-central
5.	South

Note: The composition of multi-ward areas will be set out in Article 8 of the constitution (see paragraphs 42 to 43 of this report).

### Health and wellbeing board

5. 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.
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:

#### Committees

- Appointments committee
- Planning committee
- Audit, governance and standards committee
- Corporate parenting committee [see note 1 below]
- Overview and scrutiny committee
- Licensing committee

Notes:

1. In 2018-19, the cabinet member responsible for children's services chaired the corporate parenting committee. Council assembly is asked to formally approve this appointment in 2019-20.
2. All outstanding appointments will be referred to the first meeting of the respective committee in the 2019-20 municipal year.

### Appointment of community champions

8. That council assembly considers whether it wishes to appoint community champions for the following multi-ward areas:

#### Multi-ward areas

- North-west
- North-east
- West-central
- East-central
- South

### Establishment of the council's panels

9. That council assembly establishes the following council panels (see paragraph 56):

**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
Voluntary bodies appointments panel	5	4	1
<b>Total</b>	16	12	4

Note: This table is based on the panels established in 2018-19.

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

10. That council assembly appoints a chair to the following panels:
- Constitutional steering panel [see note 1 below]
  - Voluntary bodies appointments panel.

Notes:

1. The constitutional steering panel in 2018-19 was chaired by the group whip of the majority group. Council assembly is asked to formally approve this appointment in 2019-20.
2. That it be noted that the council assembly business panel is chaired by the Mayor.

### Urgency committee

11. 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.

### **Appointments to Local Government Association (LGA) General Assembly**

12. That council assembly appoints up to three representatives and allocates the seven votes to representatives to attend the LGA General Assembly (see paragraphs 58 and 59).

### **Other appointments to joint committees/outside bodies**

13. That council assembly notes the cabinet and other committees will make appointments to all other outside committees and bodies for the municipal year 2019-20 as required by part 3Q of the constitution.

### **BACKGROUND INFORMATION**

14. 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**

#### **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. 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.
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, governance and standards; corporate parenting (see also paragraphs 19 to 21).

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.

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 2018-19 the annual meeting established the following:
  - Appointments committee
  - Planning committee
  - Audit, governance and standards committee
  - Corporate parenting committee.
21. 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.
22. 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 4 in the Table 2 in paragraph 4 above.

### **Appointments committee**

23. The appointments committee determines appointments to posts of chief officers, chief finance officer and monitoring officer and also acts as a panel for the purpose of advising council assembly on matters relating to the dismissal of the head of paid service, the chief finance officer or the monitoring officer as prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
24. At least one member of the cabinet shall serve on the appointments committee.

### **Audit, governance and standards committee**

25. The audit, governance and standards committee provides independent assurance of the adequacy of the council's governance arrangements, independent scrutiny of the council's financial and non-financial performance, has oversight of the financial reporting process of the council and ensures 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.
26. The Chartered Institute of Public Finance and Accountancy (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."
27. No more than one member of the cabinet may be a member of the audit, governance and standards 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.
28. No more than one member of the overview and scrutiny committee may be a member of the audit, governance and standards committee and no member of the overview and scrutiny committee may chair the committee. In 2018-19, no members of the cabinet sat on the audit, governance and standards committee.

### **Overview and scrutiny committee**

29. 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, decisions on executive functions and key decisions taken by chief officers.
30. OSC co-ordinates councillor calls for action and scrutiny of health, 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.
31. The committee can also appoint joint committees with other local authorities.
32. The overview and scrutiny committee is not an ordinary committee, but it is one to which the proportionality requirements apply. 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.
33. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.
34. 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.

35. The overview and scrutiny committee and any sub-committee/commission 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.
36. No member of the cabinet shall serve on any scrutiny committee.

### **Health and wellbeing board**

37. 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 health and wellbeing board was first constituted by council assembly on 27 March 2013. 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. Members of scrutiny committees who are members of the health and wellbeing board should not be involved in the scrutiny process if the health and wellbeing board undertakes executive functions, which is then subject to scrutiny, as this may create a conflict of interests. The proportionality requirements do not apply to the health and wellbeing board.
38. It will be for the leader of the council under the 'strong leader' model to decide 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.
39. The 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.
40. The proposed membership of the board is set out below:
- Leader of the Council
  - Cabinet Member for Children, Schools and Adult Care
  - Cabinet Member for Community Safety and Public Health
  - Opposition Spokesperson for Health (Southwark Councillor)
  - NHS Southwark Clinical Commissioning Group representatives x 4
  - Chief Executive, Southwark Council
  - Strategic Director of Children's and Adults' Services
  - Strategic Director of Place and Wellbeing (Director of Public Health)
  - Chief Executive, Community Southwark (Voluntary Sector)
  - Executive Director, Southwark Law Centre (voluntary sector)
  - King's College Hospital NHS Foundation Trust (King's Health Partners) representative
  - South London and Maudsley (SLAM) NHS Foundation Trust representative
  - Healthwatch Southwark representative
  - Southwark Headteachers representative.

Note: The health and wellbeing board membership is currently under review. This is to ensure that the right partners are represented on the board. Any proposed change to the membership will be put forward to the health and wellbeing board for agreement.

41. 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.

### Multi-ward areas

42. A report on review of community councils is being considered at this meeting. If the recommendations are agreed, five multi-ward areas will be established and Community Champions will be chosen for each of the five new areas.
43. The boundaries of the multi-ward areas have been drawn to reflect the borough's communities as far as possible. Multi-ward areas are not being established as formal local committees and will have no decision making powers.

**Table 7: Multi-ward areas divided by geographical areas**

Multi-ward area	Electoral wards
North-west	Borough & Bankside, London Bridge & West Bermondsey, St George's and Chaucer wards
North-east	North Bermondsey, South Bermondsey, Rotherhithe and Surrey Docks wards
West-central	North Walworth, Newington, Camberwell Green, St Giles and Faraday wards
East-central	Old Kent Road, Peckham, Rye Lane, Nunhead & Queen's Road and Peckham Rye wards
South	Champion Hill, Goose Green, Dulwich Hill, Dulwich Village and Dulwich Wood wards

### Licensing committee

44. 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.
45. 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.
46. The Licensing Act 2003 makes no provision to appoint reserve members.
47. In accordance with the constitution, a licensing sub-committee with delegated authority will be established to hear licence applications including Licensing Act 2003, Gambling Act 2005, street trading and other licensing responsibilities granted by statute. The sub-committee will include members of the licensing committee with a quorum of three members and a reserve. Sub-committees shall be summoned as required to deal with



any business and the membership will be based on the allocation process agreed by the licensing committee on 6 December 2007.

### **Appointment of chairs and vice chairs**

48. 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.
49. 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 in line with the decision of the annual meeting last year.
50. The health and wellbeing board is chaired by the leader of the council, in accordance with committee procedure rule 8.13.

### **Reserve members**

51. 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 and the health and wellbeing board.
52. 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 audit, governance 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.
53. On the overview and scrutiny committee and the audit, governance and 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**

54. Council assembly will consider the establishment and composition of the following council panels. Panels are not required to be proportionate. This is a matter of local choice for the local authority.
  - **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 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 2018-19 the panel was chaired by the chief whip of the majority group.

In 2018-19, 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.

- **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 appointments panel** – The panel has a composition of four Labour and one Liberal Democrat member. The panel will be responsible for recommending the appointment of charity trustees to specific Southwark charities.

### **Council assembly dates**

55. A calendar of council assembly meetings for the 2019-20 municipal year was agreed at council assembly on 27 March 2019. This meeting agreed the council assembly dates, in accordance with the relevant statutory provision.

### **Urgency committee**

56. On 26 March 2014, council assembly established the urgency committee, together with planning and licensing (urgency) sub-committees, to function during the interim period between a municipal election and the annual meeting of council assembly. The urgency committees will exercise the non-executive 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. The leader shall exercise any urgent executive matters.
57. Council assembly on 26 March 2014 agreed that the urgency arrangements should be as follows:
- Urgency committee - 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. The urgency committee arrangements comprise the leaders of the two largest political groups following the borough-wide elections.
  - Executive arrangements – Executive decisions will be exercised by the leader (if personally re-elected or his nominee, a relevant cabinet member). 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. If the leader is not re-elected the urgency committee shall exercise the executive functions.
  - 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 3N of the council's constitution.

### Appointments to Local Government Association (LGA) General Assembly

58. In 2017, the Local Government Association informed the council that it was now entitled to seven votes and advised that votes can be allocated amongst the representatives as the local authority sees fit. The LGA encourages local authorities with three or four representatives to allocate at least one position and vote to a minority group representative. Council assembly can agree any combination of representatives and votes:
59. For 2018-19, council assembly appointed three representatives and allocated seven votes:

Representative	No. of votes	Group
Councillor Peter John	3	Labour
Councillor Rebecca Lury	3	Labour
Councillor Adele Morris	1	Liberal Democrat

### Establishment of sub-committees

60. Sub-committees for planning, overview and scrutiny and audit, governance and standards committees will be established at a special meeting that immediately follows the conclusion of this annual meeting or can be established at the first meeting of the relevant parent committee.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive Functions 2018 Report - Council Assembly 21 May 2018	Southwark Council Constitutional team 160 Tooley Street, London, SE1 2QH	Virginia Wynn- Jones 020 7525 7055
Establishment of committees and other constitutional issues 2018-19- Report - Council Assembly 14 May 2018		
Agenda and minutes for the following meetings: <ul style="list-style-type: none"> <li>Licensing Committee - 6 December 2007</li> <li>Council Assembly 2004 to 2018</li> </ul>		

### APPENDICES

Appendix	Title
Appendix 1	Political Group Leaders, Deputies and Whips (to be circulated separately)
Appendix 2	Nominations for Chairs and Vice Chairs (to be circulated separately)

## AUDIT TRAIL

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Author</b>	Chidilim Agada, Head of Constitutional Services	
<b>Version</b>	Final	
<b>Dated</b>	9 May 2019	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	9 May 2019	

<b>Item No.</b> 3.6	<b>Classification:</b> Open	<b>Date:</b> 18 May 2019	<b>Meeting Name:</b> Council Assembly (Annual Meeting)
<b>Report title:</b>		Nominations to London Councils Committees, Greater London Employment Forum, Borough Lead members, London Local Government Pension Scheme (LGPS) Common Investment Vehicle (CIV) Ltd. and London Councils Limited 2019/20	
<b>Ward(s) or groups affected:</b>		None	
<b>From:</b>		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 9 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 31 May 2019 and the next available cabinet meeting is in June 2019, council assembly is being asked to agree the nominations for 2019/20 in order to meet the deadline set by London Councils.

### KEY ISSUES FOR CONSIDERATION

#### Joint committees

4. The Local Government Act 2000 and regulations enable 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. The council is also invited to make nominations to the London Local Government Pension Scheme (LGPS) Common Investment Vehicle (CIV) Ltd.

7. 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**

8. The Greater London Employment 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**

9. 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 / Safeguarding and Schools
  - Skills and Employment
  - Housing and Regeneration
  - Health, Social Care and Adult Services
  - Arts/Culture, Tourism, Port and Leisure
  - Crime and Public Protection
  - Economic Development / Business
  - Planning / Infrastructure / Development

### **London Councils Limited**

10. 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.
11. All formal London Councils committee and forum meetings are held during the day on weekdays.

### **Legal implications**

12. There are no specific legal implications.

### **Community impact statement**

13. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Correspondence from London Councils dated 4 April 2019	160 Tooley Street London SE1 2QH	Paula Thornton 020 7525 4395

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Nominations to London Councils Committees, Greater London Employment Forum, London Councils Limited Company, London Local Government Pension Scheme (LGPS) Common Investment Vehicle (CIV) Ltd.

**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Author</b>	Virginia Wynn-Jones, Principal Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	7 May 2019	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
<b>Date final report sent to Constitutional Team</b>		7 May 2019

**APPENDIX 1**

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

Name	Remit	Member Status	No. of Places to be filled	Notes
<p><b>London Councils Leaders' Committee</b> (S.101 Joint Committee)</p>	<p>The London Councils main decision-making forum. It sets policy and takes decisions on the latest developments affecting London local government.</p>	<p>Council Representative</p>	<p>1 representative and up to 2 deputies</p>	<p>Representative usually Leader of the Council, but another cabinet member can be nominated.</p> <p>Representative and deputies must be members of the cabinet.</p>
<p><b>London Councils Transport and Environment Committee</b> (Associated S.101 Joint Committee)</p>	<p>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.</p>	<p>Council Representative</p>	<p>1 representative and up to 4 deputies</p>	<p>Representative usually cabinet member for transport and / or environmental issues.</p> <p>Representative and deputies must be members of the cabinet.</p>



Name	Remit	Member Status	No. of Places to be filled	Notes
<b>Grants Committee</b> (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 must be a cabinet member preferably with responsibility for partnerships with the voluntary sector.  Representative and deputies must be members of the cabinet.
<b>Greater London Employment Forum (GLEF)</b>	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 cabinet member for human resources matters.
<b>London Councils Limited</b>	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.

## NOMINATIONS TO LONDON LGPS COMMON INVESTMENT VEHICLE LTD (“LONDON CIV” or “LCIV”)

Name	Remit	Member Status	No. of Places to be filled	Notes
<b>London Local Government Pension Scheme (LGPS) Common Investment Vehicle (CIV) Ltd.</b>	A Collective Investment Vehicle for London Local Authorities (LLA) Local Government Pension Scheme (LGPS) funds, which delivers broader investment opportunities and enhanced cost efficiencies than LLAs can achieve individually and overall better risk adjusted performance. The person nominated will also be the nominated person who will have power to act for the local authority in exercising its rights as a shareholder of the ACS Operator.	Shareholder Representative	1 representative and up to 2 deputies/alternates	Usually the chair of the Pension committee or equivalent committee.

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MUNICIPAL YEAR 2018/19**

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

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