

## RECOMMENDATIONS OF CONSTITUTIONAL STEERING PANEL – 3 MAY 2011

## CONSTITUTIONAL REVIEW 2011/12

No.	Subject	Recommendation of CSP
1.	<p><b>Article 6: Deputy Cabinet Members</b> That the necessary constitutional changes be made to allow the leader to designate deputy cabinet members to work with cabinet members on specific tasks.</p>	<p>Recommended with the following conditions:</p> <ol style="list-style-type: none"> <li>1. That deputies should not be able to hold the chair of a committee or sub-committee which takes decisions or scrutinises matters within the individual's defined role as a deputy.</li> <li>2. Because of the nature of decision making on the licensing and planning committees, the chairs of these committees should be excluded from acting as deputies.</li> </ol> <p><b>Note:</b> The majority opposition group whip noted that her group was opposed to the proposal to allocate a SRA to the post and that her group were considering their position regarding the post itself. The minority opposition group whip stated his group was opposed to the creation of the role of deputy cabinet member.</p>
2.	<p><b>Article 6: Delegation of executive functions</b> That "delegation by the leader" be amended to include reference to the leader's discretion during the course of the year to notify the monitoring officer of any changes to executive scheme of delegation.</p>	Recommended.
3.	<p><b>Part 3: Executive scheme of delegation</b> That it be noted that any changes to the executive scheme of delegation reported as part of the leader's address to council assembly on cabinet member responsibilities, portfolios and other delegations be noted and formally incorporated into the constitution for 2011/12.</p>	Noted.

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4.	<p><b>Part 3F: Planning Committee – Policy documents</b> That the change to the matters reserved to the planning committee as set out in the report be agreed.</p>	Recommended.
5.	<p><b>Part 3G: Licensing Committee – Street Trading and Marketing</b> That council assembly adopts the changed legislative framework governing Southwark’s Street trading activities with 5 or more pitches from London Local Authorities Act 1990 as amended to Part III of the Food Act 1984 from this date, and that the full operational change comes into effect following implementation of necessary byelaws. These byelaws are necessary to ensure that the trading licence conditions and other market regulations are observed, following the change from London Local Authorities Act 1990 as amended.</p> <p>That Part 3G on the licensing committee be amended, in respect to market and street trading matters to reflect the change to the legislative framework. This change in authority will also come into effect following implementation of the necessary byelaws.</p>	Recommended.
6.	<p><b>Part 3M: Standards Committee – Withholding of allowances</b> That a new clause on the withholding of allowances be included in the roles and functions of the standards committee as set out in the report.</p>	Recommended.
7.	<p><b>Council Assembly Procedure Rules</b> That it is proposed that the themed debate be amended by deleting the reference to members’ questions from council assembly procedure rule 2.7(3), 3<sup>rd</sup> bullet point Rule 2.7(9) on motions and questions would also be amended to remove reference to questions.</p>	<p>Recommended.</p> <p><b>Note:</b> The majority opposition group whip requested that her group’s opposition to the deletion of members’ questions during the themed section of the meeting be noted.</p>
8.	<b>Deputations - Deadlines</b>	Recommended.

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	That for reasons of consistency, improved community engagement and access and in order to reduce the need for late and urgent deputations, the deadline for receipt of deputations be set at three clear working days for the cabinet, community councils and all other committees of the council.	
9.	<b>Contract Standing Orders</b> That the changes to contract standing orders as described in the report and as set out in full in Appendix 3 of the report be agreed.	Recommended.
10,	<b>Financial standing orders</b> That the changes to financial standing orders as described in the report and as set out in full in Appendix 4 of the report be agreed.	Recommended.
11.	<b>Consequential changes</b> That officers be authorised to undertake any consequential and cross referencing changes arising from changes to the constitution.	Recommended.

### CONSTITUTIONAL CHANGES FROM POLITICAL GROUPS

No.	Subject	Recommendation of CSP
1.	<b>Deputations</b> Time limit on deputation speeches and members questions be extended to 8 minutes, with underused time from the presentation to be added to time for members' questions.	Not recommended.
2.	<b>Themed section of the council assembly meeting</b> Delete from the constitution.	Not recommended.
3.	<b>Debate</b> That the public and other agencies be allowed the opportunity to take part in debates.	Not recommended.
4.	<b>Community council agendas</b> That the chair should have the final say on the content of the agenda.	Not recommended.
5.	<b>Community council areas</b>	Not recommended.

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	That community council areas should not be merged without the consent of every elected member of the relevant community council areas.	
6.	<b>Community council budgets</b> That all discretionary services and community council budgets be devolved to community councils.	Not recommended.
7.	<b>Community councils community fund</b> That community councils be allowed to make more budgetary decisions by introducing a community fund for community councils to choose how council money is spent in their areas.	Not recommended.
8.	<b>Scrutiny</b> That the chief executive act as the monitoring officer in cases when the monitoring officer is unable to judge the decision.	Not recommended.  <b>Note:</b> It was reported that statute states that the chief executive is unable to act in this capacity. However, members were advised that the right of appeal could be made to the chief executive rather than the monitoring officer.
9.	<b>Metropolitan open land</b> That 4d of Part 3F (Planning Committee) be amended to allow community councils the opportunity to consider planning applications of the provision of a building or buildings where the floor space to be created is less than 250 square metres on metropolitan open land.	Not recommended.

#### MEMBER ALLOWANCES SCHEME 2011/12

No.	Subject	Recommendation of CSP
1.	That the recommendations of the Independent Panel be agreed.	Recommended with the request that the wording on the basic allowance be clarified so that it is clear that it is not linked to the low paid provision within the local government pay settlement.  <b>Note:</b> The majority opposition group whip noted that her group was opposed to the proposal to allocate a

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		SRA to the post and that her group were considering their position regarding the post itself. The minority opposition group whip stated his group was opposed to the creation of the role of deputy cabinet member.