



SOUTHWARK CONSTITUTION 2011/12

Agreed by Annual Meeting of Council Assembly on 24 May 2011

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Note: This constitution was agreed by the annual meeting of council assembly on 24 May 2011

Southwark's constitution – introduction

The council

Council composition

Southwark is made up of 21 wards, with 63 councillors (three from each ward) leading the council. Each of these councillors sits on the council assembly, which is the 'sovereign body' of the council. The assembly is chaired by the Mayor of Southwark.

The council assembly is responsible for approving the budget, developing policies, making constitutional decisions and deciding on local legislation.

Three political parties are represented on the council. The Labour party holds 34 seats, the Liberal Democrat party 25 seats, the Conservative party three seats and there is one independent seat. The council has a Labour administration.

A cabinet, which is a senior group of councillors working in a similar way to the government's cabinet, is headed by the leader. The leader is elected by council assembly for a term of four years. The leader appoints a cabinet made up of ten councillors, each holding a special 'portfolio' of responsibility. The cabinet is responsible for leading the community planning and consultation process, searching for best value, drafting the budget, deciding on policies, and taking decisions on resources and priorities. The portfolio responsibilities are currently:

- Councillor Peter John – Leader of the Council
- Councillor Ian Wingfield – Deputy Leader of the Council and Cabinet Member for Housing Management
- Councillor Fiona Colley – Regeneration and Corporate Strategy
- Councillor Dora Dixon-Fyle – Health and Adult Social Care
- Councillor Barrie Hargrove – Transport, Environment and Recycling
- Councillor Richard Livingstone – Finance, Resources and Community Safety
- Councillor Catherine McDonald – Children's Services
- Councillor Abdul Mohamed – Equalities and Community Engagement
- Councillor Veronica Ward – Culture, Leisure, Sport and the Olympics.

The majority opposition party in Southwark Council is the Liberal Democrat party who have a shadow cabinet with spokespeople for each portfolio within the cabinet.

What is the constitution?

The constitution is a written legal document that guides the council on its decision making processes. The legal framework for the constitution is agreed by central government. It provides a basis and framework for the councillors and officers to work within, and ensures honesty, accountability and lawful decision making.

Southwark Council has agreed a constitution which sets out how the council operates, how decisions are made and the procedures which are followed to ensure that the decisions are efficient, open, and accountable to local people. Some of these

procedures are required by law; others are a matter for the council to choose. The constitution may be amended from time to time according to the law and the opportunities contained in the constitution for making such changes.

What is contained within the constitution?

Article 1 of the constitution commits the council to clear, open and accountable decision making, which is inclusive and provides an opportunity for community involvement whilst ensuring effective and efficient use of resources. The rights of residents in relation to the constitution are set out in this introduction.

The constitution is divided into a number of sections: Part 2 contains the 12 articles describing the key individual components involved in council business including how the council operates, its committees and the functions of chief officers; Part 3 sets out who is responsible for taking decisions, including council assembly, cabinet, committees, community councils and officers; Part 4 sets out the procedure rules governing how the council takes decisions. The access to information procedure rules set out the requirements placed on the council to make information easily available. Reports and decisions are published and available to the community. The constitution includes the financial standing orders and contract standing orders. More detailed ways of working are set out in the member and officer protocol and the communication protocol at the end of the constitution.

How the council decision making process operates

Council assembly

The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework. The policy framework will include the approval of strategies as defined in the constitution, like the corporate plan and the development plan documents. These are set out in part 3A, paragraph 10 of the constitution.

The council has the power to delegate any of its functions, within certain limitations set by law, e.g. there are some decisions the council assembly must take itself, such as setting the level of council tax. By law the cabinet has responsibility for the executive functions of the council, which have to be discharged by the leader or delegated by him to another decision maker. Council assembly will delegate the non-executive responsibilities of the council to its committees. Each meeting of the council and decision makers is listed in Part 3 of the constitution. This also sets out:

- the roles and functions of the meeting or decision maker – this is a broad description of the areas of responsibility, sometimes known as the “terms of reference”
- the matters reserved for decision by the meeting or decision maker.

Any area of responsibility that is not specifically listed under the matters reserved for a meeting or individual decision maker is deemed to be delegated to the senior officers in the relevant department (the most senior officers are the chief officers and the heads of service who report to them).

Executive functions

The cabinet is responsible for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis. These are called “executive functions”. A decision on an executive function can be taken by the leader, the full cabinet, cabinet committees, individual cabinet members, community councils or officers. Part 3 of the constitution defines who should take these decisions in the absence of any particular delegation by the leader.

Full cabinet

The role of the full cabinet is to:

- lead the community planning process and search for best value, with advice from overview and scrutiny committees, community councils and any other appropriate people or organisations
- draft the budget and policy framework to be approved by council assembly
- take decisions on resources and priorities, together with local people and agencies in the community, to deliver the budget and policies as approved by council assembly
- oversee the services delivered by the council
- make sure that consultation on the development of the council's policy framework, other important documents and key decisions is carried out
- be the means of forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The full cabinet meets monthly, normally at 4.00pm. The cabinet procedure rules govern the way it takes decisions.

Individual decision making. This means that an individual cabinet member will make decisions on their area of responsibility.

Chief officer decisions. Matters kept for chief officers normally relate to the day to day running of departments and major decisions that chief officers are able to take.

Forward plan

One essential part of the decision making process is a statutory document called the ‘forward plan’.

This document is published by the council and sets out all forthcoming **key decisions** that the cabinet, individual cabinet members and officers intend to decide in the next four months and provisionally for a further eight months. It also includes budget and policy framework decisions where the full cabinet is scheduled to make a recommendation to council assembly. Not all decisions will be set out in this document; routine and day to day decisions will be delegated to officers in the course of daily duties and work. Key decisions are defined as:

1. Those which are above a general financial level

Key decisions are those which result in the council incurring spending or savings of £500,000 or more.

2. Those which have a significant impact on communities

Key decisions are those which are likely to be significant in terms of their impact on communities and specifically in one ward or more.

A fuller explanation is set out in the protocol on key decisions in the constitution.

Regulatory and other committees

The council assembly delegates responsibility to undertake the non-executive functions of the council to the following committees:

- **Planning committee** – to decide on large planning applications at a certain level.
- **Licensing committee** – to approve the council's policies in relation to all licensing and registration matters.
- **Licensing sub-committee** – to consider licensing applications.
- **Appointments committee** – to appoint senior officer posts within the council's structure.
- **Corporate parenting committee** – responsible for overseeing and monitoring services provided to looked after children in the borough.
- **Audit and governance committee** – to consider the internal audit annual report, risk management and governance, including approving the statement of accounts on an annual basis.
- **Standards committee** – to maintain high standards of conduct among elected councillors and independent members and investigate complaints against those who have contravened the code of conduct.

Community councils

The role of community councils is to promote the involvement of local people and to bring decision making closer to local people. Community councils take decisions about local matters and at present have some responsibility for decisions in the following key areas: local planning, the cleaner, greener, safer capital programme, traffic management, appointment of local education authority governors to local nursery and primary schools and agreeing schemes for the community project bank. Community councils also offer an important mechanism for formal consultation on council wide policies and strategies.

Community councils are divided by geographical areas as follows:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Bermondsey • Camberwell • Nunhead and Peckham Rye • Rotherhithe | <ul style="list-style-type: none"> • Borough and Bankside • Dulwich • Peckham • Walworth |
|--|--|

The membership of community councils includes those councillors who are members for the electoral wards wholly or partly contained within the area of each community council. The community councils meet about every six weeks, with a separate

planning meeting about every four weeks. Community councils meet in local venues around the borough.

Public participation and involvement in the constitutional process

The council welcomes the public and community views as part of the constitutional process. The ways within the council for these views to be considered are through consultation processes, attendance at local meetings (e.g. community council meetings) or contact with a local ward councillor.

There are various ways to achieve this involvement and these are set out below. In case of deputation requests, it is normally expected that there has been some initial contact with council officers, prior to this request, to resolve the issue at a local level. When this has not been possible, the opportunity exists for members of the community to contact members at the public meeting to tell them of their concerns and suggestions for improvement.

The cabinet has set up a Democracy Commission to consider the engagement of the council with the public, and this will be making recommendations on any changes needed to improve this.

General

- **Consultation** – the council will ask local people what they think about how we are developing and delivering services and what they think our policies should be.
- **Contact** the appropriate department within the council.
- **Local meetings** – community council, residents meeting, area forums or any other local meeting are available.
- **Complaint procedure** if early contact has not solved the query/problem.
- **Complain to the Local Ombudsman** if council procedures have not been followed and if the council's complaints procedure has not worked.
- Contact with a **local ward councillor**.
- **Complain to the Standards Committee** if someone believes that a councillor's behaviour has breached the members' code of conduct.
- **Freedom of information requests.** The Freedom of Information Act 2000 (FOI) gives the public a general right to obtain information held by the council. Further information can be obtained via the following link on the council's website which also gives advice on how these requests can be made:
<http://www.southwark.gov.uk/foi>

Meetings

- **Attend a council meeting.** All meetings are open to the public except when the meeting will discuss a confidential report. Dates of meetings can be found in the council's diary:
<http://moderngov.southwarksites.com/mgCalendarMonthView.aspx?GL=1&bcr=1>
- **Looking at public council meeting documents.** Most meeting papers and decisions are published on the council's website:
<http://moderngov.southwarksites.com/uuCoverPage.aspx?bcr=1>.

Some information may not be open to the public because of the nature of the business transacted or the nature of the proceedings. This must meet legal requirements that are set out in the access to information procedure rules in the constitution.

- **Deputations.** A deputation is a request to speak at a council meeting from a group of people resident or working in the borough about an issue of local concern. There are several places for requests to be heard including council assembly, cabinet or community council meetings.
- **Petitions.** A petition is a statement about a local issue, supported by the signatures of local residents or those directly affected. A petition can be submitted by a person of any age who lives, works or studies in Southwark. A member of the public or a councillor can present a petition at a local community council meeting, the cabinet, to other council committees or council assembly. For more information about presenting a petition to the council please refer to the Southwark Council's petition scheme document at <http://moderngov.southwarksites.com/Published/StdDataDocs/3/3/3/0/SD0000033/PetitionScheme.pdf>.
- **Public questions** can be raised at community council meetings, cabinet or council assembly.
- **Themed debate.** At most council assemblies, councillors discuss themes or issues relating to a particular council policy or strategy. Members of the public can contribute in a number of ways, including getting involved in discussions at local forums and community councils or submitting a public question on the theme.

Maintaining high standards

The standards of conduct or behaviour for councillors are set out in the code of conduct for members in Part 5 of the constitution. The code includes a number of duties and responsibilities including the need to:

- act fairly and properly at all times
- treat others with respect
- not do anything which would bring the authority into disrepute
- act in accordance with the council's reasonable requirements.

All councils are required to set up a **standards committee** to ensure that councillors have high standards of conduct. In Southwark, the standards committee is made up of both elected councillors and independent members. An independent member will chair the committee. The idea of having independent members is to strengthen the independence and effectiveness of the committee. The committee is responsible for investigating complaints against elected councillors and independent members who have contravened the code of conduct. Complaints at a certain level will be investigated by Standards for England which is the body responsible for the strategic oversight of local standards committees. In light of the anticipated changes in the Localism Bill, which is expected to become law in November 2011, the council will be reviewing its future arrangements for standards.

The relationship between members and officers is governed by the rules set out in the member and officer protocol. The way that the council uses publicity is governed by the communication protocol.

Scrutiny of decisions

The council's scrutiny function provides a critical challenge to delivery of public services in Southwark through the power to make inquiry into matters of local concern.

Scrutiny work is undertaken by the council's overview and scrutiny committee and its sub-committees, and can take a number of forms:

- reviews into individual topics
- "call in" – scrutiny of decisions of the cabinet before they are implemented
- "councillor call for action" – consideration of matters of ward concern brought forward by individual councillors
- Call to account of officers on receipt of a petition of 500 or more signatures (please see the petitions scheme for more information) from the general public
- Interviews with individual cabinet members.

Contacts

The council's website contains contact details for staff who deal with council meetings, including the constitutional team, community council team and the scrutiny team. You can contact the teams at:

- Constitutional team: 020 7525 7055 or constitutional.team@southwark.gov.uk
- Community council team: 020 7525 7187 or communitycouncil@southwark.gov.uk
- Scrutiny team: 020 7525 4350 or scrutiny@southwark.gov.uk

You can also write to these teams at: Communities, Law and Governance, PO Box 64529, London SE1 5LX.

Other contacts within the council can be found at:

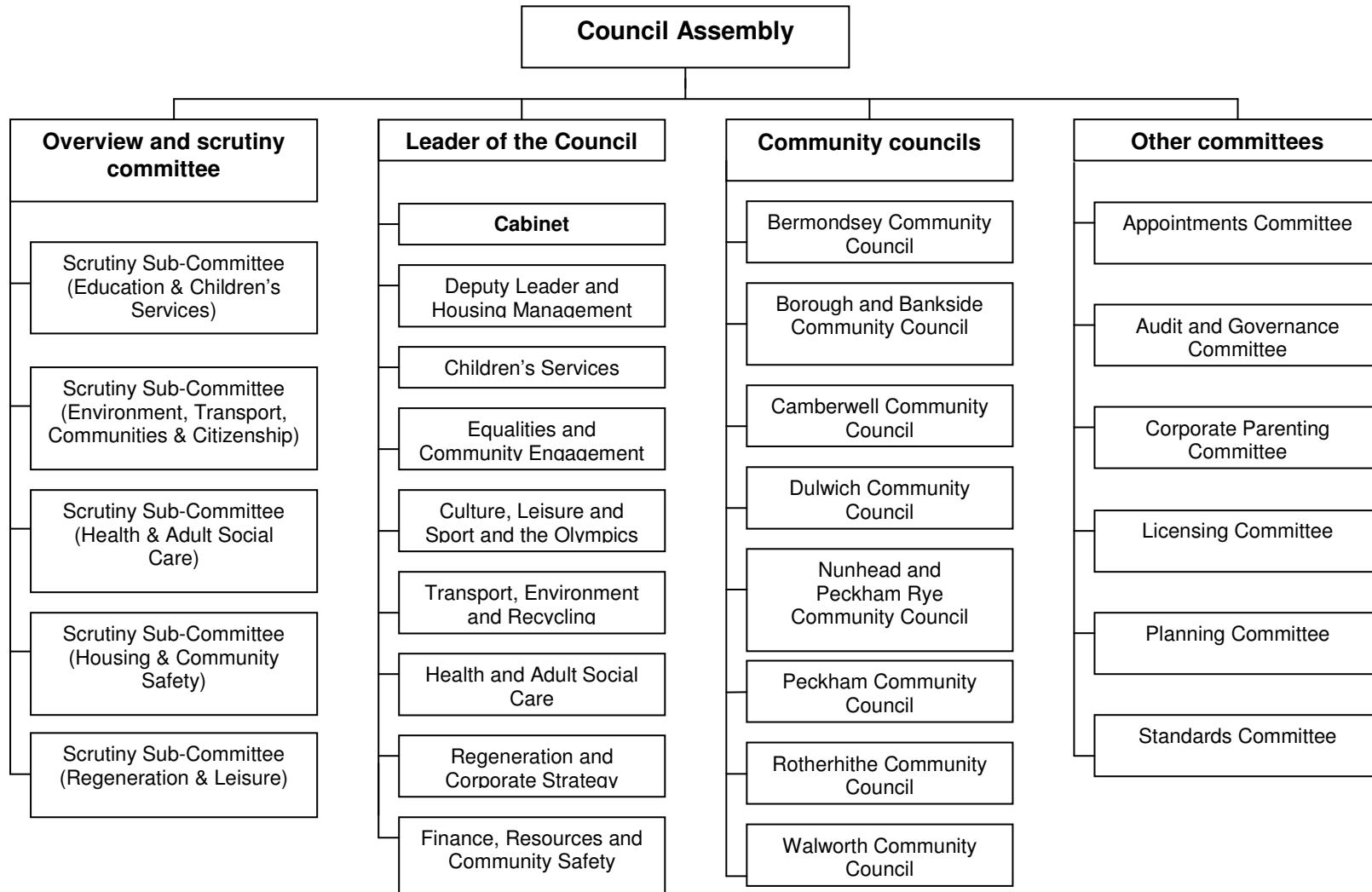
- <http://www.southwark.gov.uk/Public/Home.aspx>

Useful links

A copy of the council's constitution can be accessed via the following link on the council's website:

http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution

COUNCIL DECISION MAKING STRUCTURE



recommendations for future work programmes and amended working methods if appropriate.

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

Overview and scrutiny committee and sub-committee chairs will:

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

Article 6 – The cabinet

6.1 Role

The cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this constitution. The role and functions of the cabinet are set out in part 3B of this constitution.

6.2 Form and composition

The cabinet will consist of the leader together with no less than two and no more than nine councillors appointed to the cabinet by the leader.

6.3 Leader

The leader will be a councillor elected to the position of leader by the council assembly. The leader will hold office until:

- a) he/she resigns from the office by giving notice in writing to the monitoring officer
- b) he/she is suspended from being a councillor under part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension)
- c) he/she is no longer a councillor
- d) he/she is removed from office by resolution of the council assembly.

- e) his/her term of office ends.

The leader's term of office shall commence from the day of his/her election, which will be held at the first annual meeting of the council following the ordinary elections or if a vacancy occurs, the next meeting of the council and will end at the start of the first annual meeting of the council following the next ordinary elections.

6.4 Other cabinet members

Other cabinet members shall be appointed by the leader and hold office until:

- a) they resign from office by giving notice in writing to the leader and the monitoring officer
- b) they are suspended from being councillors under part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
- c) they are no longer councillors
- d) they are removed by the leader.

If a cabinet member ceases to be a member of the cabinet because of reasons (a) to (d) above, the leader has the discretion as to whether or not to appoint a replacement.

During the course of the year the leader has the discretion to change cabinet portfolios.

The leader also has the discretion to change the membership of cabinet committees during the course of the year. Before the leader removes a member of the cabinet he/she will consult with the deputy leader.

The leader shall immediately communicate any such changes to the monitoring officer who shall circulate a formal notification to all members.

6.5 Deputy leader of the council

The leader shall appoint one of the members of the cabinet to be his/her deputy.

The leader may, if he thinks fit, remove the deputy leader from office. Where a vacancy occurs in the office of deputy leader, the leader must appoint another person in his/her place.

The deputy leader shall hold office until:

- a) he/she resigns from office by giving notice in writing to the leader and the monitoring officer

- b) he/she is suspended from being a councillor under part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
- c) he/she is no longer a councillor
- d) he/she is removed by the leader.

6.6 Non-availability of leader and deputy leader

If for any reason the leader is unable to act or the office of leader is vacant, the deputy leader must act in his/her place.

If for any reason:

- a) The leader is unable to act or the office is vacant, and
- b) The deputy leader is unable to act or the office of deputy leader is vacant

the cabinet must act in the leader's place or must arrange for a member of the cabinet to act in his/her place.

6.7 Who may make executive decisions

The executive functions of the council may be discharged by:

- a) the cabinet as a whole
- b) a committee of the cabinet
- c) an individual member of the cabinet
- d) community councils
- e) an officer
- f) joint arrangements
- g) another local authority.

6.8 Delegation by the leader

At the annual meeting of the council, the leader will present to the council a written record of delegations made by him/her for inclusion in the council's scheme of delegation at part 3 of this constitution. The document presented by the leader will contain the following information about executive functions in relation to the coming year:

- a) the extent of any authority delegated to cabinet members individually, including details of the limitation on their authority
- b) the terms of reference and constitution of such cabinet committees as the leader appoints, the names of cabinet members appointed to

them, the vice-chair of the committees and the frequency of its meetings

- c) the nature and extent of any delegation of executive functions to community councils, any other authority or any joint arrangements and the names of those cabinet members appointed to any joint committee for the coming year
- d) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

During the course of the year the leader may provide written notice of any change to the delegation of executive functions to the monitoring officer, who shall circulate a formal notification to all members.

6.9 Key tasks of cabinet members

Cabinet members will participate in the cabinet and implement agreed policies by taking responsibility for any portfolio allocated by the authority, including providing a lead on and proposing new policy, strategy, programming, budget and service standards, and leading performance review, as well as acting as spokespersons within and outside the authority for the service/function.

6.10 Deputy cabinet members

Other members of the council may, from time to time, be designated by the leader as deputy cabinet members to work with cabinet members on specific tasks or duties. Such a deputy cabinet member will not be a cabinet member and may not exercise any delegated powers given to the cabinet member, but may work closely with the relevant cabinet member. 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.

The leader shall notify the monitoring officer of the appointment of a deputy, including the responsibilities allocated and the period for which the deputy will act.

Article 7 – Regulatory and other committees

7.1 Regulatory and other committees

The council will appoint committees to undertake non-executive functions. Council assembly will delegate powers to these committees to discharge their relevant functions.

7.2 Key tasks of chairs of regulatory and other committees

Chairs of the authority's committees will take specific responsibility for the development of that committee's work plan and represent the service or function of the committee within and outside the authority as necessary to enable it to deliver its objectives consistently to corporate standards.

Article 8 – Community councils

8.1 Composition

Composition of community councils

The council will appoint community councils (defined as "area committees" in legislation) as set out in the table below. Community councils do not need to be politically balanced. In addition community councils can only include members of the local authority who are members for the electoral wards wholly or partly contained within the area for which the community council has functions.

Name of community council	Members from electoral wards serving on community councils
Borough and Bankside	Cathedrals and Chaucer wards.
Bermondsey	Grange, Riverside and South Bermondsey wards
Rotherhithe	Livesey (north of Old Kent Road), Rotherhithe and Surrey Docks wards.
Walworth	East Walworth, Faraday and Newington wards.
Peckham	Livesey (south of Old Kent Road) and Peckham wards.
Camberwell	Brunswick Park, Camberwell Green and South Camberwell wards.
Nunhead and Peckham Rye	Nunhead, Peckham Rye and The Lane wards.
Dulwich	College, East Dulwich and Village wards.

Note on voting rights of Livesey ward members. In respect of Livesey ward members they shall serve as:

- voting members on Peckham community council
- voting members on Rotherhithe community council.

8.2 Cabinet members on community councils

A member of the cabinet may serve on a community council if otherwise eligible to do so as a councillor.

8.3 Key tasks of chairs of community councils

Chairs of community councils will take specific responsibility for the development of the community council's work plan, propose arrangements for the involvement of the community, and participate in consultation and decision making in the local area.

Article 9 – Joint arrangements

The Local Government Act 2000 and regulations enable local authorities to make use of joint arrangements with other authorities and delegate to other local authorities.¹

9.1 Arrangements to promote well being

The council, or the cabinet, in order to promote the economic, social or environmental well being of its area, may:

- a) enter into arrangements or agreements with any person or body
- b) cooperate with, or facilitate or coordinate the activities of, any person or body
- c) exercise on behalf of that person or body any functions of that person or body.

9.2 Joint arrangements

- a) The council may establish joint arrangements with one or more local authorities and/or their cabinets to exercise functions which are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b) The cabinet may establish joint arrangements with one or more local authorities to exercise functions, which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c) The cabinet may appoint only cabinet members to a joint committee under paragraph b) above, and those members need not reflect the political composition of the local authority as a whole.
- d) Details of any joint arrangements including any delegations to joint committees will be found in the council's scheme of delegations in part 3 of this constitution.

¹ A detailed schedule of arrangements with other authorities will be partly dependent on decisions taken by other councils.

9.3 Access to information

- a) The access to information procedure rules in part 4 of this constitution apply to joint arrangements.
- b) If all the members of a joint committee are members of the cabinet in each of the participating authorities then its access to information regime is the same as that applied to the cabinet.
- c) If the joint committee contains members who are not on the cabinet of any participating authority then the access to information rules in part VA of the Local Government Act 1972 will apply.

9.4 Delegation to and from other local authorities

- a) The council may delegate non-executive functions to another local authority or, in certain circumstances, the cabinet of another local authority.
- b) The cabinet may delegate executive functions to another local authority or the cabinet of another local authority in certain circumstances.
- c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the council meeting.

9.5 Contracting out

The council, for functions which are not executive functions, and the cabinet, for executive functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994,² or under contracting arrangements where the contractor acts as the council's agent under usual contracting principles, provided there is no delegation of the council's discretionary decision.

Article 10 – Officers

10.1 Management structure

- a) **General.** The council may engage such staff (referred to as officers), as it considers necessary to carry out its functions.
- b) **Chief officers.** The council will engage, on the advice of the head of paid service, persons for the posts designated as chief officers for prescribed service portfolios. The head of paid service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers.

² Government guidance suggests that councils may wish to make clear those functions to which this section currently or potentially applies.

- c) **Head of paid service, monitoring officer, chief finance officer and scrutiny officer.** The council assembly will designate the following posts as shown:

Post	Designation
Chief executive	Head of paid service
Strategic director of communities, law & governance	Monitoring officer
Finance director	Chief finance officer
Head of overview and scrutiny	Scrutiny officer

Such posts will have the functions described in article 10.02 – 10.04 below.

10.2 Functions of the head of paid service

- a) **Undertaking duties of head of paid service.** The head of paid service shall undertake all duties designated under section 4 of the Local Government and Housing Act 1989. These are personal functions and must be undertaken by the head of paid service personally. Where the head of paid service is also the chief executive he/she may delegate other functions that are not included in section 4.
- b) **Discharge of functions by the council.** The head of paid service will report to council assembly on the manner in which the discharge of the council's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- c) **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of finance director if a qualified accountant.

10.3 Functions of the monitoring officer

- a) **Legal proceedings.** The monitoring officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where he/she considers that such action is necessary to protect the council's interests.
- b) **Maintaining the constitution.** The monitoring officer will maintain an up-to-date version of the constitution and will ensure that it is available for consultation by members, staff and the public.
- c) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and finance director, the monitoring officer will report to the council assembly (or to the cabinet in relation to an executive function) if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a

report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- d) **Supporting the standards committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the standards committee.
- e) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- f) **Conducting investigations.** The monitoring officer will arrange for investigations into matters referred by the Standards Board for England and make reports or recommendations in respect of them to the standards committee.
- g) **Advising whether executive decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the cabinet are in accordance with the budget and policy framework.
- h) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity, and budget and policy framework issues to all councillors and to officers. The monitoring officer shall also provide advice to officers and members in relation to personal and prejudicial interests.
- i) **Appointment of a deputy.** The monitoring officer shall appoint a deputy to act in his/her absence and when the monitoring officer is unable to act as defined in section 5 of the Local Government and Housing Act 1989.
- j) **Restrictions on posts.** The monitoring officer cannot be the finance director or the head of paid service.
- k) **Proper officer for freedom of information.** The monitoring officer will act as the “qualified person” for the purposes of freedom of information requests and application of the public interest tests.

10.4 Functions of the finance director

- a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the finance director will report to the council assembly or to the cabinet in relation to an executive function and the council’s external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the council is about to enter an item of account unlawfully.
- b) **Administration of financial affairs.** The finance director will have responsibility for the administration of the financial affairs of the council.

- c) **Contributing to corporate management.** The finance director will contribute to the corporate management of the council, in particular through the provision of professional financial advice.
- d) **Providing advice.** The finance director will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- e) **Give financial information.** The finance director will provide financial information to the media, members of the public and the community.

10.5 Functions of the scrutiny officer

- a) To promote the role of the authority's overview and scrutiny committee or committees.
- b) To provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees.
- c) To provide support and guidance to:
 - i. members of the authority
 - ii. members of the cabinet of the authority, and
 - iii. officers of the authority

in relation to the functions of the authority's overview and scrutiny committee or committees.

- d) **Restrictions on functions.** The scrutiny officer may not be the head of paid service, monitoring officer or finance director.

10.6 Duty to provide sufficient resources to the monitoring officer and finance director

The council will provide the monitoring officer and finance director with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

Article 11 – Documents

11.1 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the monitoring officer or other person authorised by him/her, unless any enactment is otherwise authorised or required, or the council has given requisite authority to some other person.

Any contract, other than ones to which contract standing orders apply, with a value exceeding the current threshold for services/supplies under

the EU public procurement directive³ entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing and must be either:

- a) signed by at least two officers of the authority
- b) made under the common seal of the council attested by at least one officer.

11.2 Common seal of the council

The common seal of the council will be kept in a safe place in the custody of the monitoring officer. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the monitoring officer should be sealed. The affixing of the common seal will be attested by the monitoring officer or some other person authorised by him/her.

Article 12 – Suspension and publication of the constitution

12.1 Suspension of the constitution

Limit to suspension. The articles of this constitution may not be suspended. The procedure rules listed in the council assembly procedure rules may be suspended by the council assembly to the extent permitted within the rules and the law.

The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the constitution set out in article 1.

12.2 Publication

- a) The monitoring officer will make copies of this constitution available to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on their first being elected to the council. Printed copies of the constitution are available to members on request.
- b) The monitoring officer will ensure that the introduction to the constitution is made widely available within the area and is updated as necessary.
- c) The constitution will be published on the council's website.

³ The current thresholds (net of VAT) under the EU public procurement directive are as follows:

- supplies and services – £156,442
- works – £3,927,260

PART 3: WHO TAKES DECISIONS?

Introduction

This section of the constitution sets out who can take what decision.

Each meeting of the council and decision makers are listed in this section. Each part provides details of:

- the role and functions of the meeting or decision maker – this is a broad description of the areas of responsibility, sometimes known as the “terms of reference”
- the matters reserved for decision – these can only be taken by the named meeting or decision maker.

Any area of responsibility that is not specifically listed under the matters reserved for a meeting or individual decision maker is deemed to be delegated to the senior officers in the relevant department; the senior officers are the chief officers and the heads of service who report to them.

Any issue that is delegated can be taken by the parent body, i.e. the body who originally delegated the decision. Although in practice any decision maker can refer a decision up to a parent body, all decision makers should endeavour to exercise the authority as delegated to it by council assembly unless exceptional circumstances apply.

Strong leader and delegations by the leader

During the course of the year the leader of the council can at any time vary the delegation of executive functions in a number of ways:

- On the forward plan the leader can specify that a decision is to be taken by a particular decision maker.
- By submitting a notice of variation to the monitoring officer, the leader can change the delegations set out in the constitution. The monitoring officer will then notify all councillors of the change.
- In a report to full cabinet by agreeing a separate recommendation, the leader can give authority to delegate to a cabinet member or chief officer individually, including details of the limitation on their authority.
- By removing or replacing members of the cabinet or making changes to portfolios.

The decision maker can further delegate a decision, but there are some limitations. Cabinet can delegate to cabinet committees and chief officers, but not to individual cabinet members; however, the leader can make such delegations. Individual cabinet members can delegate to chief officers.

PART 3A: COUNCIL ASSEMBLY

Role and functions

Council assembly is responsible for setting up the decision making structure of the council including its committees. It does this annually. Council assembly takes a number of decisions including agreeing the annual budget, setting the council tax, agreeing policy framework strategies and plans. It makes decisions on local legislation and bylaws. The meeting also appoints to outside bodies unless the appointment is an executive function or has been delegated by council assembly.

The council assembly will question the cabinet. The meeting will receive reports from the cabinet, overview and scrutiny committee and officers. It will also debate matters of local importance and consider members' motions.

Matters reserved for decision

The following matters are reserved to the council assembly for decision:

1. Electing the Mayor.
2. Adopting the local authority's code of conduct.
3. Electing the leader.
4. Establishing committees and community councils.
5. Agreeing and amending terms of reference for committees and community councils except for executive functions.
6. Deciding the composition of committees and sub-committees.
7. Agreeing the budget and determining the level of local taxation. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds including reserves and balances, the council tax base, setting the council tax and decisions relating to the control of the council's borrowing requirement, the treasury management strategy and the setting of virement limits.
8. Agree the capital strategy and programme at least once every four years and as necessary in the event of a significant change in circumstances, and the approval of virements over £10,000,000 between capital projects or programme headings as set out in the overall programme.
9. Agreeing the constitution, subject to the provisions in Article 1.05 on changing the constitution.
10. Agreeing the policy framework comprising the following plans and strategies:
 - Children and young persons' plan
 - Corporate plan

23. To agree the reduction or cessation of any service.
24. To agree the authority's response to consultation papers.
25. To consult with scrutiny and take into account the final reports of scrutiny inquiries.
26. To consider whether the council should give evidence before a Royal Commission, government committee or similar body.
27. To be responsible for all cabinet matters even if not expressly set out in this part of the constitution.

Plans and strategies to be approved by the cabinet

- Asset management plan
- Employment strategy
- Enterprise strategy
- Food law enforcement plan
- Green travel plan
- Housing investment programme
- Housing renewal policy
- Housing strategy
- Local area agreement (LAA)
- Medium term resources strategy (including the housing revenue account)
- Renewal areas strategies
- Road safety plan
- Schemes for financing schools
- Special education needs action plan
- Statement of community involvement
- Supplementary planning documents
- Waste strategy
- Youth strategy.

Note: This list is not exhaustive.

The cabinet makes decisions in the following circumstances:

1. Matters reserved to the cabinet are as set out in Part 3C.
 2. Matters reserved to individual cabinet members are as set out in Part 3D, except where, in any particular case, the leader, deputy leader and/or the chief executive directs that the decision should be reserved to the cabinet; or the individual member refers the decision to the cabinet.
 3. Matters reserved to cabinet committee(s) are as set out in Part 3E.
-

CABINET PORTFOLIOS 2011/12

All cabinet members

All cabinet members will be publicly accountable for the actions of the council and provide community leadership for the borough. This will include specific responsibility for:

- proactive community engagement of Southwark's diverse communities in order to promote the work of the council, to promote engagement in decisions and activities relating to the council and to improve council awareness and responsiveness to community needs and aspirations
- promoting good communication of the work of the council, its plans and objectives in order to improve public understanding and support for the work of the council and its partners
- promoting and developing the principle of creating a co-operative council
- representing the council with external bodies and agencies in order to promote the work of the council and the council's interests and to improve council influence with external bodies, particularly government
- the development of clear, ambitious and affordable policies and strategies for services which are consistent with the council's wider objectives, particularly the community strategy, and are consistent with the council's cross-cutting objectives
- setting clear priorities and performance objectives, which are consistent with policy and strategic objectives, and ensuring these are properly communicated and performance managed
- ensuring that resources are efficiently managed within allocations set by council and that risk is well managed
- specific projects as agreed with the leader of the council.

All full-time cabinet members are expected to work an average of 38 hours per week on executive matters; some of this work will naturally be in the evenings and at weekends and much of it will be undertaken out of the office. Cabinet members will have 30 days of leave per year. They are expected to keep a record of their leave taken.

Leader of the council – Councillor Peter John

To provide leadership of the council, by setting the strategic direction and key priorities and representing the council in the community and in negotiations with regional and national organisations. The leader appoints the deputy leader and other members of the cabinet and has the discretion to change cabinet member portfolios during the year. In the absence of a cabinet member the leader will have responsibility for all relevant matters within the remit of the cabinet. The leader will work closely with the deputy leader and cabinet member for regeneration and corporate strategy on developing a long-term housing stock strategy

The leader will have particular responsibility for:

- performance management

- external communications and the reputation of the council
 - strategic partnerships, relationships with government and local authority associations
 - the council's legal services
 - developing a thirty year strategy to make the borough's housing stock fully sustainable with the deputy leader and cabinet member for regeneration and corporate strategy.
-

Deputy leader and cabinet member for housing management – Councillor Ian Wingfield

To deputise in the leader's absence. The deputy leader will also be responsible for the housing portfolio, including housing management, community housing services, homelessness and sheltered housing, housing allocations, the housing investment programme and leasehold management. The deputy leader will work closely with the cabinet member for health and adult social care (with regard to the housing needs of vulnerable adults), the leader and cabinet member for regeneration and corporate strategy (with regard to developing a long-term housing stock strategy).

The portfolio holder will have particular responsibility for:

- deputising in the leader's absence
 - ensuring that the council delivers savings identified in the 2011/12 budget within housing
 - making Southwark's council housing stock warm, dry and safe
 - developing a thirty year strategy to make the borough's housing stock fully sustainable with the leader and cabinet member for regeneration and corporate strategy
 - creating a dedicated, professional housing department.
 - improving housing repairs service and other aspects of customer care
 - improving mechanisms for engaging with council tenants and leaseholders
 - ensuring that service charges for leaseholders are accurately estimated and billed
 - explaining the cost of major works to leaseholders and ensuring that they receive value for money
 - rehousing arrangements as part of major regeneration projects.
-

Finance, resources and community safety – Councillor Richard Livingstone

To ensure sound business planning and financial probity within the council, including the medium term resource strategy and all financial management of revenue and capital, the housing revenue account, the capital programme and the management of capital receipts. The portfolio holder will be responsible for oversight of the implementation of the council's budget and, working closely with the cabinet member for regeneration and corporate strategy, for identifying areas where the council can transform the way it works to secure savings. To deliver a safer Southwark through oversight of council initiatives and services concerned with community safety, tackling anti-social behaviour, enforcement policy, emergency planning and business continuity. The portfolio holder will work closely with the cabinet member for children's services to work to reduce the number of young people who are victims of crime or commit offences.

The portfolio holder will have particular responsibility for:

- ensuring that the council delivers all savings identified in the 2011/12 general fund and housing revenue account budgets
 - reducing waste and identifying efficiencies to protect front line services
 - overseeing council tax collection being brought back in house
 - provision of corporate ICT
 - oversight of the council's property portfolio, including all disposals and acquisitions
 - human resources
 - the customer service centre
 - corporate procurement, corporate debt strategy, income management and audit and risk management
 - crime and drugs strategy and alcohol control zones
 - ensuring licensing policy keeps communities safe
 - lobbying to protect Southwark's police officer numbers and championing safer neighbourhood teams
 - public protection including oversight of environmental health, trading standards, the community warden service, Southwark anti-social behaviour unit and the noise team
 - CCTV and other safety measures in public places
 - working to reduce youth offending
 - ensuring the community safety service delivers its identified savings.
-

Children's services – Councillor Catherine McDonald

To assume the statutory role of lead member for children's services in accordance with the guidance produced by the Department for Education (DfE), including responsibility for children's social care, early years and youth services, the inclusion agenda, and work to develop and implement the children and young people's plan. The portfolio holder will hold political accountability and exercise leadership over all areas included in DfE guidance. They will work closely with the cabinet member for health and adult social care (with regard to children's health) and with the cabinet member for community safety (with regard to children's safety and youth offending).

The portfolio holder will have particular accountability for:

- ensuring that the council delivers savings identified in the 2011/12 budget within children's services
- ensuring the council delivers strong universal services for children and young people aged 0-19; targeted early interventions to improve key outcomes; and high quality specialist services for our most vulnerable children, young people and their families
- ensuring the council, with its partners, delivers the children and young people's plan for Southwark, including closing the gap between the most vulnerable and their peers
- the development of integrated services to children across Southwark, including those of voluntary and community sector partners
- rolling out free healthy school meals to Southwark primary schools, to specific year groups in 2011/12 – with a view to rolling out to all year groups by academic year 2013/14

- balancing school place provision with local demand, particularly in the primary school place provision and childcare provision across the borough
 - ensuring the council acts on the recommendations of the Teenage Pregnancy Commission with a view to reducing levels of teenage pregnancy by 2014
 - giving young people more of a say in their services
 - launching the youth fund, to help young people stay in education and get started in their careers
 - supporting continuing improvement in attainment in all Southwark schools, including academies and post-16 provision
 - Building Schools for the Future and the primary capital programme
 - safeguarding children, including ensuring that all staff and agencies understand their responsibility for child protection
 - the corporate parenting role for children looked after by the council.
-

Health and adult social care – Councillor Dora Dixon-Fyle

To improve the health of the borough and to safeguard the needs of vulnerable adults, including health promotion, the provision of personal social services, services to older people, services to people with disabilities, services to those with HIV/AIDS and/or those with drug and alcohol problems, services to those with mental health needs and “supporting people”. The portfolio holder will work closely with the cabinet member for children’s services (with regard to children’s health), with the cabinet member for culture, leisure, sport and the Olympics (with regard to public health and healthy lifestyles) and the deputy leader (with regard to the housing needs of vulnerable adults).

The portfolio holder will have particular responsibility for:

- ensuring that the council delivers savings identified in the 2011/12 budget within health and adult social care
 - developing the council’s new public health role and promoting healthy living
 - delivering changes to adult social care, including personalisation to make the service sustainable
 - overseeing the council’s response to the changes to the NHS being made by the government’s Health and Social Care Bill
 - ensuring that information for users of adult social services is accessible
 - relationships with relevant voluntary organisations and helping the third sector in the area of health and adult social care to develop sustainable funding models which do not depend on shrinking council funds
 - ensuring that health services are accessible to all and working to integrate services into regeneration schemes
 - developing networks of community volunteer champions.
-

Regeneration and corporate strategy – Councillor Fiona Colley

To facilitate the sustainable regeneration of Southwark’s communities in partnership with local residents and businesses. To promote investment, improve access to jobs in Southwark, and improve housing standards in Southwark. To be responsible for corporate strategy, enabling the council to deliver on the cabinet’s priorities and to cope with financial constraints, together with its partners. The portfolio holder will be required to work closely with the deputy leader to ensure a co-ordinated approach to

housing issues, and with the cabinet member for equalities and community engagement on social inclusion. The portfolio holder will work closely with the cabinet member for finance, resources and community safety on the financial constraints in establishing corporate strategy, with the leader and deputy leader on developing a long-term housing stock strategy and with the leader on developing a sustainable service delivery model for Southwark.

The portfolio holder will have particular responsibility for:

- ensuring that the council delivers savings identified in the 2011/12 budget within the regeneration and corporate strategy service areas
 - all major regeneration schemes, including Elephant and Castle, Aylesbury, Canada Water and Bermondsey Spa, including the social housing component of these schemes, in particular ensuring benefits for all Southwark's communities
 - consulting on, develop and implement regeneration schemes for town centres, including Peckham and Camberwell
 - developing and support micro-regeneration schemes across the borough
 - oversight of the Potter's Field project
 - development of the local development framework
 - developing a thirty year strategy to make the borough's housing stock fully sustainable with the leader and deputy leader
 - promoting fair pay, market development and fair trade
 - housing renewal strategy
 - planning policy and continuing improvements in planning performance
 - protecting green spaces from development
 - sharing services with other local authorities and bodies
 - developing and delivering more efficient, effective and sustainable corporate strategy
 - ensuring that the council can be flexible and respond to contingencies as budget reductions are introduced to secure service continuity
 - developing a new sustainable model for service delivery.
-

Transport, environment and recycling – Councillor Barrie Hargrove

To continue working towards a cleaner and greener borough, including having responsibility for waste management, street scene and highway infrastructure, traffic management and parking enforcement, improved facilities for walking and cycling, lobbying for improved public transport services, protecting and improving parks and open spaces, and increasing levels of recycling. The portfolio holder will work closely with the cabinet member for regeneration and corporate strategy to ensure that traffic management is integrated into plans for town centre regeneration.

The portfolio holder will have particular responsibility for:

- ensuring that the council delivers savings identified in the 2011/12 budget within the transport, environment and recycling service areas
- street cleaning
- significantly increasing the rate of recycling
- oversight of the relationship with the council's waste partner
- lobbying for major improvements to public transport, including local train stations, bus services and all issues relating to the proposed Cross River Tram

- improving road safety and encouraging cycling and walking
 - the council's approach to carbon reduction and climate change
 - ensuring sustainability across all council departments
 - markets and street trading
 - overseeing the improvement of Burgess Park and lobbying for external investment in Burgess Park.
 - decisions to implement a new controlled parking zone (CPZ)
 - determinations of objections to traffic orders that are of a strategic nature
 - decisions to make strategic changes to an existing CPZ (i.e. changing the hours/days of operation).
-

Culture, leisure, sport and the Olympics – Councillor Veronica Ward

To promote and develop sport and culture in the borough, including leisure services and facilities, adult education, sports development, arts, museums and heritage, and libraries. To work with the cabinet member for health and adult social care (with regard to public health and healthy lifestyles).

The portfolio holder will have particular responsibility for:

- ensuring that the council delivers savings identified in the 2011/12 budget within the culture, leisure and sport service areas
 - the performance of the council's leisure contractor
 - implementation of the borough's leisure investment programme and finding new sources of capital for future investment
 - the council's events
 - overseeing the council's sports and fitness programme and secure an Olympic and Cultural Olympiad legacy for Southwark
 - ensuring a quality library service for the borough
 - ensuring that sports, leisure and arts opportunities are realised by major regeneration projects in the borough
 - working with organisations in the borough's thriving culture, leisure and sporting communities to improve the wellbeing of Southwark residents
 - ensuring the continuation of an adult learning programme in Southwark to provide skills, training and opportunities.
-

Equalities and community engagement – Councillor Abdul Mohamed

To improve the representation and engagement of all Southwark's diverse communities, including those hardest to reach, to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations. The portfolio holder will work closely with the cabinet member for regeneration and corporate strategy on social inclusion, with the cabinet member for finance, resources and community safety on the council's transition fund and with all cabinet members to promote equality of opportunity, celebrate diversity and improve community engagement across all portfolio areas.

The portfolio holder will have particular responsibility for:

- ensuring that the council delivers savings identified in the 2011/12 budget within the community engagement service area

- mainstreaming equalities issues across all areas of policy and service provision and developing the council's new approach to equalities in line with the Equalities Act
 - monitoring equal opportunities for staff
 - overseeing the council's relationship with its equalities critical friend
 - ensuring that Southwark's rich diversity is valued through regeneration schemes
 - relationships with the voluntary sector, their improvement and review
 - promoting volunteering and encouraging residents to become stakeholders in their communities
 - the further development of the council's democratic bodies through the work of the Democracy Commission
 - ensuring that the council engages with every community in Southwark
 - working with the third sector to ensure that it has sustainable funding streams as council funding shrinks
 - the implementation of the council's transition fund.
-

All deputy cabinet members

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.

Deputy cabinet members will:

- be appointed by the leader using his "strong leader" responsibilities
- hold responsibility for specific tasks designated by the leader, following consultation with the monitoring officer
- be able to attend cabinet meetings but could not take part in any formal decision making
- have access to information on a "need to know" basis only and this access would be proportionate to their defined role or duties
- be called to account when acting in their official capacity.

Deputy cabinet member for estate regeneration – Councillor Neil Coyle

To act as an advocate for those impacted by significant regeneration schemes and tenants and residents who live on Southwark's estates in need of most significant investment. To work with the deputy leader and cabinet member for housing management to represent the interests of and work with the community while the council makes every council home warm, dry and safe. To work with the cabinet member for regeneration and corporate strategy to represent the interests of and work with those people who live in the Elephant & Castle and Aylesbury areas as the regeneration is taken forward.

Deputy cabinet member for active citizens – Councillor Michael Situ

To act as an advocate for Southwark residents who are actively and directly involved in their local community. To work with the cabinet member for health and adult social care to represent the interests of and work with older people as changes to the council's provision are made. To work with the cabinet member for transport, environment and recycling to represent the interests of and work with cyclists and pedestrians as changes are made to our streets and pavements.

Deputy cabinet member for families – Councillor Renata Hamvas

To act as an advocate for families in Southwark. To work with the cabinet member for children's services to represent the interests of and work with parents and children going through the school admissions process as it improves. To work with the cabinet member for regeneration and corporate strategy to represent the interests of and work with those people who are out of work while the council looks to find new ways of tackling unemployment.

Deputy cabinet member for Southwark's heritage – Councillor the Right Revd Emmanuel Oyewole

To act as an advocate of residents with a stake and interest in Southwark heritage. To work with the cabinet member for culture, leisure, sport and the Olympics to represent the interests of and work with residents who value our local heritage as Southwark sees further transformation. To work with the cabinet member for equalities and community engagement to celebrate all of the communities that contribute to the rich diversity of our local heritage.

PART 3C: FULL CABINET – MATTERS RESERVED FOR COLLECTIVE DECISION MAKING

1. All matters reserved to the cabinet by council assembly for decision.
2. Decisions on matters reserved to the cabinet in accordance with the provisions of contract standing orders in part 4 of the constitution.
3. Approval for recommendation to council assembly of those proposals and plans contained in the council's budget and policy framework.
4. Decisions regarding the strategic management of the council including decisions on major reorganisations and major reallocations of functions between departments or chief officers.
5. Approval to the creation of posts at grade 17¹ and above.
6. Approval of major terms and conditions of employment outside the national and provincial schemes.
7. Decisions regarding the strategic aspects of the regulation and control of the council's finances.
8. Approval of new fees and charges and agreement of charging levels in line with the medium term resources strategy.
9. Approval of virements over £1,000,000 and up to £10,000,000 between capital projects or programme headings as set out in the overall programme approved by council assembly.
10. Approval of policy and procedures governing the council's relationship with the voluntary sector.
11. Approving write-offs of debt of a value of over £50,000.
12. Amendments to the council's equal opportunities policy.
13. Agreement to the disposal of leasehold and freehold interests in land and property where the market value is more than £500,000 excluding Right to Buy and Leasehold Reform Act cases.
14. All disposals at less than best consideration where the market value is more than £250,000 or where ministerial consent is required, unless the disposal is required by statute.
15. Acquisition of land and property, outside any scheme already agreed by members, where the market value is more than £100,000.
16. The acquisition of land and property which involves the use of compulsory purchase orders.

¹ Figure for 2009-10, grade 17 equated £72,267 – £91,029 per annum.

- make recommendations to the cabinet, including recommendations for no action, where there are significant policy implications.
12. Agree reports when there is any significant changes associated with the delivery of an agreed plan.
 13. Sign off any plan or strategy or programme when completed or take decisions where no further significant cabinet approval is required.
 14. Monitor the effectiveness and appropriateness of the plan or strategy or programme within the portfolio holders responsibility and agree any necessary changes.

Tenders and contracts

15. Decisions on matters reserved to individual cabinet members in accordance with the provisions of contract standing orders in part 4 of the constitution.

Partnerships and consultation

16. To approve responses to consultation documents from government, Greater London Authority, Local Government Association, London Councils and other bodies relating to significant changes affecting their portfolio area, which would not require changes to the budget and policy framework.
17. Agreeing broad consultation arrangements, in relation to their areas of responsibility.
18. To promote effective partnerships, between the council and other agencies and bodies affecting the community, in relation to their areas of responsibility.
19. To deal with petitions in their portfolio area in accordance with council procedure.
20. To agree the following school organisation decisions:
 - Agreement to carry out the initial consultation where the council is proposing to make a statutory change to a school;
 - Following the outcome of the initial consultation process, to agree to publish the statutory notice.
21. To agree draft local development framework documents for consultation, such as supplementary planning documents.

Transport issues

22. To decide to implement a new controlled parking zone (CPZ).
23. To determine objections to traffic orders that are of a strategic nature.
24. To decide to make strategic changes to an existing CPZ (i.e. changing the hours/days of operation).

PART 3E: CABINET COMMITTEES

There are no cabinet committees.

PART 3F: PLANNING COMMITTEE

Role and functions

1. To comment on local development framework documents in respect of all significant planning matters and make recommendations to the cabinet.
2. To consider the future process by which the decisions with respect to planning applications are to be taken.
3. To consider and determine all the following applications:
 - strategic and major planning applications (as defined in the matters reserved to the committee)
 - designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance
 - any other planning responsibilities of the authority created by statute (and delegated to the committee).
4. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
5. To consider expenditure of Section 106 monies.
6. To comment on national and regional consultation documents proposing significant changes to strategic planning policies and make recommendations to the cabinet.

Matters reserved for decision

1. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 50 or more housing units or more than 3,500m² of commercial floor space or a mixed use development with more than 3,500m² of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:
 - a) those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval
 - b) those which are controversial, i.e. subject to 3 or more relevant objections (a “relevant objection” is defined as any objection except an objection which clearly does not raise any material planning considerations) or raise a major issue of a planning nature except where they are straightforward refusals
 - c) those requested by a ward member to be determined by elected members, subject to the request being agreed by the chair of the committee

- d) all applications for the council's own developments except for the approval of reserved matters and minor developments to which no relevant objections have been made
 - e) those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.
2. To consider the 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.
 3. 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.
 4. To consider and determine all planning applications of strategic importance in the borough, including:
 - a) applications which require referral to the Mayor of London
 - b) applications which are required to be notified to the Secretary of State as departures from the development plan document (including the unitary development plan)
 - c) applications where the submission of an environmental impact assessment is required by regulation or following a screening application
 - d) applications for the development of metropolitan open land
 - e) applications for the development of contaminated land
 - f) specific applications not covered by the above but determined as strategic by the strategic director of regeneration and neighbourhoods.
 5. To consider and determine all planning applications where the development will have a material impact on the area of one or more neighbouring community councils. The strategic director of regeneration and neighbourhoods to determine, in consultation with the chairs of the relevant community councils, when such boundary proximity is a material factor.
 6. To consider any application reserved to community councils in the event that the relevant community council meeting was inquorate or the personal interests or decided views of a large number of members would be likely to render the meeting inquorate.
 7. To comment on drafts of the local development framework during their consultation periods and make recommendations to the cabinet, as appropriate.
 8. To comment on draft supplementary planning documents during their consultation periods and make recommendations to the cabinet, as appropriate.
 9. To report to the cabinet on matters relating to the implementation of planning policy.

10. To comment on national and regional consultation documents proposing significant changes to strategic planning policies (e.g. London Plan, Cross River Tram) and make recommendations on the council's response to the cabinet, as appropriate.
11. To consider planning enforcement cases where the appropriate chief officer¹ decides that the matter is of a strategic or controversial nature and should be referred to the committee to consider and determine the taking of enforcement steps.

Notes

- a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

¹ The appropriate chief officer has a broad discretion to refer enforcement matters to the committee. In practice, the sort of enforcement cases likely to be considered appropriate for member decision would be in particular:

- where officers propose not to take enforcement action on a controversial issue
- on matters of strategic importance
- on matters which, though minor individually, have a considerable cumulative effect
- where a decision could set a precedent establishing or varying priorities for enforcement action.

Operational or routine enforcement issues will not be referred to the committee.

PART 3G: LICENSING COMMITTEE AND SUB-COMMITTEES, THE HEAD OF SERVICE AND OFFICER PANEL EXERCISING LICENSING FUNCTIONS

Role and functions

1. To approve the council's policies in respect of all licensing and registration matters except the licensing and gambling statements of policy.
2. To consider the future process by which the decisions with respect to licensing applications are to be taken.
3. To establish policies and procedures for considering and determining additional licensing functions conferred on the authority by statute.
4. To consider and determine the following applications:
 - the grant, renewal, variation or transfer of any general safety certificate in respect of a sports stadium or regulated stands
 - street trading and markets
 - film classification
 - any other licensing responsibilities of the authority created by statute and delegated to the committee.
5. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
6. To consider and determine the revocation of licences and registrations reserved to the licensing committee.
7. To consider the designation of new sites for street trading.
8. To establish sub-committees under the relevant statutory provisions empowered to discharge any and all of the authority's licensing functions.

Matters reserved for decision by the licensing committee

1. Approve the council's policies in respect of all licensing and registration matters, except the statement of licensing policy and the statement of gambling policy.¹
2. To establish policies and procedures for considering and determining additional licensing functions conferred on the authority by statute.

¹ The approval of the licensing and gambling statements of policy is a matter reserved to council assembly.

19. To hear and determine traffic petitions and deputations that are of a non strategic nature.

Consultation/non-decision making

20. Following a strategic decision to introduce a parking or traffic safety scheme, community councils to be consulted on the detail of the schemes such as:
 - the method of consultation and how it is undertaken
 - the type of traffic features to be introduced
 - where street furniture is positioned.
21. To be consulted on the borough spending plans (BSP), the council's annual bid to Transport for London for transport funding covering such things as local safety schemes and 20mph zones, before it is submitted to Transport for London.
22. To be consulted on decisions of strategic nature, such as whether to create parking zones or home zones.

Education functions (executive function)

Decision making

23. Appointment of local education authority school governorships to the governing bodies of nursery and primary schools within the area of the community council, from among the list of suitable persons maintained by the council, except in the circumstances set out in paragraph 24 below.
24. Where a school is eligible for intervention the strategic director of children's services or nominated officer (as set out in the departmental scheme of management) shall have the power to appoint local authority governors to the governing body, subject to consultation with the relevant cabinet member and the chair or vice-chair of the relevant community council consistent with the statutory time constraints placed on the strategic director as well as the widest possible engagement with other councillors, especially the ward councillors for the ward in which the school is located.

Community project bank (executive function)

Decision making

25. To approve projects for inclusion within the community project bank.

Notes

- a) All matters not reserved as above are delegated to the appropriate chief officer and head of service. All delegated matters can always be decided by the parent body. See also Part 3P: Matters delegated to officers.
- b) All planning matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager
- c) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

PART 3I: APPOINTMENTS COMMITTEE

Role and functions

1. To make recommendations to council assembly as to the appointment of the head of paid service.
2. To appoint the monitoring officer.
3. To appoint the finance director.
4. To appoint to the posts designated in accordance with article 10.01(b) as chief officers.

Matters reserved for decision

The matters reserved for decision are as set out in the roles and functions of the committee.

PART 3M: STANDARDS COMMITTEE

Role and functions

1. To promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives.
2. To assist councillors, co-opted members and church and parent governor representatives to observe the members' code of conduct.
3. To advise the council on the adoption or revision of the members' code of conduct, the member and officer protocol and the communication protocol.
4. To monitor the operation of the members' code of conduct, the member and officer protocol and the communication protocol.
5. To advise, train or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the members' code of conduct.
6. To grant dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the members' code of conduct.
7. To deal with any complaints referred to it, reports from a case tribunal or interim case tribunal and any report from the monitoring officer on any matter which is referred to him or her.
8. To consider advice and reports from Standards for England and to report to Standards for England on the operation of the committee and its sub-committees.
9. To receive reports from the monitoring officer on unlawful expenditure and probity issues.
10. To receive reports from the statutory officers under the council's whistle blowing policy.
11. To consider appointments to outside bodies (where such appointments are not a function of the cabinet).
12. To grant civic awards.
13. To establish sub-committees to consider complaints of misconduct against elected councillors, co-opted and independent members.
14. To consider the granting, hearing appeals and supervision of exemptions of posts from political restrictions.
15. To provide strategic oversight on the use of the powers regulated by the Regulation of Investigatory Powers Act 2000 and to receive reports on operational use at least once a quarter.

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16. To consider the withholding of allowances from individual members (including elected members, independent members of standards committee and co-opted members) in whole or in part as part of any sanction in relation to a breach of conduct, for non-attendance at meetings, or, for elected members only, for failure to attend required training.

Matters reserved for decision

17. The matters reserved for decision to the committee are as set out in the roles and functions.

- d) motions relating to the accuracy of the minutes (council assembly procedure rule 2.2(d) and 4.2(1)(d))
- e) receipt of information reports of committees
- f) that all recommendations then outstanding be approved (council assembly procedure rule 1.12)
- g) to proceed to the next business (council assembly procedure rule 1.14(25)(a))
- h) that the question be now put (council assembly procedure rule 1.14(25)(b))
- i) that the debate be adjourned (council assembly procedure rule 1.14(25)(c))
- j) that the meeting be adjourned (council assembly procedure rule 1.14(25)(d))
- k) seeking the consent of the council where it is required under council assembly procedure rules.

1.17 FORMAL RECORDS TO BE MAINTAINED

All meetings of the council assembly are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

1.18 RECORD OF ATTENDANCE

This rule cannot be suspended.

All members present during the whole or part of a meeting must sign their names on the attendance sheets, and their time of departure if before the meeting ends, before the conclusion of every meeting to assist with the record of attendance.

2. ORDINARY MEETINGS OF THE COUNCIL ASSEMBLY

2.1 DATES AND FREQUENCY OF MEETINGS

Meetings shall take place on such dates as agreed by the annual meeting and occasionally as set out in rule 3.

2.2 ORDER OF BUSINESS AT ORDINARY COUNCIL MEETINGS

Informal session

Prior to the meeting, an informal session will be held lasting for 30-60 minutes. The sessions are an opportunity for members of the public to be provided with information on the business of the meeting. It is not obligatory for councillors to attend.

Formal meeting

The business at an ordinary meeting shall be as follows, taken in the sequence indicated unless otherwise directed by the chair or agreed following a motion carried:

Introduction and preliminary business

- a) elect a person to preside if the Mayor is not present and the Deputy Mayor is not chosen to preside

- b) receive any announcements from the Mayor, members of the cabinet or the chief executive, including matters which the Mayor has decided to add to the agenda as urgent. Wherever possible, cabinet member statements should be in writing and circulated at the start of the meeting
- c) receive any declarations of interest from members
- d) approve the minutes of the last meeting
- e) announcement of the guillotine

Time for residents to bring issues to assembly

- f) receive petitions
- g) receive questions from, and provide answers to, the public in relation to matters, which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- h) deputations

Themed debates

- i) consider themed debates centred on a cabinet member's portfolio or plans, policies and strategies, including the annual state of the borough and budget meetings
- j) public pre-submitted questions on the theme of the meeting
- k) members' motions on the theme

Time for members to bring issues to assembly

- l) urgent questions by group leaders
- m) questions from councillors to the leader, other cabinet members and chairs of committees/community councils
- n) consider motions

Consideration of cabinet reports

- o) receive cabinet proposals in relation to the council's budget and policy framework and any other reports for decision (if any)

Consideration of scrutiny reports

- p) receive occasional reports of the overview and scrutiny committee/sub-committee (if any)

Consideration of annual community council report

- q) receive the annual report of the community councils

Formal constitutional business

- r) receive reports from committees/officers of the council
- s) receive reports about and receive questions and answers on the business of joint arrangements and external organisations, including reports from members appointed to outside bodies
- t) deal with any business from the last council meeting
- u) consider open business which the chair has accepted as urgent
- v) consider any confidential business where the public are excluded from the meeting.

2.3 AGENDAS AND MINUTES

1. The monitoring officer shall ensure that an agenda and summons for the meeting is despatched to each councillor and available to the public and press.

10. If the matter is not dealt with by the meeting, the matter shall be referred without debate to the relevant cabinet member who shall, after consideration, respond with an open reply to the sender.

Maximum number of deputations to be considered at council assembly

11. No more than three deputations shall be considered at any one meeting. Deputations shall be considered in the order of date and time received.

What happens at council assembly meetings?

12. The meeting, without debate, shall decide whether the deputation will:

- a) be received at this meeting or a future meeting
- b) not be received
- c) be referred to the most appropriate committee/sub committee/community council.

The monitoring officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the council assembly has discretion as to whether or not to receive the deputation.

Speech and question on behalf of deputation

13. Only one member of the deputation shall be allowed to address the council assembly, her or his speech being limited to five minutes. The deputation spokesperson or any member of the deputation nominated by her or him shall be invited to ask a question of the leader or relevant cabinet member.

Questions to the deputation and time limit

14. Members of the council may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.

No debate during deputation

15. Members shall not debate any issues arising out of the deputation, or the item to which it relates, with any members of the deputation.

Deputation to withdraw from the floor

16. As soon as questions to the deputation have been concluded, the deputation shall withdraw from the floor of the meeting to the public area where they may remain, subject to any resolution excluding attendance of the public.

Debate, motion and amendments

17. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall then be open to debate by the council assembly.

Debate on deputations concerning reports on the agenda

18. Having received the deputation(s) on a matter subject to a report on the agenda, the Mayor will seek consent of the meeting for that item to be brought forward for immediate consideration. A vote is to be taken without debate. In the event of this vote being carried the report may then be considered. If the vote is lost, the subject matter will not be debated until the relevant item is reached in the order of business.

Following up and feedback after council assembly

19. The monitoring officer will arrange for a summary of the deputation and any decision which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet minister to follow up and feed back to the deputation.

Deputations concerning licensing or planning applications

20. Deputations or representations received concerning licensing or planning applications will not be considered by council assembly. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.

2.7 THEMED DEBATES**Theme**

1. The theme for each meeting will be set by the council assembly business panel including the annual state of the borough, budget and other themes focused on a cabinet member's portfolio. Themes will have been subject to community engagement activities in such forums as community councils or scrutiny committees.
2. No debate shall be allowed at a themed meeting unless it is linked to a council plan, strategy or policy. The plan, strategy or policy should have been clearly signposted to residents and members prior to the meeting so they are able to connect the debate to plans and monitor its implementation.

Order of debate

3. The order of business of the debate will be:
 - Cabinet member has 10 minutes in which to present the theme, plan or strategy
 - Public pre-submitted questions on the theme of the meeting (maximum of 15 minutes)
 - Members' motions on the cabinet theme using present principles to allow sufficient political balance and for political groups to hold cabinet to account (maximum 30 minutes).
4. One hour shall be allocated for the themed debate. The Mayor shall have the discretion to vary timings as appropriate.

Public involvement and participation

5. The theme of the meeting shall be actively promoted and residents encouraged to participate.
6. The cabinet member may invite relevant groups to actively participate before, during and after a themed meeting.

Public questions on themed debate

7. The Mayor may reject a question if it is not relevant to the theme, plan, strategy or policy under discussion.
8. The time during which public questions shall be taken at a themed meeting shall not exceed 15 minutes and shall be conducted under the existing rules

for public questions. Normal deadlines shall apply for the submission of questions from the public.

Members' motions

9. All motions shall be relevant to the topic under discussion and shall be conducted under the existing rules for members' motions. Normal deadlines shall apply for the submission of members' motions.
10. The order of motions and timings shall be determined by the Mayor.

2.8 URGENT QUESTIONS BY GROUP LEADERS

Which meetings consider urgent questions?

1. Urgent questions shall be taken at all ordinary council assembly meetings but not at the annual, extraordinary or council tax setting meetings.

Who can ask urgent questions?

2. The leader of each group, or in his or her absence the deputy leader, may ask an urgent question of:
 - the Mayor
 - a member of the cabinet
 - the chair of any committee, sub-committee or community council.
3. Group leaders are limited to one urgent question at each meeting.

Scope

4. An urgent question may be asked on any matter in relation to which the council has powers or duties or which affects Southwark.
5. An urgent question is one that deals with a matter that has arisen since the deadline for members' questions has elapsed and which cannot wait until the next council assembly.
6. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the question relates to the behaviour or conduct of an individual member or members.
7. No question shall be asked on a matter concerning a planning or licensing application.

Deadline for submission of questions

8. Urgent questions must be received by the monitoring officer no later than 10.00am on the morning of an ordinary council assembly meeting. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 10.00am on the working day prior to the meeting.
9. Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair, if this is appropriate.

Circulation of written answers

10. Copies of all questions and their written answers shall be circulated to all councillors at the beginning of the meeting. Copies shall also be made available to the press and public present at the meeting.

Supplementary question

11. The leader of the opposition will be allowed two supplemental questions without notice. Other group leaders asking a question may ask one supplementary question without notice to the member who was asked the first question. The supplemental question must arise directly out of the original question or the reply.

2.9 QUESTIONS BY MEMBERS**Which meetings consider questions by members?**

1. Questions from members shall be considered at ordinary meetings of the council but not at the annual, extraordinary or the council tax setting meetings.

Who can ask questions?

2. A member of the council may ask one question of:

- the Mayor
- a member of the cabinet
- the chair of any committee or sub-committee or community council.

One councillor from each community council will be able to submit a question on behalf of their community council.

3. Composite questions – where a member wishes to raise a number of points in relation to the same subject matter, he/she may do so in a multi-part question provided that up to three parts shall be deemed to be one.

Scope

4. A question may be asked on any matter in relation to which the council has powers or duties or which affects Southwark.

5. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the question relates to the behaviour or conduct of an individual member or members.

6. No question shall be asked on a matter concerning a planning or licensing application.

Time period for question time

This rule cannot be suspended.

7. The time during which councillor's questions may be taken shall be 30 minutes.

COMMITTEE PROCEDURE RULES

CONTENTS

1. GENERAL PROCEDURES APPLYING TO ALL COMMITTEE MEETINGS
2. APPOINTMENT OF MEMBERS TO COMMITTEES
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5. PETITIONS
6. ADDITIONAL RULES APPLYING TO AUDIT AND GOVERNANCE COMMITTEE
7. ADDITIONAL RULES APPLYING TO STANDARDS COMMITTEE

Information to members of the public:

Members of the public may attend any meeting of the council's committees and sub-committees subject to the business being considered at the meeting not being exempt under the provisions set out in the access to information rules.

Suspension of committee procedure rule:

The following will indicate when a certain rule may not be suspended:
"This rule cannot be suspended."

1. GENERAL PROCEDURES APPLYING TO ALL COMMITTEE MEETINGS

1.1 NOTICE AND SUMMONS OF MEETINGS

This rule cannot be suspended.

1. The monitoring officer will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before a meeting, the chief executive will send a summons signed by him or her by post to every member of the committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Time and place

2. Unless the meeting, or the chair, shall otherwise decide, all meetings shall commence at 7.00pm.
3. The ordinary place of meeting for committees shall be Town Hall, Peckham Road, London SE5 unless otherwise specified in the summons.
4. Meetings may only be convened at less than five clear working days notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

Dates and frequency of meetings

5. Council assembly at its annual meeting shall fix the dates that all council committees and sub-committees shall meet for the municipal year.
6. The chair of a committee or sub-committee may direct the chief executive to call a special meeting of the committee or sub-committee at any time, or in exceptional circumstances change the date and venue of a meeting.

Cancellation of meetings

7. The chair, in consultation with the monitoring officer may cancel a meeting or direct that an ordinary meeting of the relevant committee or sub-committee be not called.

1.2 QUORUM

This rule cannot be suspended.

1. No business shall be considered unless 25% of the voting membership are present in the meeting room but no fewer than two, except for the following meetings for which the quorum is:
 - a) Licensing sub-committees = three¹
 - b) Standards committee = three including one independent member².

¹ The procedures governing the proceedings of the licensing sub-committees are set by the licensing committee. The licensing committee agreed on 17 May 2005 that the quorum of sub-committees shall be three members.

² See committee procedure rule 7(9) – Standards committee quorum.

If the chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes' deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the committee, unless the chair fixes an alternative date.

Quorum at start of meeting

2. The meeting shall commence as soon as there is a quorum, following the time at which the meeting has been appointed to be held.

1.3 POWERS OF THE CHAIR/VICE-CHAIR

This rule cannot be suspended.

1. The chair shall decide, having taken the advice of the monitoring officer, all matters of order, competence, relevancy and interpretation of committee procedure rules relating to the conduct of the meeting.

1.4 PREVENTION OF DISORDERLY CONDUCT

This rule cannot be suspended.

1. A councillor may be directed to discontinue speaking if the chair considers the councillor is being repetitive, irrelevant, using unbecoming language, or is in some other way breaching the order of the meeting.

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair having warned the councillor shall move that the councillor called by name leaves the meeting. The motion, if seconded, shall be put immediately to the vote without further debate and if carried the councillor shall leave immediately.

2. In the case of a member of the public disrupting the meeting or if there is a general disturbance, the chair may order the removal of a person or that the public areas be cleared. Re-admission shall be at the discretion of the chair.
3. In the event of a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary for order to be restored.

1.5 BROADCASTING AND RECORDING

Electronic recording, photographing or filming of the proceedings of a committee or sub-committee meeting by any member of the public, media or councillor shall only take place with the prior agreement of the chair. The chair will make an announcement at the beginning of the meeting on any arrangement agreed.

1.6 DECLARATION OF INTERESTS

This rule cannot be suspended.

Councillors shall abide by the members' code of conduct. It is the responsibility of every councillor to declare an interest by the time the relevant item of business is reached.

1.7 RULES OF DEBATE

1. A councillor may indicate their desire to speak by raising their hand, but shall only speak when called by name by the chair.
2. Councillors shall address the chair when speaking, and:
 - a) refer to each other as Mayor, Deputy Mayor, leader, cabinet member, chair or councillor, as the case may be
 - b) refrain from using unbecoming language
 - c) refrain from comments of a personal nature about another councillor
 - d) not attribute improper motives to another councillor
 - e) speeches must be directed to the matter under discussion or to a personal explanation or point of order.
3. No debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion or amendment may be considered at a time. A motion or amendment, once moved and seconded, may be withdrawn only by the mover and seconder with the consent of the meeting. No further debate shall take place on a motion or amendment once it has been withdrawn.
4. Every motion or amendment must be moved and seconded. A councillor may not move more than one amendment or motion on the same subject.

Seconder's speech

5. When seconding a motion or amendment, the seconder may reserve their speech until later in the debate.

Amendments to motions

6. An amendment to a motion must be in writing, be relevant to the motion and will either be:
 - a) to refer the matter to an appropriate body or individual for consideration or reconsideration
 - b) to leave out words
 - c) to leave out words and insert or add others
 - d) to insert or add words.
7. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been completely dealt with.

Right of reply

8. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
9. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. If an amendment is carried, the mover of the amendment shall hold the right to reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.

10. The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

11. When a motion is under debate, no other motion may be moved except the following procedural motions:
 - a) to withdraw a motion
 - b) to amend a motion
 - c) to proceed to the next business
 - d) that the question be now put
 - e) to adjourn a debate
 - f) to adjourn a meeting
 - g) to exclude the public and press in accordance with the access to information rules
 - h) to not hear further a member named under rule 1.4(1) or to exclude them from the meeting under rule 1.4(1).

The procedures governing closure motions (see 11 c), d), e) and f) above), which are contained in the council assembly procedure rules shall be followed.

Point of order

This rule cannot be suspended.

12. A member may raise a point of order at any time during the meeting. The chair will hear them immediately. A point of order may only relate to an alleged breach of the committee procedure rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

Personal explanation

This rule cannot be suspended.

13. A member may request to make a personal explanation at any time during the meeting. A personal explanation may only enable the member to refute or correct a statement attributed to him/her or any action he/she has taken.

The procedures governing personal explanations contained in council assembly procedure rule 1.12(28) shall be followed.

1.8 VOTING

Majority

This rule cannot be suspended.

1. Unless this constitution provides otherwise or it is required by statute, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put to the vote.

Chair's casting vote*This rule cannot be suspended.*

2. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

Show of hands

3. The chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Right to require individual vote to be recorded*This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.*

4. Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments*This rule cannot be suspended.*

5. If there are more than two people nominated for any position to be filled, the names will be put to the vote in alphabetical order and the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

1.9 FORMAL RECORDS TO BE MAINTAINED

All meetings of the council committees and sub-committees are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

2. APPOINTMENT OF MEMBERS TO COMMITTEES**2.1 APPOINTMENT OF RESERVE/SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES****Powers and duties**

1. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Substitution

2. At the commencement of each meeting each political group shall announce whether any of the named voting members are to be substituted by a reserve or deputy. This substitution shall remain in effect for the whole of the meeting.

2.2 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY

1. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper officer shall make or terminate the appointment accordingly and inform the appropriate committee or sub-committee at its next available meeting. The proper officer shall maintain a full list of committee and sub-committee memberships. In the event of the termination of an appointment, in accordance with the wishes of a political group, the proper officer is to inform the individual concerned, in writing, within three days of notice being received.

Notification of appointments, resignations and termination of appointments

2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the monitoring officer. A minimum of five clear working days must elapse from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.

Independent and co-opted members' attendance at meetings

3. In the event that an independent member of the standards committee or 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 authority.

3. AGENDA AND MINUTES

3.1 ORDER OF BUSINESS AT COMMITTEE AND SUB-COMMITTEE MEETINGS

The order of business at every meeting shall be:

- a) to choose a person to preside if the chair and vice-chair are absent
- b) apologies for absence
- c) declarations of interest
- d) to approve the minutes of the previous meeting, which shall then be signed by the person presiding
- e) to receive reports of the officers
- f) any other business specified in the summons.

3.2 VARIATION IN ORDER OF BUSINESS

Business falling under paragraph 3.1a) and c) shall not be moved but, subject thereto, the order of business or the timing of the business may be varied:

- a) by the chair in consultation with the monitoring officer
- b) by a resolution passed on a motion which shall be put without debate.

3.3 MINUTES

Minutes

1. The monitoring officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.

Signing the minutes

This rule cannot be suspended.

2. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

3. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

3.4 ADMISSION OF PRESS AND PUBLIC

1. Members of the public and press shall be admitted to all meetings of committees and sub-committees subject to the access to information rules in part 4 of the constitution or rule 1.4 (Prevention of disorderly conduct).

Public speaking at committee

This rule does not apply to planning or licensing applications where separate procedures exist.

2. Members of the public shall only address a meeting of a committee or sub-committee as part of a deputation or at the discretion of the chair.

3.5 RECORD OF ATTENDANCE

This rule cannot be suspended.

All members during the whole or part of a meeting must sign their names on the attendance sheets and their time of departure, if before the meeting ends, before the conclusion of any meeting to assist with the record of attendance.

4. DEPUTATIONS

Who may request a deputation?

1. Deputations can only be made by a group of people resident or working in the borough.

Composition of deputation

2. The deputation shall consist of no more than six persons, including the spokesperson.

Scope of deputations

3. The chair in consultation with the monitoring officer may reject a deputation if it:
 - a) is a request from a group of people who have alternative means of expressing their views through recognised channels e.g. employees of the authority, trade unions representing staff employed by the authority etc
 - b) is not about a matter for which the council has powers or duties or which affects Southwark
 - c) is defamatory, frivolous or offensive
 - d) requires the disclosure of confidential or exempt information
 - e) concerns a planning or licensing application
 - f) raises a grievance for which there are other established processes for resolution
 - g) relates to an investigation by (whether completed or not), or ruling of, Standards of England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Form of the deputation

4. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.

Deadline

5. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the monitoring officer no later than three clear working days before the day of the meeting. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation and certainly no later than three clear working days before the day of the meeting.

Agenda

6. Deputations shall be dealt with in the order in which they are received.
7. Subject to complying with the regulations herein, details of written deputations will be included on the agenda papers for the meeting.

What happens at the meeting?

8. The monitoring officer shall report the request for the deputation to the meeting. The meeting, without debate, shall decide whether the deputation will:
 - a) be received at this meeting or a future meeting
 - b) not be received
 - c) be referred to the most appropriate committee/sub-committee.

The monitoring officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the meeting has discretion as to whether or not to receive the deputation.

Speech on behalf of deputation

9. Only one member of the deputation shall be allowed to address the meeting, her or his speech being limited to five minutes.

Questions to the deputation and time limit

10. Members of the meeting may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.

No debate during deputation

11. Members shall not debate any issues arising out of the deputation, or the item to which it relates, with any members of the deputation.

Deputation to withdraw from the floor

12. As soon as the questions to the deputation have been concluded, the deputation shall withdraw from the floor and return to the public area where they may remain (subject to any resolution excluding the attendance of the public).

Debate, motion and amendments

13. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall be then open to debate by the meeting. If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.

Debate on deputations concerning reports on the agenda

14. Having received the deputation(s) on a matter subject to a report on the agenda, the chair will seek the consent of the meeting for that item to be brought forward for immediate consideration. A vote on this matter is to be taken without debate. In the event of this motion being carried the report may then be considered. If the motion is lost, the subject matter will not be debated until the relevant item is reached on the order of business.

Subject of deputation not on agenda

15. If the subject of the deputation does not relate to a report on the agenda, members may move motions and amendments without prior notice.

Formal communication of the meeting's decision

16. The monitoring officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.

Deputations concerning licensing or planning applications

17. Deputations or representations received concerning licensing or planning applications will not be considered by committees of the council. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.

5. PETITIONS TO COMMITTEES

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public will be entitled to present petitions with 500 or more signatures to the chair at each committee meeting.

Deadline

2. The petition must be submitted to the monitoring officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.

Scope

3. Petitions must relate to matters in which the committee has powers or duties or which affects Southwark. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

Procedure at meeting

4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the monitoring officer.
5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The committee will debate the petition for a period of up to 15 minutes. The committee may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.
6. The time during which petitions shall be considered shall not exceed 40 minutes.
7. The processes and procedures are set out in the council's petition scheme.

6. ADDITIONAL RULES APPLYING TO AUDIT AND GOVERNANCE COMMITTEE

Composition

1. The committee will consist of at least three councillors, and up to five councillors, including at least one member of each political group as defined by the Local Government and Housing Act 1989 and Regulation 8 of Local Government (Committees and Political Groups) Regulations 1990.
2. No more than one member of the cabinet or deputy may be a member of the committee, and no cabinet member may chair the committee.
3. No more than one member of the overview and scrutiny committee may be a member of the committee, and no overview and scrutiny committee member may chair the committee.

4. The leader of the council may not be a member of the committee.

7. ADDITIONAL RULES APPLYING TO STANDARDS COMMITTEE

Composition

1. The committee will consist of:
 - a) at least four and up to seven councillors, including at least one member of each political group as defined by the Local Government and Housing Act 1989 and Regulation 8 Local Government (Committees and Political Groups) Regulations 1990
 - b) up to six independent members, appointed in accordance with the Relevant Authorities (Standards Committee) Regulations 2001
 - c) reserve members for the councillor members of standards committee equal to the number of places each political group has on the committee.
2. The political balance rules in section 15 of the Local Government and Housing Act 1989 do not apply to the standards committee.
3. Independent members must make up at least 25% of the committee's total membership.
4. No more than one member of the cabinet or deputy may be a member of the committee, and no cabinet member may chair the committee.
5. The leader may not be a member of the standards committee.

Independent members – Voting

6. Independent members may vote.

Independent members – Term of office

7. With six independent members, the terms of office of each member will be for four years with each member retiring at the end of their term. Members shall serve a maximum of two terms³.

Chair

8. The chair of the standards committee will be elected from among the independent members at the first meeting of the committee in each municipal year.

Quorum

9. The quorum for the meeting of standards committee or its sub-committees is three members, including at least one independent member.

Sub-committees

10. The committee is empowered to establish sub-committees to filter and review decisions, and hear complaints of misconduct against councillors (including co-opted and independent members). The membership for

³ See also committee procedure rule 2.2(3) – Attendance at meetings.

each sub-committee will be drawn from the pool of independent members and councillors on the committee, including reserve members.

11. Sub-committees shall be composed of three members including at least one independent member. Rules 7.2, 7.4, 7.5, 7.6, 7.8 and 7.9 shall apply to sub-committee meetings.

Written answers

8. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

Late or urgent questions

9. To preserve the ability for public questions to take place in connection with late or urgent items added to the cabinet agenda after the normal deadlines for such questions, the leader or in his/her absence the deputy leader shall at the meeting have the discretion to decide whether or not accept a late and urgent public question.

2.11 Deputations to the cabinet

Who may request a deputation?

1. Deputations can only be made by a group of people resident or working in the borough.

Composition of deputation

2. The deputation shall consist of no more than six persons, including the spokesperson.

Scope of deputations

3. The chair in consultation with the monitoring officer may reject a deputation if it:
 - a) is a request from a group of people who have alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
 - b) is not a matter for which the council has powers or duties or which affects Southwark
 - c) is defamatory, frivolous or offensive
 - d) requires the disclosure of confidential or exempt information
 - e) concerns a planning or licensing application
 - f) raises a grievance for which there are other established processes for resolution
 - g) relates to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Form of the deputation

4. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.
5. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation.

Deadlines

6. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the monitoring officer no later than three clear working days before the day of the cabinet meeting.

Late or urgent deputations

7. To preserve the ability for deputations to take place in connection with late or urgent items added to the cabinet agenda after the normal deadline for deputations, the leader or in his/her absence the deputy leader shall at the meeting have the discretion to decide whether or not to accept a late and urgent deputation.

Agenda

8. Deputations shall be dealt with in the order in which they are received.
9. Subject to complying with the regulations herein, details of written deputations will be included on the agenda papers for the meeting of the cabinet.
10. If the matter is not dealt with by cabinet, the matter shall be referred without debate to the relevant cabinet member who shall, after consideration, respond with an open reply to the sender.

What happens at the meeting?

11. The monitoring officer shall report the request for the deputation to the cabinet. The meeting, without debate, shall decide whether:
 - a) the deputation be received at this meeting or a future meeting
 - b) the deputation not be received
 - c) the deputation be referred to the most appropriate committee/sub-committee/community council.

The monitoring officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the cabinet has discretion as to whether or not to receive the deputation.

CONTRACT STANDING ORDERS 2011/12

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Definitions

Introduction

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

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

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

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

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

1. When do Contract Standing Orders apply?

1.1 CSOs apply:

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

unless an exemption to CSOs is approved (see 4.8 below).

1.2 CSOs do not apply:

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

2. General principles

2.1 Compliance with relevant statutory and corporate requirements

There must be compliance with the requirements of:

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

- c) all parts of the council's constitution such as these CSOs, the Financial Standing Orders and the protocol on Key Decisions
- d) EU and domestic legislation, including the "Standstill" Period
- e) the council's procurement strategy, the Procurement Guidelines and other council policies and procedures
- f) the employee code of conduct (for officers)
- g) the council's sustainable communities strategy.

2.2 Consequences of non-compliance

It is a disciplinary offence to:

- fail to comply with CSOs
- fail to have regard to the Procurement Guidelines when letting contracts.

Employees have a duty to report breaches of CSOs to an appropriate senior manager and the finance director.

2.3 General principle of contract decision making

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

2.4 Contracts in writing

- 2.4.1 Every contract awarded must be in writing and, wherever practicable, on terms agreed by the council and consistent with any council terms of trading and contain full details of the contract documents and contract terms. All Strategic Procurement contracts and those works contracts whose contract value is in excess of the EU threshold for services/supplies must be executed on behalf of the council under seal as a deed.
- 2.4.2 All other contracts must be signed by at least two authorised officers of the lead contract officer's department.
- 2.4.3 All contracts must wherever practicable be signed or sealed before contract commencement and in accordance with the procedures set out in the Procurement Guidelines.

2.5 Record keeping

Chief officers must ensure that the following records are kept:

- a detailed contract file for each contract, including the Estimated Contract Value and, for all contracts with an Estimated Contract Value of over £75,000, all tender opening records
- all decisions made, reasons for them and actions taken in relation to

- contracts
- all reports relating to contracts
- entries in the council's contract register of all contracts with an Estimated Contract Value of £75,000 or more.

2.6 Lead contract officer

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

2.7 Authority to act in line with scheme of management

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

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

2.8 Declarations of interest

- 2.8.1 The following will declare any interests which may affect the procurement process:
- a) all staff, whether directly employed by the council or otherwise, who play a role in any aspect of the tendering process
 - b) all staff listed on a scheme of management or delegation in relation to a contract or procurement issue
 - c) external consultants and representatives of bodies other than the council (including community representatives) who play a role or whose work gives them influence over or information about any aspect of the contract process
 - d) joint negotiating committee (JNC) officers
 - e) any other officers who regularly give advice to members including report authors.
- 2.8.2 Chief officers will ensure that staff, consultants and representatives of bodies other than the council (including community representatives) appointed or agreed by them make declarations on appointment, or on any change in circumstances (and annually in the case of staff); and will either certify them as acceptable or take any necessary action in respect of potential conflicts of interest.
- 2.8.3 Chief officers will keep completed staff declarations on the individual's personnel file; and also maintain a departmental register of declarations indicating the names and grades of all those declaring, and the nature of their declaration; LCOs will keep any consultants' or other bodies' representatives' declarations on the contract file.

2.9 Changes to CSOs

As set out in article 1, the monitoring officer may make minor changes to the Contract Standing Orders, after consultation with the finance director.

Minor changes are defined as:

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

3. Particular types of contract

3.1 Corporate contracts

Where there is a Corporate contract or Corporate framework for a service, supply or for works, it must be used to make the relevant purchase. If a lead contract officer believes that the Corporate contract does not meet their requirements they must obtain an exemption (see 4.8) through a Gateway report regardless of the value of the purchase.

3.2 Consortium contracts

The requirements in these Contract Standing Orders for obtaining tenders or quotes shall not apply where the council intends to purchase under a Consortium contract so long as approval for the use of that Consortium contract has been given via a Gateway 1 report which should identify the procedure and route for approvals for future orders/works being placed under the consortium agreement.

3.3 Framework/schedule of rates contracts

- 3.3.1 When a Framework contract or similar type of contract (such as a schedule of rates contract) is entered into, no individual order may be placed which will exceed the EU threshold for services/supplies unless this has been approved by the relevant decision maker appropriate to that contract, whether at the time of the approval of the procurement strategy (Gateway 1 report) or in the approval of the award of the contract (Gateway 2 report) or before the individual order is placed.
- 3.3.2 Any procurement involving the use of a third party's Framework contract is subject to usual Gateway 1 and 2 procedures (see 4.4 below).

3.4 Health and social care and education Spot contracts

Personal, social or educational services are sometimes provided by the purchasing of these services under Spot contracts. The relevant chief officers will seek to minimise the use of Spot contracts, but where they are to be used for such services:

- a) the requirements in these Contract Standing Orders for obtaining tenders or quotes shall not apply
- b) the relevant chief officer may award all such Spot contracts, and

- c) the relevant chief officer must provide an annual report to the Corporate Contract Review Board (CCRB) detailing the nature, extent and value of Spot contracts entered into in the previous financial year.

3.5 Leasing contracts

Where approval is being sought to enter into a contract for the lease of an asset, written permission is also required from the finance director in most cases, as set out in the Financial Standing Orders. Confirmation that this has been obtained should be included in Gateway reports.

4. Approvals processes

4.1 Overview of procurement process

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

- a) to identify who is the lead contract officer (LCO) – see 2.6 above
- b) to obtain approval of procurement strategy (Gateway 1 report). This will depend on the Estimated Contract Value and other factors and may require advice from the Departmental and Corporate Contract Review Boards (DCRB and CCRB) – see 4.4 below
- c) to follow appropriate quote/tender route. This will depend on the Estimated Contract Value and other factors – see 5 below
- d) to obtain approval to award contract (Gateway 2 report). This will depend on Estimated Contract Value and other factors and may require advice from the DCRBs and CCRB – see 4.5 below
- e) to ensure that a written contract has been signed (and sealed if necessary) on behalf of the chief officer of the LCO's department in line with constitutional requirements.

For an emergency procurement, see 4.9 below.

- 4.1.2 Where there is a need to vary an existing contract, the process to be followed is set out in 4.6 below.

- 4.1.3 Where it is proposed to bring a service which was previously externalised back in-house, it is necessary to follow 4.1.1 a) and b) above.

4.2 Gateway and other reports

The procurement process requires approvals via written reports at the following stages:

- a) approval of procurement strategy – Gateway 1 report
- b) approval of award of the contract – Gateway 2 report
- c) approval of Variation or Extension to contract – Gateway 3 report.

More information can be found in 4.4 to 4.6 and the definitions below.

4.3 Supplemental advice from other officers in Gateway and other reports

Where the Estimated Contract Value or, in relation to a Variation, the Contract Value is over the relevant EU threshold or where required elsewhere in the CSOs, any Gateway report or other report containing a contract matter (such as a Variation report) must include legal advice from the monitoring officer and financial and procurement advice from the finance director or delegated officer(s).

4.4 Decision on procurement strategy – Gateway 1

- 4.4.1 A decision on the procurement strategy to be used on any contract with an Estimated Contract Value of over £75,000 must only be made after consideration of a Gateway 1 report. It is recommended that such a report is also used for contracts with an estimated value of £75,000 or below.
- 4.4.2 The decision on the approval of the procurement strategy is to be taken by the relevant chief officer or under his/her delegated authority in line with the department's scheme of management, except where:
 - a) the contract is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after taking advice from the CCRB
 - b) the Estimated Contract Value is above £2 million but below £4 million for services and supplies or above £10 million but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after taking advice from the CCRB
 - c) the contract is a Corporate contract, but does not fall into a) or b) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - d) the contract will affect the budget of more than one directorate and the Estimated Contract Value is £500,000 or more, but does not fall into a), b) or c) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - e) the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c) or d) above and the LCO is requesting approval to proceed with a single tenderer or to negotiate with a single provider (and this is permitted by EU legislation), the decision must be taken by the finance director, after taking advice from the CCRB
 - f) the contract will affect the budget of more than one directorate and the Estimated Contract Value is less than £500,000, the chief officers of all the directorates concerned must agree the decision, after taking advice from relevant DCRBs
 - g) the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c), d), e) or f) above, the decision must be taken by the chief officer or under his/her delegated authority, after taking advice from his/her DCRB
 - h) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
 - i) for the decision to be made by someone else (e.g. pensions, treasury management where decisions are to be made by the finance director), or
 - ii) about the decision (e.g. in emergencies where no prior written report is needed – see 4.9 below).
- 4.4.3 Gateway 1 reports should also include any details of procurement proposals that are different from the normal routes, including requests for exemptions to

all or some of these CSOs and requests to delegate powers to award the contract.

4.5 Decision on contract award – Gateway 2

- 4.5.1 A decision to award any contract with an Estimated Contract Value of over £75,000 must only be made after consideration of a Gateway 2 report. It is recommended that such a report is also used for contracts with an estimated value of £75,000 or below. As a minimum, the LCO must keep a written record of decisions and action taken.
- 4.5.2 The decision on the award of a contract is to be taken on the basis of a written report by the relevant chief officer or under his/her delegated authority in line with the department's scheme of management, except where:
 - a) the contract is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after taking advice from the CCRB
 - b) the Estimated Contract Value is above £2 million but below £4 million for supplies and services or above £10 million but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after taking advice from the CCRB
 - c) the contract is a Corporate contract, but does not fall into a) or b) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - d) the contract will affect the budget of more than one directorate, and the Estimated Contract Value is £500,000 or more but does not fall into a), b) or c) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - e) the contract will affect the budget of more than one directorate and the Estimated Contract Value is less than £500,000, the chief officers of all the directorates concerned must agree the decision, after taking advice from relevant DCRBs
 - f) if;
 - i) the Estimated Contract Value is £500,000 or above (for services and supplies contracts) or above the relevant EU threshold (for works contracts), and
 - ii) the contract is to be awarded to a contractor whose bid was more than 15% above the Lowest Bid,
 but does not fall into a), b), c) or d) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - g) the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c), d), e) or f) above, the decision must be taken by the relevant chief officer or under his/her delegated authority, after taking advice from the relevant DCRB
 - h) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
 - i) for the decision to be made by someone else (e.g. pensions, treasury management where decisions are to be made by the finance director)
 - ii) about the decision (e.g. in emergencies where no prior written report is needed – see 4.9 below)
 - i) approval has been obtained in line with 4.4.3 above to a different decision process.

- 4.5.3 Requests to delegate the decision on the award of a contract which falls into 4.5.2 a) or 4.5.2 b) should be included within the Gateway 1 report and the delegation may only be to the leader or the relevant chief officer.
- 4.5.4 Report authors should include, as part of the proposed recommendations contained within the Gateway 2 report, details of any possible options to extend the contract and seek delegated authority for the decision to exercise those options at a future date. Where such a recommendation is not included, even where the contract was awarded prior to the commencement of these CSOs, any decision to exercise an option to extend the contract will be subject to the requirements of 4.6 below.

4.6 Decision to allow Variations during contract term – Gateway 3

- 4.6.1 A decision to allow a contract Variation of more than £75,000 must only be made after consideration of a Gateway 3 report. It is recommended that such a report is also used for contract Variations with an estimated value of £75,000 or below. As a minimum, the LCO must keep a written record of decisions and action taken.
- 4.6.2 Any decision to allow a Variation of a contract is to be taken on the basis of a written report by the relevant chief officer or under his/her delegated authority in line with the department's scheme of management, except where:
- a) the Contract Value plus the amount of the proposed Variation and any previous Variations is £250,000 or above (for services and supplies contracts) or £1 million or above (for works contracts) and the amount of the proposed Variation is more than 10% of the Contract value, the decision must be taken by the finance director, after taking advice from the CCRB; all such decisions will be advised in writing by the finance director to members of the cabinet
 - b) the contract is a Corporate contract, but does not fall into a) above, the decision must be taken by the finance director, after taking advice from the CCRB; all such decisions will be advised in writing by the finance director to members of the cabinet
 - c) the contract affects the budget of more than one directorate, but does not fall into a) or b) above, the decision must be taken by the relevant chief officer, after obtaining agreement in writing from the other relevant chief officer(s)
 - d) an additional amount is to be paid in respect of an outstanding sum for works, services or supplies already provided or where an Urgent Payment is required, written confirmation from the monitoring officer that the sums are legally payable must be obtained and the decision to make the payment must be reported in writing to the finance director within five clear working days
 - e) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
 - i) for the decision to be made by someone else (e.g. pensions, treasury management where decisions are to be made by the finance director), or
 - ii) about the decision (e.g. in emergencies where no prior written report is needed – see 4.9 below)
 - f) approval has been obtained in line with 4.4.3 above to a different decision process.

4.6.3 Where a decision on a Variation is made in relation to a contract for works, there will also be a deemed variation of the contract of any consultant engaged in relation to that works contract. This only applies where the consultant is engaged on a fixed percentage of the works contract value. The deemed variation of the consultant's contract will be by the same percentage as that applied to the works contract.

4.7 Retrospective approvals

In the event of a contract having been entered into other than in compliance with these CSOs, it may be necessary to seek approvals retrospectively. In such cases, the procedures relating to Gateway 1, Gateway 2 and Gateway 3 reports should be followed. Where the decision makers for the Gateway 1 and 2 reports are different, both decisions can be taken by the higher decision maker (see 2.7 above), after consulting with the other decision maker. In addition, a report should be submitted to the relevant departmental contract review board for information and, where a decision relates to a procurement strategy, a contract award or a contract Variation with an estimated value of over £100,000, also to the audit and governance committee, setting out the circumstances and manner in which the decision was taken, for the purpose of obtaining guidance to inform future decision making.

4.8 Exemptions

In the event that there appear to be exceptional circumstances which mean that the usual procedures set out in the CSOs cannot be followed, written approval must be obtained in advance through a Gateway report. The report should set out the exceptional circumstances and explain why usual procedures cannot be followed. Proposed alternative courses of action must still comply with remaining relevant statutory and corporate requirements as set out in 2.1 above.

Examples of circumstances which might amount to an exceptional reason for not following the usual procedures are:

- a) the nature of the market has been investigated and is such that a departure from the CSO requirements is justified
- b) the contract is one required because of circumstances of extreme urgency which could not reasonably have been foreseen
- c) the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or domestic law).

The above is not an exclusive list.

4.9 Emergencies

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

5. Requirements to obtain tenders or quotes depending on type of contract and levels of contract value

5.1 Contracts less than £5,000

For all contracts where the Estimated Contract Value is less than £5,000, there is no requirement to obtain competitive quotes; the requirement is to ensure value for money and best value and to keep a record of what action has been taken and why. In addition, if the contract is for works or for works-related services, the provider must be obtained from the council's Works Approved List, unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the finance director or his delegated officers, without which the approval cannot be granted.

5.2 Contracts from £5,000 to £75,000

For all contracts where the Estimated Contract Value is from £5,000 to £75,000, there is a requirement to take all reasonable steps to obtain at least three written quotes, including one from a local supplier where this is possible, unless the LCO decides that this will not secure value for money. In such cases, a Gateway 1 report must be completed to explain what alternative action is being taken and why. In addition, if the contract is for works or works-related services, those invited to submit quotes must be selected from the council's Works Approved List unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the finance director or his delegated officers, without which the approval cannot be granted.

5.3 Works contracts and works-related services above £75,000 but below EU threshold

For all such contracts where the Estimated Contract Value is above £75,000 but below the relevant EU threshold, there is a requirement to take all reasonable steps to obtain at least five tenders. Those invited to submit tenders must be selected from the council's Works Approved List unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the finance director or his delegated officers, without which the approval cannot be granted.

5.4 All other contracts not falling within 5.1 to 5.3 above

For all contracts not covered by 5.1 to 5.3 above, there is a requirement to take all reasonable steps to obtain at least five tenders following a publicly advertised competitive tendering process, as set out in these CSOs and in line with the Procurement Guidelines.

6. Tender procedure

- 6.1 Officers must seek advice from corporate procurement before using any e-procurement processes in order to ensure compliance with relevant legislative requirements. All other tender processes must comply with the following requirements.
- 6.2 Tenderers must be told that their tenders may only be considered if they follow the requirements below:

- a) the tender must be returned in a plain envelope or parcel which is marked clearly "Tender" followed by the subject of the contract
 - b) the envelope or parcel must not show the identity of the tenderer in any way, and
 - c) the envelope or parcel must be delivered to the place and by the time stated in the tender invitation.
- 6.3 All tenders will be opened at the same time and place, after the closing date and time for receipt stated in the tender documents.
- 6.4 A tender received by the council after the time and date specified in the invitation shall not be accepted or considered.
- 6.5 Tenders where the Estimated Contract Value is £500,000 or more must be returned to the monitoring officer and shall be opened by his/her authorised representative. Where the Estimated Contract Value is less than £500,000, tenders may be returned to the chief officer or their authorised representative who will arrange for tender opening in the presence of at least two officers, one of whom will be the witness and will not have been directly involved in that particular contract.
- 6.6 Exceptions to the requirements set out in 6.1 to 6.4 above will only be made in exceptional circumstances and must be authorised by the relevant chief officer in writing following consultation with the finance director, CCRB or DCRB as appropriate to the contract.

7. Contract management and monitoring

- 7.1 The lead contract officer must ensure that systems are in place to manage and monitor contracts in respect of:
- a) compliance with specification and contract
 - b) performance
 - c) cost
 - d) user satisfaction
 - e) risk management.
- 7.2 Where the estimated contract value exceeds the relevant EU threshold, the lead contract officer should prepare a six-monthly monitoring report to the relevant DCRB.
- 7.3 Where the contract relates to a strategic procurement or is corporate in nature or has an estimated contract value of £500,000 or more and affects the budgets of more than one department, the lead contract officer should prepare an annual monitoring report to the CCRB.

8. Contract termination

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

9. Contractor insolvency

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

Definitions

Consortium contract	A contract procured, usually following a competitive process, by a public sector agency other than the council under which the council is permitted to purchase, such as those provided by Buying Solutions or the London Contracts and Supplies Group.
Contract register	A register of contracts held by Southwark legal services.
Contract Value	The total value of a contract as awarded (which may be different from the Estimated Contract Value), net of VAT, or if there is no fixed figure, the LCO's best estimate of the likely amount to be spent over the period of the contract, taking into account the prices accepted.
Corporate contract	A contract arranged by corporate procurement or another department that should be used by the whole council for all goods, works or services specified in it.
CCRB	Corporate Contract Review Board – panel of officers operating under terms of reference of CCRB. Its role includes considering reports from DCRBs and advising the cabinet, individual decision makers and the finance director on contract decisions.
DCRB	Departmental Contract Review Board – panel of officers operating under terms of reference of DCRB. Its role includes agreeing reports for consideration by the CCRB and advising the chief officer on contract decisions.
Estimated Contract Value	The total value of a proposed contract including options to extend it (as estimated by the LCO on the basis of all relevant factors) net of VAT calculated for the proposed contract period, or, if for an undetermined period, in accordance with the valuation rules contained in European Regulations, whether or not the Regulations apply to the particular contract. This may be different from the lifetime cost of the contract, which may need to be considered for other purposes (see Procurement Guidelines). Note that a contract may not be artificially packaged into two or more separate contracts, nor a valuation method selected, with the intention of avoiding the application of these CSOs. Chief officers are responsible for considering aggregation within their department to ensure delivery of best value within CSO requirements.
EU Regulations	The Public Contracts Regulations 2006 or any amendment to or successor to those Regulations.
EU threshold	The current contract value at which the requirements of the EU Regulations apply.

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Framework contract	A framework contract is an agreement between the council and one or more contractors, the purpose of which is to establish the terms governing jobs to be awarded during the period of the framework agreement, in particular with regard to price. Usually, the council is under no obligation to offer work but the provider is obliged to perform work if the council asks.
Gateway report	A written report in substantially the same terms as those contained in the relevant template which can be found on the Source at http://thesource/SectionLandingPage.asp?id=22344&cat=1234 .
Key Decision	Definitions of Key Decisions are contained in the Protocol on Key Decisions in appendix 1 of the Access to information procedure rules section of the constitution. Examples of Key Decisions for procurement purposes are: <ul style="list-style-type: none">• those which are subject to a general financial threshold (£500,000 or more – note that in relation to awarding contracts, this is a per annum value not a contract term value)• those which have a significant impact on communities• Gateway 1 approvals in respect of a Strategic Procurement.
Lead contract officer (LCO)	The LCO for each contract is the officer who has a duty to ensure that the obligations set out in these CSOs are complied with.
Lowest Bid	The lowest price offered by tender or quotation which meets the specification and other requirements of the contract.
Procurement Guidelines	A document issued and maintained by corporate procurement containing best practice information on procurement matters.
Spot contract	A one-off contract under which services are provided to meet an individual service user's needs for personal, social or educational provision.
"Standstill" Period	The period required by EU regulations between notification of an award decision and when the contract comes into existence, in order to allow unsuccessful parties time to challenge the award decision. Most contracts are covered by this requirement; a few are not (Part B services – such as some personal services in relation to education, social care and health). Seek advice on whether your contract is about a Part B service and if you are unclear about the application of the Standstill Period.
Strategic Procurement	Procurement where one or more of the following apply:

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- 1) Estimated Contract Value of £4 million or more for non-works and of £15 million or more for works
- 2) a significant change to previous service
- 3) possible externalisation or change in manner of delivery
- 4) significant transfer of assets or staff
- 5) political sensitivity
- 6) contract carrying a high level of risk.

Tender value	The value of a contract at the time of the award of the contract or, if there is no fixed value, the LCO's best estimate of the likely spend on the contract during the contract period.
Urgent Payment	A payment where delay would lead to significant demonstrable financial loss to the council (and where no breach of EU or domestic requirements would be occasioned).
Variation	A decision to extend the length or cost or amend the scope of a contract where the contract is capable of this. This might be a change in duration, i.e. an increase in the duration of the contract; or a change in volume, i.e. an increase in the volume usage of the contract.
Works Approved List	A list of providers of works and works-related consultancy services which have all been appraised to meet minimum criteria in respect of their financial standing, level of insurance held, health and safety policies and procedures, and equal opportunities policies and procedures, maintained by corporate procurement. For further information about the use of Approved Lists, see the Procurement Guidelines or seek advice from corporate procurement.

FINANCIAL STANDING ORDERS 2011/12

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Glossary

Introduction

The council allocates resources for both capital and revenue purposes. The council has systems to monitor expenditure and income on an accruals basis and to monitor accounting commitments on both revenue and capital budgets. All references to income and expenditure in the financial standing orders and financial regulations include accrued income and expenditure in addition to cash receipts and payments. A short glossary of other terms is appended to the financial standing orders for ease of reference.

References in these standing orders to “the cabinet” should be taken to include decisions taken by the whole cabinet, decisions by any committee of the cabinet and decisions by individual members of the cabinet. Delegations to the cabinet are set out elsewhere in the constitution.

As set out in article 1, the finance director may make minor changes (see Glossary) to the financial standing orders, after consultation with the strategic director of communities, law & governance.

1. Financial administration

a) Finance director

- i) The finance director is the officer appointed by the council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit (England) Regulations 2011, and section 25 of the Local Government Act 2003. The postholder must ensure that the council's financial affairs are administered in a proper manner, in compliance with all relevant professional codes of practice, and all statutory obligations.
- ii) All matters connected with the financial administration of the council's affairs are the delegated responsibility of the finance director, except any matters which are delegated to other officers or reserved to committees of council members, the cabinet, or to the council itself. The finance director may authorise other officers to carry out matters delegated to him/her except the section 151 responsibilities.

b) Strategic directors

Strategic directors are responsible for ensuring that there is proper financial management within their department. Specific responsibilities are set out in the scheme of delegation for financial authority and accountability. Strategic directors must maintain adequate systems of internal control over financial operations and processes and secure the accuracy and integrity of financial information and systems operating within their departments. Strategic directors must ensure compliance with procedural instructions on financial administration issued by the finance director. Strategic directors must set and maintain a departmental scheme of management setting out the levels of authorisation and standards for the department.

c) Financial advice to the cabinet

- i) Corporate and strategic matters. The finance director will provide financial advice to the council, its committees, sub-committees, and similar bodies of members including the cabinet on all matters of a corporate or strategic financial nature or of an interdepartmental nature.
- ii) Departmental matters. Strategic directors are responsible for financial advice to committees, sub-committees and similar service bodies of members including the cabinet on all financial matters of a departmental nature.

d) Financial regulations

The finance director will issue financial regulations applicable to all or specified categories of council staff. Strategic directors will ensure that all relevant staff in their departments fully comply with them. Individual council officers must familiarise themselves with financial regulations, or similar, relevant to their work, and fully comply with them.

e) Partnerships

Financial governance arrangements in respect of partnerships must meet the requirements of the finance director and his written approval must be obtained before any partnership arrangements are entered into.

f) Treasury management

All treasury management decisions are the responsibility of the finance director, as set out in paragraph 11 below.

g) Pensions

All pension scheme decisions are the responsibility of the finance director, acting on the advice of the pensions advisory panel, as set out in part 3 of the constitution.

h) Cap and trading schemes

The finance director must be consulted on all decisions relating to the landfill allowance trading scheme (LATS) and any similar cap and trading schemes.

i) Companies in which the council has an interest

The finance director and monitoring officer must be consulted on all proposals relating to the establishment of companies in which the council is to have an interest.

j) Guarantees

Any proposal for giving a financial guarantee on behalf of a party external to the council must have prior written approval of the finance director.

k) Internal audit

- i) The finance director is responsible for:
 - safeguarding the independence of internal audit
 - determining the overall audit arrangements and the annual internal audit plan
 - the content and distribution of internal audit reports
 - the form and frequency of reports which may be made to the audit and governance committee arising from internal audit activity.
- ii) It is the responsibility of all council officers to implement agreed recommendations and to provide, upon the request of the finance director or a person nominated by him or her for this purpose, any information, explanation or document under the control of the officer concerned which is required for the purposes of or in connection with an internal audit inquiry, project, or investigation.
- iii) The finance director will report to the audit and governance committee any serious breach of financial standing orders or of the financial regulations or procedural instructions issued in accordance with them.

I) Risk management

The finance director will be responsible for ensuring awareness of and compliance across the council with risk management responsibilities and protocols as they impact upon day-to-day operations and major project activities and for reporting on risk management as appropriate.

m) Fraud

The finance director is responsible for management of the investigation process for all suspected cases of fraud, corruption, financial loss or malpractice.

2. Financial planning

a) Planning process

The council's financial planning processes and planning horizons, for the revenue budgets (including the housing revenue account), the capital programme and the medium term resources strategy, will be determined by the finance director, subject to approval by the cabinet. This will have regard to the council's community strategy, corporate plan, corporate priorities and business plans.

3. Preparation of the revenue budget

a) Finance director's responsibilities

The finance director is responsible for the overall coordination of the budget process. Under section 25 of the Local Government Act 2003, he/she also has specific responsibilities for reporting on:

- the robustness of the estimates

- the adequacy of the proposed financial reserves.

The finance director also has specific responsibility for confirming the deployment of the dedicated schools grant in support of the schools budget, as required by section 16 of the Education Act 2002 and the Accounts and Audit (England) Regulations 2011.

b) Strategic director's responsibilities

- i) Preparing the revenue budget for the services in his/her departments in consultation with the relevant member of the cabinet, which will have regard to the community strategy, corporate plan, corporate priorities and business plans.
- ii) Ensuring that corporate deadlines are met.
- iii) Ensuring that resources are allocated through a detailed budget on SAP by the deadline set by the finance director.
- iv) Ensuring that reports are submitted to the relevant cabinet member(s), seeking approval of fees and charges in relation to their areas of responsibility.

c) Budget working papers and revenue estimates

- i) All working papers and revenue estimates must be prepared in accordance with issued procedural instructions. The instructions will include information in respect of inflation, capital financing costs and other variables outside the control of service departments.
- ii) The revenue estimates must include forecast expenditure and income for the year.

d) Budget timetable and cash limits

As part of the council's arrangements for medium term financial planning and budget preparation, the cabinet will give guidance on the budget timetable to be adopted and the resource constraints (cash limits) within which business plans and budget estimates must be prepared. The cabinet may also, as part of a strategy to integrate strategic planning with four-year budgeting, issue indicative cash limits for up to four years ahead.

4. Setting the annual budget and the council tax

a) Precepting authorities and the tax base

The council must before 31 January each year approve the council tax base for the following financial year. Following the council decision, the finance director will inform precepting and levying bodies of the approved council tax base.

b) Collection fund

The finance director will determine the probable collection fund surplus or deficit for the year, notify precepting bodies, and report to the cabinet.

c) Decision by members

- i) The cabinet will make recommendations to the council regarding the annual budget for the following financial year and the council tax required to finance it.
- ii) At a meeting on or before 1 March each year, the council will set the overall council tax (including the impact of the Greater London Authority (GLA) precept) for the following financial year.

All members must ensure that any outstanding debts relating to council tax or national non-domestic rates payable by them to the council have been settled at least one clear working day before the council assembly meeting at which the overall council tax is set.

5. Monitoring and control of the revenue budget

a) Budget spending

Following approval by the council of the annual revenue estimates, strategic directors may spend within the agreed budget for their departments. They must ensure that the net expenditure for their departments does not exceed the approved budget. They must also ensure that they do not incur expenditure on budgets outside their departmental budget without first getting approval from the relevant strategic director.

b) Monitoring

- i) Strategic directors must:
 - ensure that there are adequate systems to monitor and audit the resources allocated to services.
 - monitor at least monthly the accurately projected income and expenditure outturn for the financial year under each budget heading, having regard to any contingent or other liabilities for which financial provision may be required.
 - present reports containing up to date summary projections to the relevant cabinet member each month.
- ii) The finance director must report on the overall financial position of the council to the cabinet on a quarterly basis. This report will include any concerns he/she may have about the outturns projected by strategic directors or about financial controls within departments.

c) Budget adjustments/virements within a directorate

Strategic directors may vire budget provision between services as set out in the budget book (cost centre groups) within their department, subject to the following:

- i) The authority for all virements must comply with each department's scheme of management.

- ii) Provisions included within departmental budgets on the instructions of the finance director as per the schedule of corporately controlled budgets maintained by the finance director, (e.g. insurance, capital charges, leasing costs, service level agreements, FRS 17, planned maintenance etc) may not be vired for other purposes without the written consent of the finance director.
- iii) If the virement is in excess of £250,000, it cannot be actioned until the strategic director has notified it to the finance director who will report it to the cabinet at the earliest opportunity. This rule applies where there is movement of an approved budget from one service to another and to adjustments between subjective categories of income and expenditure such as to reflect additional grant or other income and associated expenditure.

d) Budget adjustments/virements between directorates

- i) Where responsibility for a service is transferred from one department to another and the annual cost transferred exceeds £250,000, the relevant strategic director(s) must obtain written consent from the finance director who will obtain the approval of the cabinet.
- ii) Subject to paragraph 13 of Part 3A of the Constitution “matters reserved to council assembly”, the cabinet may at any time during a financial year, having considered a report of the finance director, vary the departmental approved budget either:
 - to require mid-year savings to compensate for a projected corporate overspend
 - to allocate to departments sums included within corporate provisions or budgets, excluding those which form part of the schedule of corporately controlled budgets maintained by the finance director.

e) Treatment of overspends and underspends

The finance director may, on consideration of the overall financial position of the council at the end of a financial year, recommend to the cabinet whether overspends by departments should be set off against budgets in the subsequent financial year and whether underspends by departments can be made available for specific projects or carried forward to the subsequent financial year, or otherwise accounted for, in line with the medium term resources strategy.

f) Accuracy of accounts

It is the responsibility of strategic directors, having regard to any guidance which may be issued by the finance director, to ensure that all items are correctly accounted for, and that all expenditure and income is charged to a revenue account in the first instance, in accordance with proper accounting practices. The only exceptions under the provisos of the Local Government Act 2003 are:

- expenditure under finance leases

- expenditure permitted to be charged to capital
- the repayment of sums borrowed
- expenditure on approved instruments (treasury loans)
- payments from the superannuation funds
- the use of trust funds
- transactions within the collection fund.

6. Annual statement of accounts

a) Finance director

The finance director is responsible for the preparation and certification of the annual statement of accounts in accordance with current legislation and in particular with the Accounts and Audit (England) Regulations 2011. The finance director will make arrangements for the coordination of the council's closing of accounts programme to ensure compliance with national guidelines.

b) Strategic directors

Strategic directors are responsible for ensuring:

- i) the accuracy of their departmental accounts and compliance with all current legislation and applicable accounting codes of practice
- ii) the prompt production of adequate working papers to justify all items attributable to them in the statement of accounts
- iii) the achievement of their departmental closing of accounts programme in line with the finance director's timetable for the closure of accounts and production of the annual statement of accounts
- iv) the completion of all grant claims accurately, within deadlines and with adequate supporting working papers, ensuring that income due to the council is maximised
- v) that their staff cooperate fully with the council's external auditors during their audit of the accounts and grant claims.

7. Preparation of the capital programme

a) Capital strategy and programme

Council assembly will, on consideration of reports at least every four years and as necessary in the event of a significant change in circumstances from the finance director, agree the capital strategy and programme. The reports from the finance director will consider the compliance of proposed schemes in the programme with the medium term resources strategy, the capital resources available to the council, the revenue implications of the proposed capital expenditure, and any other relevant information.

b) Financing of schemes

Within the overall approved capital programme, the finance director will decide the method by which any particular scheme will be financed in consultation with the cabinet member for finance and resources.

c) Capital schemes

Approval to spend on individual capital schemes will only be given once issued procedural instructions have been complied with and cash flow implications have been determined and assessed to the satisfaction of the finance director.

8. Monitoring and control of the capital programme

a) Control

Strategic directors must ensure that their total departmental capital spending in any financial year does not exceed the relevant provision within the capital programme, except where approved by the cabinet.

b) Reporting requirements

- i) The finance director will report on the actual capital expenditure incurred in the first six months by the council as a whole to the cabinet by December. This report will include details of variations to the capital programme (see (c) below), the projected outturn for the financial year and the total capital resources available to the council with which to finance such expenditure.
- ii) The finance director will report to the cabinet on the outturn position for capital expenditure for each financial year.

c) Variations to the capital programme

i) Virements

Virements between capital projects or programme headings as set out in the overall programme approved by council assembly must be notified by the relevant strategic director to the finance director and cannot be actioned until they have been approved as follows:

- up to £100,000 – finance director
- over £100,000 and up to £1,000,000 – the cabinet member for finance and resources, after consultation with the relevant cabinet member(s)
- over £1,000,000 and up to £10,000,000 – the cabinet
- over £10,000,000 – council assembly.

ii) Changes to profiles of expenditure and resources

Changes to profiles for capital projects or programme headings as set out in the overall programme approved by council assembly must be notified by the strategic director to the finance director and cannot be actioned until they have been approved as follows:

- up to £250,000 – strategic director

- over £250,000 – cabinet member for finance and resources, after consultation with the relevant cabinet member.

d) Major overspends and underspends

Strategic directors must report to the finance director who will report to the cabinet on any schemes in progress, which are forecast to overspend or underspend by 10% or more compared to the approved budget unless the overspending or underspending amounts to less than £250,000. The report must give the reasons for the overspending or underspending.

e) Accuracy of accounts

It is the responsibility of strategic directors, having regard to any guidance which may be issued by the finance director, to ensure that all items are correctly coded and only expenditure classified as capital expenditure in accordance with proper accounting practices or as defined as such under the Local Government Act 2003 (and subsequent regulations) is charged to capital.

9. Leases

a) Capital accounting considerations

The taking or granting of a lease on any asset may form part of the council's capital expenditure or receipts, and must, therefore, be provided for.

b) Consent

Strategic directors are required to consult with the finance director as early as possible in order to obtain advice on the correct assessment of a lease (as 'finance' or 'operating') and to obtain written permission from him before taking or granting a lease on any asset. The exceptions to this are:

- i) the granting of short term leases on property within the commercial property portfolio managed by the head of property services
- ii) the granting of leases on housing revenue account dwellings under the right to buy provisions of the Housing Act 1985.

10. Schools financial framework

a) Application of standing orders

Delegated budgets of schools, in accordance with the Schools Standards and Framework Act 1998, remain part of the authority. The statutory responsibilities of the finance director apply to schools in the same way as any other part of the council.

b) Financial regulations

Financial regulations applying to schools which differ from those issued to strategic directors and departments will be issued by the strategic director of children's services after agreeing them with the finance director.

c) Scheme for financing schools

The finance director and strategic director of children's services will consult on and issue a scheme for financing schools annually.

11. Treasury management

a) Prudential framework

i) Prudential indicators

The finance director shall set out prudential indicators for capital finance and treasury management under the provisions of the Local Government Act 2003 for consideration and decision by council assembly alongside consideration of the budget and council tax each year.

ii) Reporting

The finance director shall monitor and report at least twice a year on performance against the indicators.

b) Borrowing and treasury management strategy and decisions

i) Strategy

The finance director shall set out the borrowing and treasury management strategy (including prudential borrowing arrangements) for consideration and decision by the council assembly each year, in accordance with ODPM guidance on local government investments and the CIPFA code of practice on treasury management in the public sector.

ii) Decisions

All cabinet and operational decisions on borrowing, credit finance and investments are delegated to the finance director.

iii) Reporting

The finance director shall monitor and report on operational activity in relation to the strategy on a quarterly basis to the cabinet and at mid year and year end to council assembly.

c) Departure from ODPM guidance or the CIPFA code

If the finance director should wish to depart materially from the main principles of the guidance or code, the reasons should be reported to the council assembly.

Glossary

Budget adjustments/virements	A budget adjustment or virement is a movement of an approved budget from one budget heading or service to another. It will be self-balancing and will be in response to either a change in the level of service (increased or decreased) or additional net costs or benefits within a service. It includes changes to expenditure and income budgets to take account of new grants or other income and associated expenditure including movements between subjective categories of income and expenditure and also corrections to budgets which were set on the basis of incomplete information. It may recognise movements to and from reserves and balances, which may only be actioned by the finance director.
Capital programme	The capital programme is a medium term statement of the council's proposals for capital expenditure, including leasing, having regard to the likely level of resources.
CIPFA	The Chartered Institute of Public Finance and Accountancy (CIPFA) is the body with responsibility for issuing guidance on how accounting standards are to apply to local authorities.
Financial regulations	Financial regulations are such procedures that the finance director shall issue from time to time as part of the financial standing orders. They are available on the Source.
Minor changes	Minor changes are defined as: <ul style="list-style-type: none"> • typographical/presentational/explanatory changes • changes in statutory framework, i.e. references to new or updated legislation • changes in titles, names or terminology • changes consequential to other constitutional changes already made.
ODPM	The Office of the Deputy Prime Minister (ODPM) is a former government department, which became part of the Communities and Local Government (CLG) department in May 2006.
Partnership	A partnership is an agreement between the council and one or more parties to work together to enable the service provider to give

the client the best possible service. The council may not always be the lead provider and the agreement may take a number of forms: it may be contractual, but involve a more integrated, consultative and interactive working relationship or there may be no contract, no formal specification and no competitive process. As a minimum, there should be a service level agreement. Partnerships include joint arrangements, joint committees, joint venture companies and any other special purpose vehicles.

Profiles of expenditure/resources

Profiles of expenditure and resources are estimated patterns of expenditure and income through the year. For capital projects, these will often span more than one financial year. The construction of profiles enables the accurate monitoring of actuals and commitments each month which is essential to ensure that resources are used effectively.

Prudential indicators

Prudential indicators are indicators set by each local authority under CIPFA's prudential code for capital finance to help demonstrate that capital investment plans are affordable, prudent and sustainable and that treasury management (see below) decisions are taken in accordance with good practice. Examples of indicators are ratios of financing costs to net revenue streams; estimates of the incremental impact of capital investment decisions on council tax and levels of external debt.

Treasury management

Treasury management is the management of the council's long term borrowing and short term cash surpluses and deficits in line with its debt and investment strategies.

COMMUNICATION PROTOCOL

Scope of the protocol

1. This protocol applies to all publicity issued or produced and paid for out of the council's resources.
2. The protocol also applies to any other material issued by organisations that are either wholly or partly separate from the council but which use council's grants or other funding from the council to produce the publicity.

The legal framework

3. When publishing any material at any time, a local authority must comply with the provisions of the Local Government Act 1986 (the act) and the Code of Recommended Practice on Local Authority Publicity 2011 (the code) which was revised on 31 March 2011. Section 2 of the act states as follows:
 - (1) A local authority shall not publish (or assist others to publish) any material, which in whole or in part is designed to affect public support for a political party
 - (2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of the publication and the likely effect on those to whom it is directed and in particular the following matters:
 - a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the views of one political party and not of another
 - b) where the material is part of a campaign, the effect that the campaign appears to be designed to achieve.
4. Section 6 of the act defines publicity as "any communication in whatever form, addressed to the public at large or to a section of the public".
5. The key points to note from the above section and the code are that publicity by local authorities should:
 - (1) be lawful
 - (2) be cost-effective
 - Consideration needs to be given to achieving value for money and to what is the most appropriate publicity in each case.
 - The code requires that where central government publicity has been issued on a matter, local authorities should not incur expenditure on publicity on the same matter unless they consider additional value is added, i.e. by giving a local context to national issues.
 - Local authorities should consider whether to take advice before embarking on a publicity campaign involving very large expenditure.

- (3) be objective
 - Where publicity is used to comment on, or respond to the policies and proposals of central government, or other local councils, the comments or response should be balanced and factually accurate and should avoid anything likely to be perceived by readers as constituting a political statement.
 - Any publicity describing council policies and aims should be as objective as possible, concentrating on facts or explanations or both.
 - Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.
- (4) be even-handed
 - Where local authority publicity addresses matters of political controversy it should seek to present the different positions in question in a fair manner.
 - Except where a period of heightened sensitivity exists (i.e. purdah), it is acceptable for local authorities to publicise the work done by individual members of the council, even if those views do not reflect the views of the local authority itself, although such publicity should make this fact clear.
 - It is acceptable for local authorities to host publicity prepared by third parties such as blogs and with links to external sites, although those may need to be disabled during a period of heightened sensitivity.
 - It is acceptable for publicity prepared by third parties and hosted by local authorities to include a logo associated with a political party or particular member of the authority such as the leader, but publicity material relating to a particular member must not seek to affect public support for that individual.
- (5) be appropriate
 - Local authorities should not incur any expenditure in retaining the services of lobbyists in order to publish material designed to influence public officials, MPs or the government.
 - Publicity about local authorities and services should be freely available in accessible formats.
 - Local authority publicity should clearly identify itself as a product of the local authority.
- (6) have regard to equality and diversity
 - Publicity may seek to influence attitudes on health, safety, crime prevention, equality, diversity and community issues.
- (7) be issued with care during periods of heightened sensitivity
 - Particular regard needs to be paid before elections and referendums, when the general rule is that no publicity should be issued which seeks to influence voters.
- (8) When deciding whether publicity may fall foul of the act and the code, the council should consider
 - the content and style of the materials
 - the timing and circumstances of the materials
 - the likely effect on those to whom it is addressed

- whether it refers to a political party or politician
- whether it advocates a particular view that can be easily identified with a political party
- if it is part of a campaign, the effect that campaign is designed to achieve.

Publicity of individual councillors

6. Publicity about councillors may include their contact details, their political affiliation, the position they hold with the council and their responsibilities.
7. Publicity may include information about individual councillor's proposals, decisions and recommendations where this is relevant to their position and responsibilities within the council. Publicity of individual councillors should avoid personalisation of issues or personal image making.

Ward member of the council

8. Ward councillors will be invited to attend public meetings and events organised by the council to consider a local issue and will also be kept informed of consultative exercises on local issues. Some events will involve some members in formal roles, i.e. take part in photo opportunities, make presentations or officially address an audience and members will be advised of what those formal roles are and who is involved in those at the time of invitation.
9. Nothing in this protocol shall prevent the normal publication of the details of members' surgeries on-line, in hard copy or in advertisements.

Official visits by government and shadow ministers

10. It is open to government and shadow ministers to visit the borough at any time. However should the minister require assistance or access to any of the council's services or facilities, the visit will need to be arranged through official channels of the council. This will ensure that appropriate support is provided on the day.
11. To this end all such requests from government and shadow ministers must be referred to the head of communications who will promptly notify the chief executive of the request.
12. The head of communications will liaise with their counterpart at the relevant government department to ascertain the purpose of the visit. The head of communications in consultation with the chief executive and monitoring officer will authorise the visit if satisfied that the visit would assist the council in promoting one or more of its policies and or objectives or would be purely for fact finding.
13. Events which involve government ministers or other political figures and shadow ministers should usually be led by the leader or cabinet member with the Mayor informed or invited to lead as appropriate. Ward councillors and leaders of all the political parties should be invited where possible and appropriate.

Visits by local and other Members of Parliament (MPs)

14. There may be instances where local and other MPs who are not ministers will have a special interest in attending an event that is taking place in the borough. In this instance the MP in question may either be formally invited or merely informed about the event. Where the MP has not been specifically invited to attend, he or she should not expect to be treated as an "official" invitee.

Promotional publicity

15. Local authorities are authorised under the Local Government Act 1972 to publicise information as to the services provided by them or other local authorities in their area. Publicity can also be used to explain or justify the council's policies either in general, such as in the annual report, or on specific topics, for example as a background to consultation. However, any such publicity should comply with the principles of the code.

Publicity of matters going before the cabinet, council assembly or any committee of the council

16. All matters going before the cabinet or committees for decision are publicised five clear working days before the meeting or seven clear working days in the case of council assembly unless the report contains exempt information (i.e. information that has been judged by the proper officer as confidential). Some matters will obviously generate more press interest than others. Where the press is interested in a matter that is to be the subject of a decision by the council, the head of communications in conjunction with the relevant chief officer and cabinet member may issue a press release explaining the reasons behind the recommendations. Any such press release must be factual and objective. Members may be asked by the media to comment on this press release but should remember that whilst criticism of ideas and opinion is part of the democratic process, a member must comply with the code of conduct.
17. Where there has been misinformation about any of the council's policies or objectives the head of communications is authorised to take any appropriate corrective measures.

Scrutiny

18. Publicity about scrutiny will concentrate on factual information about which scrutiny exercises the council is conducting, who is involved, the process they will follow and the decisions they take. Where scrutiny suggests a course of action that differs to or challenges one agreed by the cabinet or any other council decision making body, this would be made clear in publicity together with the process for resolving the difference.

Contact with press

19. As outlined in the code of conduct for employees, employees and other staff should not communicate with press and other media unless authorised by the appropriate manager to do so.

Press releases

20. All press releases from the council must be agreed and signed off by the communications unit and issued either electronically or on council headed paper. Press releases containing quotes from members must be agreed and signed off by the appropriate member.

Social media

21. It is acceptable for the council to host social media, such as a blog, which itself contains links to external sites where the content would not itself comply with the code. However care needs to be exercised in that such links do not:
 - contain content that may result in actions for libel, defamation or other claims for damages
 - be used to process personal data other than for the purpose stated at the time of capture
 - be used in an abusive, hateful or disrespectful manner.
22. However particular care must be taken during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums during such periods.

Publicity during periods of heightened sensitivity

23. The code states that councillors and candidates in an election or referendum should not be provided with any form of publicity during the period between the notice of an election and the election itself.
24. Councillors in key positions should only comment on behalf of the council in an emergency.
25. Any publicity about events or services must be factual and not party political.
26. Any publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that it identifies them with individual councillors or groups of councillors or political parties.
27. The council should not produce publicity designed to influence the views of local people on petitions, referendums or specific proposals.
28. Councillors, MPs and candidates in the election may attend the public parts of council premises, even if they intend to use it as a photo opportunity, so long as any such attendance is not organised or funded from council resources and council equipment and employees are not involved.

The role of the communications unit

29. The communications unit works on behalf of the council and not for any political party. The purpose of its work is to provide high quality information about the council, its policies and its services and to maintain public confidence and where appropriate to protect and to promote the council's reputation. It aims to encourage better relationships with the local community. It is important to

remember that all publicity and press releases are directed through the communications unit so these goals can be achieved.

30. The head of communications can advise members on how to deal with press enquiries, and how to arrange publicity for events, which can be properly publicised. Members have a remit to discover and make public inefficiency and poor public service; however, they should be careful where a matter they wish to make public relates to identifiable officers.
31. Publicity and information will cover areas such as why the council makes the decisions it does, and why other proposals are rejected. The communications unit will feature the decisions of the council, i.e. those decisions made by the council assembly, cabinet, scrutiny, planning or licensing committees or community councils, or those actions which have been taken within the broad policy framework already set by the council, subject to any call-in arrangements.

Obligations on officers in relation to documents being prepared for public consumption

32. Council staff and resources must not be used to arrange proactive events, such as photocalls, if they would provide politicians with a platform to communicate with the public that would not otherwise be available to them.
33. When considering whether a communication or publicity is safe to be put out officers should ask themselves whether the communication or publicity is objective, balanced, informative and accurate. If the answer is an unequivocal yes then the communication or publicity is safe to be put out.
34. Where officers are uncertain as to whether a communication or publicity is appropriate they should seek advice from the communications unit and the monitoring officer in those cases.
35. If something cannot go out as a member has suggested then officers can explain why and offer an alternative form of words. Again the communications unit or the monitoring officer can offer you guidance on what would be appropriate.

The role of the Mayor

36. The Mayor is the first citizen of the borough and as such is apolitical. He or she is responsible for promoting the council as a whole and representing the council in civic and ceremonial events.
37. The Mayor is also responsible for chairing meetings of the council assembly and interpreting the constitution as necessary. Where the Mayor is unable to act or the office is vacant, the Deputy Mayor will discharge all of the Mayor's duties except that the deputy may not chair meetings of the council assembly unless specifically appointed to do so.

Key spokespeople

38. The role of the spokesperson is to present facts about council decisions, the context in which they were taken, actions, and issues faced by the council. Members who are key council spokespeople are the leader and deputy leader

and cabinet members within their portfolio, the chair of overview and scrutiny committee, planning chair, licensing chair, chair of the relevant community council, standards chair and chair of the audit and governance committee. They will be quoted or featured in publicity where it relates to their responsibilities on the council.

Correspondence

39. Generally correspondence from one member should not be copied to, or discussed with, another member without the member's consent subject to any rights of access arising from the Freedom of Information Act 2000 and the Data Protection Act 1998. If a member has sought advice from an officer and included a circulation list, it can be assumed that the officer's response can be circulated to those people on the circulation list for the original letter, even if that list includes other members.
40. This does not prevent officers copying letters to each other about casework across ward or interest boundaries in order to respond to a member inquiry. Points of general interest to all members may be converted into general advice, and circulated (within the limitations set down in the Data Protection Act). A chief officer is also able to advise a relevant cabinet member in general terms of an issue raised with the chief officer in correspondence, or otherwise, by another member.
41. Official letters from the council should normally be sent out in the name of the appropriate officer rather than a member. It may be appropriate for members to write in certain circumstances (e.g. representations to a government minister); however, this would be the exception rather than the norm. Letters which create obligations or give instructions should not be sent out in the name of a member.

Postage

42. Preparation and postage of correspondence are a significant part of the support given to members. The content and purpose of letters, leaflets, and other correspondence must relate to the member's role in the authority. The members' services manager will arrange for monitoring arrangements to be put in place, and refer doubtful cases to the monitoring officer.
43. The use of council resources in the preparation and postage of the following kinds of post are not permitted:
 - private mail including correspondence for other bodies
 - mailshots
 - letters sending out information (concerning planning application, refuse collection, etc) which is the responsibility of officers
 - letters which criticise other groups and their members or praise the writer or their political group
 - group publicity such as political party greetings cards.

For the avoidance of doubt, correspondence to residents about the location of surgeries by members who do not have a fixed location for their surgery shall not constitute a mailshot.

44. The question of what is a mailshot has proved problematic. Members are entitled to use council resources to respond to requests that their constituents have raised with them for action and explain what action has been taken, but not generally to publicise their work in the ward. Requests to send out large numbers of letters will have to show what demand is being responded to, and that the letter is a proportionate response to that demand. In any event, member services do not have the resources to send out more than one batch of such letters a month for any member. Members are reminded that this is a finite resource, and member services may need to limit the use of this if excessive costs are incurred.
45. Where members are uncertain as to whether a communication or publicity is appropriate they should seek advice from the head of communications and the monitoring officer in those cases.

Emails

46. Email and internet access facilities are provided to members to support work on council related activities. The standards set out for officers in the use of emails apply equally to members. The key standards are that:
 - any behaviour or comment that is not permitted in the spoken or paper environment is also not permitted in an email message
 - email messages should be inoffensive and should not be construed to harass
 - emails must not incite racial hatred or be pornographic in nature either in the body of the text or as an attachment
 - chain emails should not be forwarded on.
47. As a general rule, emails cannot be used for party political purposes but:
 - emails organising the political group in relation to council business are allowed
 - the use of the email address in a party political leaflet to advertise a ward surgery or as a means of allowing residents to contact their ward members on non-party political matters is allowed
 - emails to newspapers as a means of commenting on council business from the political group's perspective are allowed.
48. Members should note the requirements for social media are given in paragraphs 21 and 22.
49. Members should remember that emails may be subject to disclosure if a request is made under the Freedom of Information Act 2000.
50. Any use of IT resources, including email and the internet, that contravenes any legislation (such as the Data Protection Act 1998; the Computer Misuse Act 1990; and the Copyrights, Designs and Patents Act 1988 (amended 2002)); or breaches the general obligations of the code of conduct for members; or breaches council policies on information security is considered to be unacceptable. Members are responsible for the content of any email sent from your username and in certain circumstances the council may also be found liable for the content of such email.

51. Emails and other personal information should be retained only for the minimum period necessary, in accordance with the Data Protection Act 1998. Further details on the Data Protection Act in term of members' business use can be obtained from legal services.
52. It is important that members manage the information that they store to ensure its availability, confidentiality and integrity. Therefore members should regularly review all council information (including files and email messages) they hold and delete all redundant or irrelevant data.
53. Where a telephone number has been issued to a member or group of members it is expected that this number will be publicised except on political publicity material.

MEMBER ALLOWANCES SCHEME 2011/12

Introduction

1. The Local Government & Housing Act 1989 and the Local Authorities (Members' Allowances) (England) Regulations 2003 require authorities to make a scheme for payment of allowances to councillors. The regulations do not limit the amount that can be paid.
2. Before making, amending or reworking its allowance scheme, the council is required to have regard to the recommendations of an independent remuneration panel. The council is not, however, bound to adopt all or any of the panel's recommendations provided it has given them due consideration and is satisfied that it has justifiable reasons for not doing so. For this authority the relevant independent panel is the London Councils Panel.
3. In May 2011 the council agreed a new member allowances scheme having considered the recommendations of the constitutional steering panel and having taken into account the London Councils Independent Remuneration Panel's report.

Basic allowance

4. Each member of the council is entitled to receive the annual basic allowance of £10,599. This is paid on a monthly basis rather than as a lump sum.

Special responsibility allowance

5. The council has decided to pay special responsibility allowances (SRAs) to those members whom it considers to have special responsibilities for the discharge of the council's functions. This allowance is in addition to the basic allowance. No member may receive more than one SRA.

The list of SRAs payable is set out below:

Band 1a	SRA
Chair audit & governance committee	£2,771
Deputy leader majority opposition	£2,771
Leader minority opposition	£2,771
Opposition whip	£2,771
Independent chair standards committee	£2,771
Vice-chair overview & scrutiny committee	£2,771
Deputy cabinet members	£2,771

Band 1b	SRA
Deputy Mayor	£8,357
Chair community council	£8,357
Scrutiny sub-committee chair	£8,357

Band 2a	SRA
Chair planning committee	£14,451
Chair licensing committee	£14,451
Chief whip	£14,451
Leader majority opposition	£14,451

Band 2b	SRA
Mayor	£22,631
Chair overview & scrutiny committee	£22,631

Band 3	SRA
Cabinet member	£33,604
Deputy leader	£33,604

Band 4	SRA
Leader	£50,065

6. The level of allowance paid to a band 3 or band 4 member is dependent on the average number of hours per week the member is employed elsewhere, as set out below:
- less than 11 hours elsewhere, full SRA
 - 11 to 24 hours elsewhere, two thirds SRA
 - more than 24 hours elsewhere, one third SRA.

Licensing committee

7. Ordinary members of a licensing sub-committee will receive a payment of £117 per meeting attended.

Members will be selected to attend the sub-committee in accordance with a system of rotation agreed by members of the licensing committee which ensures all members have an equal opportunity to attend.

Where a sub-committee is cancelled, ordinary members summonsed to sub-committee meetings will be eligible for the attendance payment unless a cancellation notice is sent by 10.00am on the second working day prior to the date of the meeting, thereby giving one clear working day's notice.

Ordinary members attending the licensing committee will not be eligible for the attendance payment.

Travel allowance

8. Councillors (and co-optees receiving a special responsibility allowance) may only claim travel expenses necessarily incurred in carrying out their approved duties outside the borough, subject to the following exceptions:
- Members with mobility difficulties are able to claim the cost of travel when on council business
 - Members are able to claim for taxis home after council meetings ending after 9.00pm in summer (BST) and 7.00pm in winter (GMT)
 - Non statutory co-optees (who do not receive an allowance) can claim their travel expenses.

A full list of approved duties is set out in paragraph 26 below.

9. Members cannot reclaim expenses they have incurred due to:
 - a) congestion charges, including fines or penalties
 - b) parking/clamping fines.
10. For public transport, receipts must be produced in respect of all claims. Members using their own transport may submit mileage claims. The maximum rates per mile are set out below.
11. The following is a summary of the conditions, and has been excerpted and adapted from those which apply to officers.

Car users

12. Casual car users allowances – general conditions:
 - Public transport must be used on all appropriate occasions, e.g. where more economic, timely etc
 - Members should not use their own cars when there is room in one of the local authority's cars or in the car of another member making the same journey on the same business. As far as possible journeys over the same route should be arranged so as to synchronise
 - All official mileage has to be recorded
 - Members shall have included and maintain in their insurance policy a clause indemnifying the local authority against all third party claims (including those concerning passengers) arising out of the use of the vehicle on official business
 - Members must ensure that the car they are travelling in has current insurance and MOT certificates and are encouraged to ensure that their car has passed emission checks:
 - For cars less than three years old, annually
 - For cars three years and above, twice yearly.
13. The national joint council reviews the rates payable to staff on an annual basis. The current rates are set out below. There are three bands of allowance according to the cubic capacity of the car: 451-999 cc; 1000-1199 cc; 1200 cc and above.

Casual Users	451-999 cc	1000-1199 cc	1200 cc and above
Per mile-first 8,500 miles	46.9 pence	52.2 pence	65.0 pence
Per mile-after 8,500 miles	13.7 pence	14.4 pence	16.4 pence

Motorcycles and mopeds

There are five bands of allowance according to the engine size of the motorcycle: the rates are set out below:

Engine Size (cc)	
Up to 150	9 pence per mile
151 – 244	14 pence per mile
245 – 500	17 pence per mile
501 – 999	23 pence per mile
1000+	27 pence per mile

Pedal cycles

A monthly cycle allowance is payable to councillors, independent and co-opted members who use their own cycles in connection with their official duties. The rate is currently £20 per month. Members must notify the monitoring officer of their intention to claim this allowance as unlike other travel allowances it is not paid as an expense. Except in circumstances agreed by the monitoring officer members in receipt of the cycle allowance may not claim other travel allowances. Except in circumstances agreed by the monitoring officer members who have taken advantage of the Bikes4Work scheme are required to use their cycle for normal council business whether they claim the cycle allowance or not and will not be eligible to claim other travel allowances.

Subsistence allowance

14. Subsistence allowance may be claimed in respect of approved duties, except where food is provided, if they involve an absence from the normal place of residence exceeding four hours in total which includes one hour travelling time.
15. Claims are subject to the following maximum, which are the same for members as they are for officers:

Breakfast	£5.93
Lunch	£8.18
Evening Meal	£10.10

16. The amount to be reimbursed in respect of approved duties is the actual amount spent subject to the maximum figures quoted above. Receipts must be produced in respect of all claims.

Child-care and dependant carers allowance scheme

17. Members may claim this allowance as reimbursement of costs they incur in arranging carers to look after dependants who cannot be left by themselves by reason of age or other special needs. The allowance may only be claimed in respect of approved duties.
18. The maximum rate claimable is £6.00 per hour (and may be increased from time to time by the chief executive on the advice of the strategic directors of health & community services and children's services taking into account local conditions). The following criteria also apply:
 - payment is claimable in respect of children aged 15 or under or in respect of other dependants where there is medical or social work evidence that care is required
 - the allowance will be paid as a reimbursement of incurred expenditure against receipts
 - the allowance is not payable to a member of the claimant's own household
 - the carer must be 18 or over (and not a spouse or partner/co-habitee of the member or a relative living at the same address)
 - any dispute as to entitlement and any allegation of abuse will be referred to the standards committee for adjudication.

Co-opted members

19. The following allowances are payable to co-opted members:
 - a) The chair of standards committee should receive a band 1 allowance but no allowance under (b) below
 - b) All other statutory co-optees (i.e. standards committee members and statutory co-optees to the education committee) should receive an annual allowance; for 2011/12 this is £1,061
 - c) No statutory co-optees may receive more than one allowance under (a) or (b) above
 - d) That statutory co-optees should be subject to the same travel and subsistence claim regime as councillors, i.e. not able to claim for intra borough travel and subsistence except where one of the exceptions applies
 - e) Non-statutory co-optees should be able to claim re-imbursement of travelling and subsistence expenses.
20. Co-optees may, in writing to the monitoring officer, elect not to receive allowances.
21. Allowances to standards committee co-optees should be payable from the date of their appointment. The allowance to education co-optees should be payable from the date of appointment.
22. Co-optees allowances are subject to the same index linking as members' allowances generally.
23. Co-optees do not receive the basic allowance.
24. If a co-opted member does not serve for the whole of the 12 month period, or become disqualified, they will only be entitled to pro-rata payments for the period(s) during which they were actually a serving co-opted member.
25. Both statutory and non-statutory co-opted members are entitled to claim dependant carer's allowance as set out in paragraphs 17-18.

Approved duties

26. For a member, an approved duty for the purpose of travel, subsistence and childcare and dependant carers allowances means:
 - a) attendance at a meeting of the council or of any committee or sub-committee of the council
 - b) attendance at a meeting of a body to which the member has been nominated by the council or of any committee or sub-committee of such a body, provided they are a member of the body concerned
 - c) attendance at any other meeting, the holding of which is authorised by the council, or a committee or sub-committee of the council or a joint committee of the council, or a sub committee of such a joint committee, provided that it is a meeting to which members of at least two political groups have been invited
 - d) attendance at a meeting of any association of authorities of which the council is a member
 - e) attendance at a meeting of the cabinet or of any of its committees

- f) performance of any duty in connection with the discharge of a function of the authority empowering or requiring the inspection of premises
 - g) performance of any duty in connection with arrangements made by the authority for the attendance of pupils at special schools
 - h) any other duty approved by the council for the purpose of, or in connection with, the discharge of the functions of the council, or any of its committees or sub-committees
 - i) any duty for the purpose of or in connection with the discharge of the functions of the cabinet
 - j) attendance at neighbourhood forums that fall within the member's ward
 - k) attendance at tenants' council and leaseholders' council
 - l) attendance at licensing or planning committees as a ward representative.
27. No allowances can be claimed in respect of political group meetings, members' surgeries or attendance at college or school governing bodies.

Entitlement to allowances

28. Allowances are paid automatically in equal monthly instalments. If a member of the council does not serve for the whole of the year, becomes disqualified or ceases to be entitled to a special responsibility allowance (SRA), they will only be entitled to payments for the proportion of the number of days served in that year. Overpayment of SRAs for continuing members will be automatically deducted from the basic allowance. Other overpayments must be repaid to the authority. If the scheme is amended so as to affect entitlement any variation will be paid from an agreed date only. Retrospective payments will not be made to members who are no longer serving.

Waiving right to receive allowances

29. Members do not have to take their allowance(s) – if a member wishes to waive their right to receive a basic allowance, SRA, any other allowance, or part thereof, they must notify the monitoring officer in writing.

Claiming allowances

30. Claims for travel, subsistence, child-care and independent carers allowances must be submitted within two months of the duty undertaken and accompanied by relevant receipts. Claims submitted outside of the two month period may be put forward to the standards committee for consideration.

Taxation and allowances

31. Allowances are not salaries but are subject to tax and national insurance as any allowance is considered as income. Any such deductions are subject to personal circumstances. Members should note that the council is unable to deal with personal tax enquiries on their behalf and should inform their tax office of any change in circumstances.

Publication of allowances

32. In accordance with the Local Authorities (Members Allowances) (England) Regulations 2003, the council is required to publish details of any basic and special responsibility allowances paid to councillors for the previous financial year, along with details of the allowances scheme which applied at that time.

This statutory notice also includes details of subsistence, travel and carer's allowance. In addition the council publishes further information regarding members' expenses.

Withholding allowances

33. The standards committee may withdraw allowances from individual members (including independent members of standards committee and co-opted members) in whole or in part as part of any sanction in relation to a breach of conduct, for non-attendance at meetings, or, for elected members only, for failure to attend required training. Withheld allowances are not repayable/recoverable.
34. Standards committee may also consider the withdrawal of allowances for a member given approval by council assembly for a failure to attend, subject to a referral being made by council assembly.

Amendments to the allowances scheme

35. Basic allowance and travel, subsistence and carers allowances are adjusted in accordance with the national local government pay settlement and allowances for officers¹. SRA levels are set by council assembly and are not subject to inflationary adjustments.
36. Travel and subsistence allowances will be amended in line with changes to allowances for officers.
37. Dependant carer's allowance may be increased from time to time by the chief executive, in consultation with the strategic directors of health & community services and children's services, to reflect local conditions, and amounts payable by the health and community services department for the level of care required.

Special leave arrangements

38. The special leave arrangement for members applies to all recipients of special responsibility allowances. Where SRAs are paid at a reduced level that level will apply during any special leave absence. Where members have elected not to receive their allowance no special leave payment will be made.
39. Where a period of special leave includes the annual meeting of council assembly and the member is not reappointed to a post attracting an SRA the special leave allowance will cease on the day following council assembly.

Maternity leave

40. The maternity leave arrangement will be for up to three months on full allowance. No additional allowance will be paid for absence beyond three months. Antenatal care is part of the normal arrangements for short term absence and is not affected by special leave arrangements.

¹ Index linking is to the general settlement rather than any special provision for particular groups of staff such as the low paid.

41. Members are not eligible for Statutory Maternity Pay (SMP) if they are not employed elsewhere. The council cannot pay SMP.

Adoption leave

42. The adoption leave arrangement will be for up to three months on full allowance. No additional allowance will be paid for absence beyond three months.

Paternity leave

43. The paternity leave arrangement will be for ten days paid absence and parental support absence of up to 13 weeks with no allowance.

Sick leave

44. The sick leave arrangement will be for up to six months full allowance in any 12 months.

Other special leave

45. Normal leave arrangements and emergency situations do not affect SRAs. Extended absence e.g. service abroad in the Territorial Army or jury service to be in line with officer guidelines.

Other arrangements

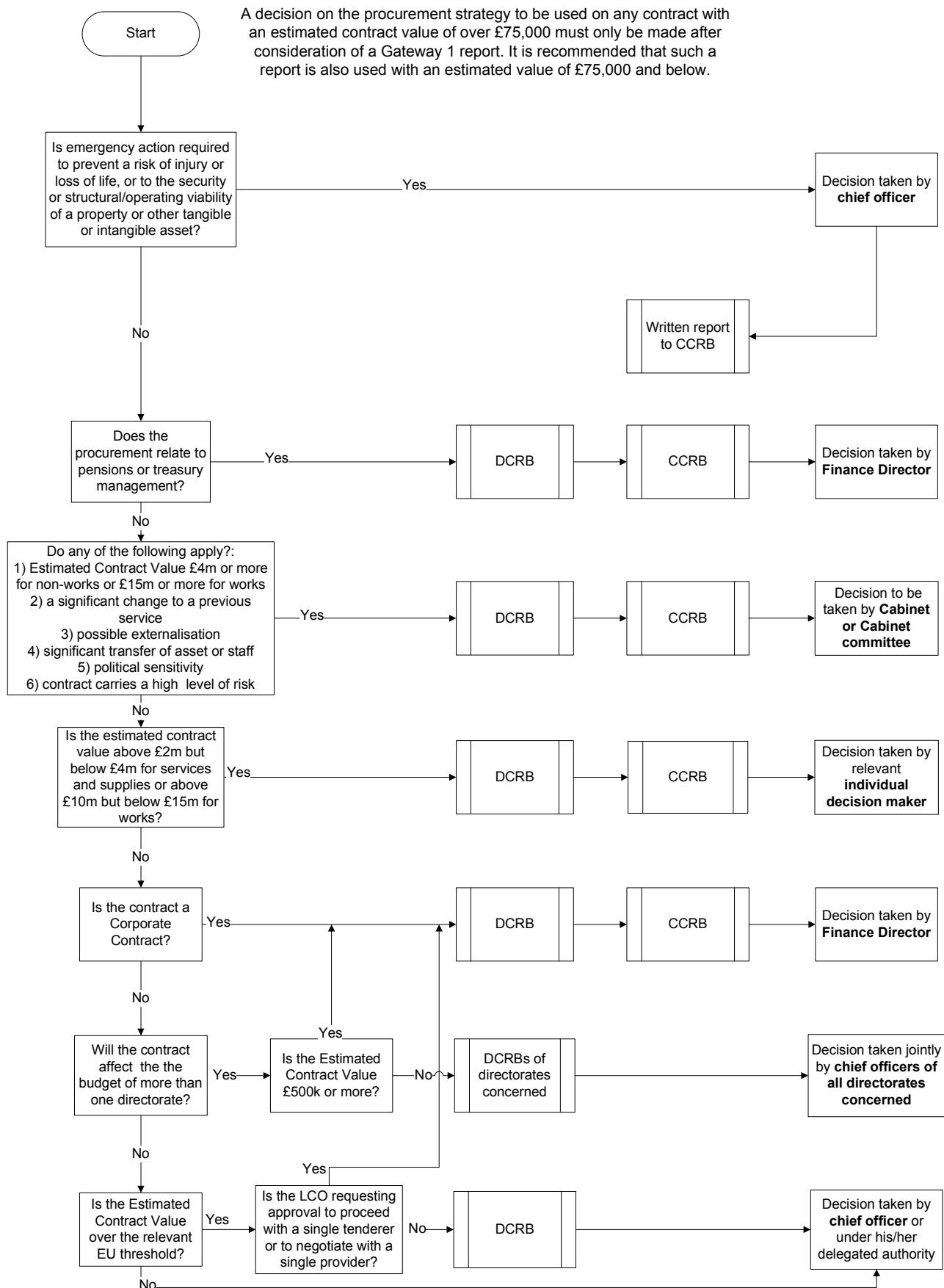
46. During any period for which special leave arrangements are in place any member who is appointed to deputise for the absent member who is not a member of the cabinet will be eligible for the full SRA payments due in the same period.
47. During any period for which special leave arrangements are in place any member who is appointed to deputise for an absent cabinet member will be eligible for a proportion of the SRA payments due in the same period, not exceeding nine tenths of the full SRA payment.

LIST OF COUNCILLORS

Ward	Councillors	Political party
Brunswick Park	Norma Gibbes Mark Williams Ian Wingfield	Labour Labour Labour
Camberwell Green	Kevin Ahern Dora Dixon-Fyle The Right Revd Emmanuel Oyewole	Labour Labour Labour
Cathedrals	Adele Morris David Noakes Geoffrey Thornton	Liberal Democrat Liberal Democrat Liberal Democrat
Chaucer	Poddy Clark Claire Hickson Tim McNally	Liberal Democrat Labour Liberal Democrat
College	Helen Hayes Lewis Robinson Andy Simmons	Labour Conservative Labour
East Dulwich	James Barber Jonathan Mitchell Rosie Shimell	Liberal Democrat Liberal Democrat Liberal Democrat
East Walworth	Darren Merrill Helen Morrissey Martin Seaton	Labour Labour Labour
Faraday	Dan Garfield Lorraine Lauder MBE Abdul Mohamed	Labour Labour Labour
Grange	Denise Capstick Mark Gettleson Linda Manchester	Liberal Democrat Liberal Democrat Liberal Democrat
Livesey	Richard Livingstone Catherine McDonald Michael Situ	Labour Labour Labour
Newington	Catherine Bowman Neil Coyle Patrick Diamond	Liberal Democrat Labour Labour
Nunhead	Sunil Chopra Fiona Colley Althea Smith	Labour Labour Labour

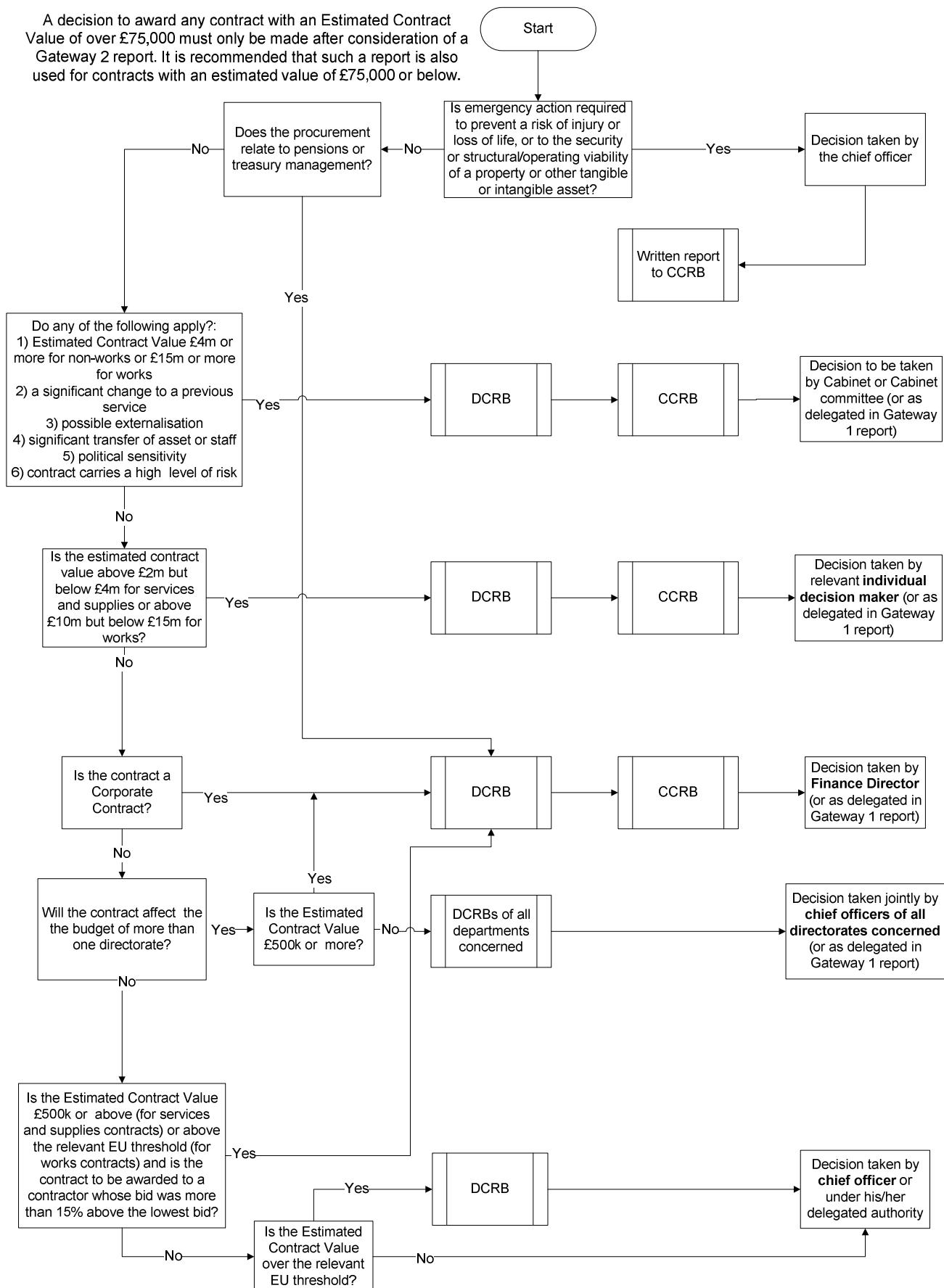
Ward	Councillors	Political party
Peckham	Chris Brown Barrie Hargrove Cleo Soanes	Labour Labour Labour
Peckham Rye	Gavin Edwards Renata Hamvas Victoria Mills	Labour Labour Labour
Riverside	Anood Al-Samerai Eliza Mann Nick Stanton	Liberal Democrat Liberal Democrat Liberal Democrat
Rotherhithe	Columba Blango Jeff Hook Wilma Nelson	Liberal Democrat Liberal Democrat Liberal Democrat
South Bermondsey	Michael Bukola Paul Kyriacou Graham Neale	Liberal Democrat Liberal Democrat Liberal Democrat
South Camberwell	Stephen Govier Peter John Veronica Ward	Independent Labour Labour
Surrey Docks	David Hubber Paul Noblet Lisa Rajan	Liberal Democrat Liberal Democrat Liberal Democrat
The Lane	Rowenna Davis Nick Dolezal Mark Glover	Labour Labour Labour
Village	Robin Crookshank Hilton Toby Eckersley Michael Mitchell	Liberal Democrat Conservative Conservative

Decision on Procurement Strategy - Gateway 1



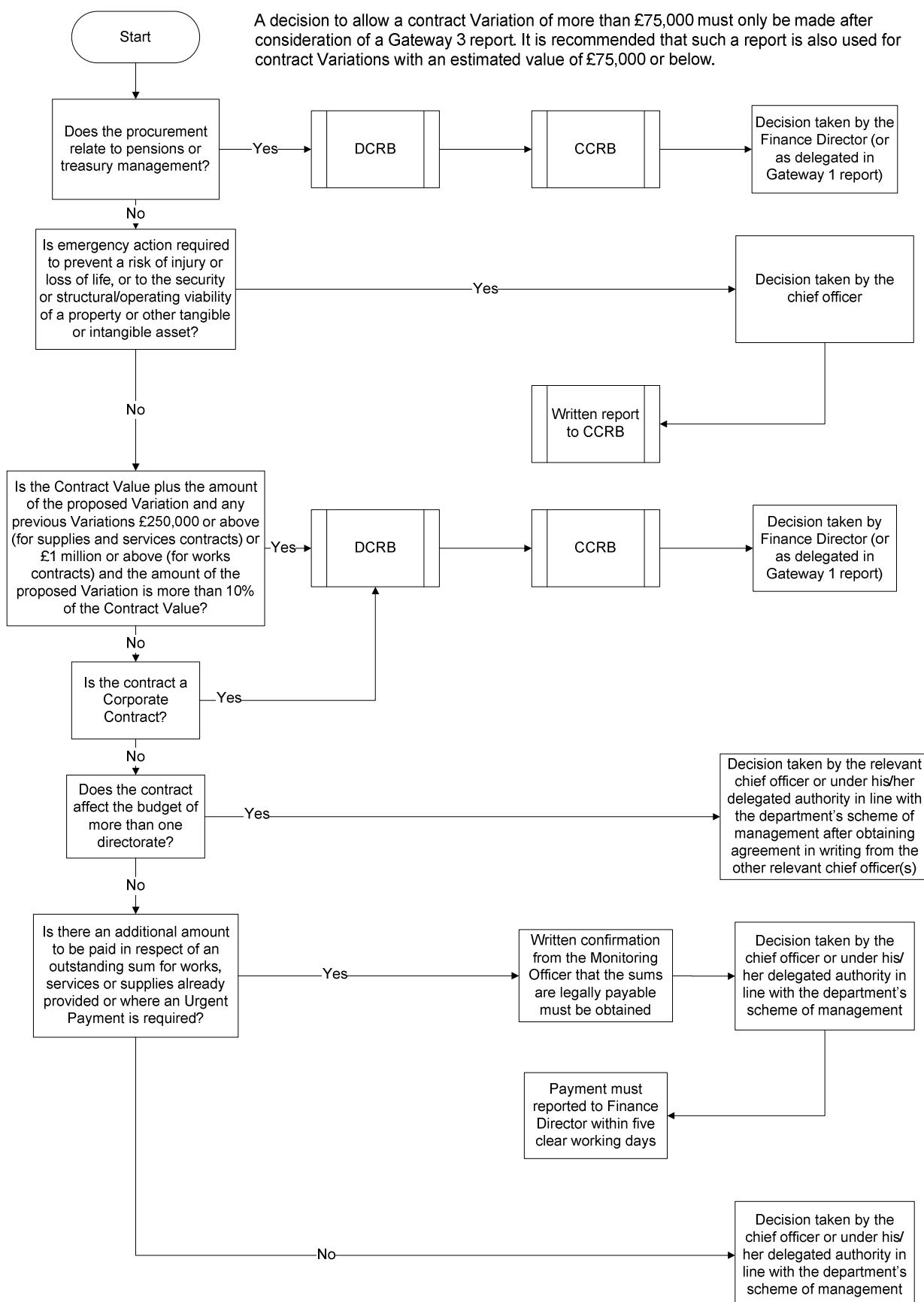
Decision on Contract Award - Gateway 2

A decision to award any contract with an Estimated Contract Value of over £75,000 must only be made after consideration of a Gateway 2 report. It is recommended that such a report is also used for contracts with an estimated value of £75,000 or below.

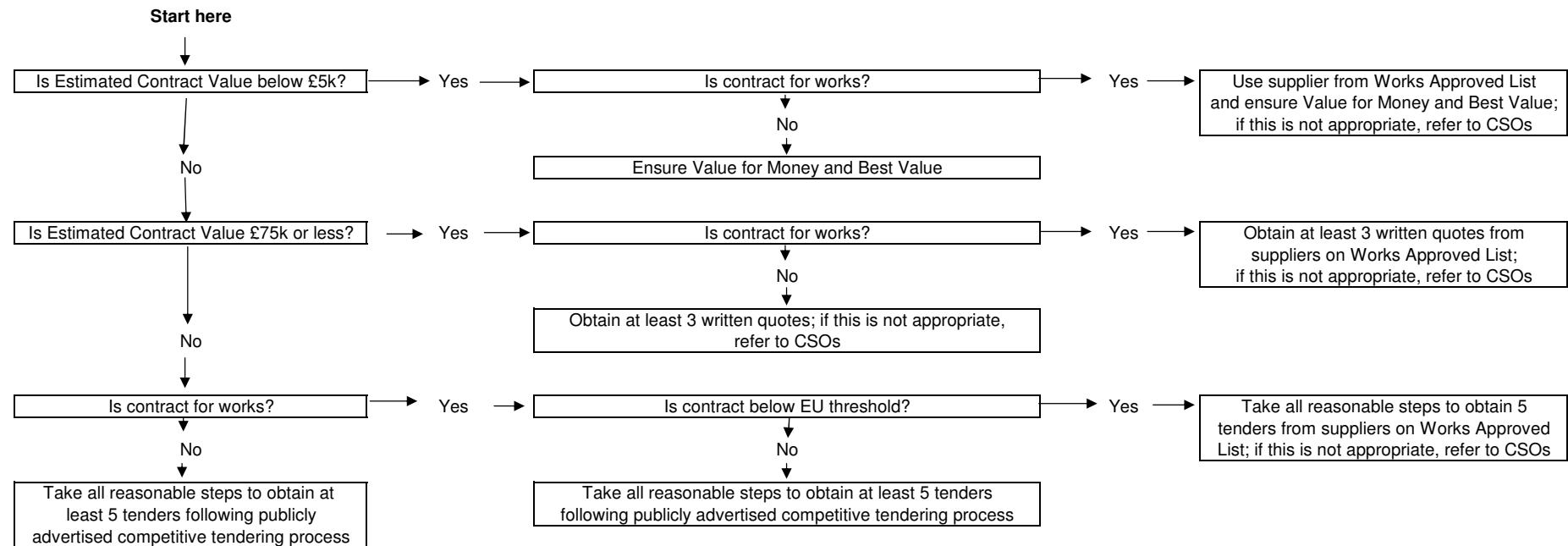


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Decision on Variation to a Contract - Gateway 3



Requirements to obtain Quotes and Tenders



STATUTORY AND GUIDANCE REFERENCES

These references are intended to act as an aide memoire to identify which legislative provisions and other guidance establish the various decision making powers, procedures and rules set out in the constitution.

Where the relevant legislation is already expressly stated in the body of the constitution the relevant Act or Regulations are not repeated in this section.

The Local Government Act 2000 ('the 2000 Act') established executive arrangements and as part of this change new constitutions replaced the committee model of member decision making. The executive arrangements established by the 2000 Act were subsequently amended in part by the Local Government and Public Involvement in Health Act 2007 ('the LGPIHA 2007) and new sections were inserted into the 2000 Act. Where this is the case the statutory reference listed is that set out in the LGIPHA 2007 rather than the new section inserted in the 2000 Act.

PART 2 - ARTICLES

Article 1 – The constitution

- Section 37 Local Government Act 2000
- The Local Government Act 2000 (Constitutions) (England) Direction 2000
- Chapter 10 Department of Environment Transport & Regions ('DETR') New Council Constitutions Guidance

Article 2 – Members of the council

- Part I Local Government Act 1972
- Chapter 2 DETR New Council Constitutions Guidance

Article 3 – Council assembly

- Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Chapter 2 DETR New Council Constitutions Guidance
- John Stewart, The Council Meeting: A Role for All Members. LGA/IDeA, June 2000

Article 4 – Role and function of the Mayor

- Sections 3, and 5; Schedules 2 and 12 Local Government Act 1972
- Schedule 3, Local Government Act 2000
- Chapters 2, 4 and 9 DETR New Council Constitutions Guidance

Article 5 – Overview and scrutiny committee and sub-committees

- Section 21 and schedule 1 (Paragraphs 7, 9, 10 and 11) Local Government Act 2000
- Sections 119-128 Local Government and Public Involvement in Health Act 2007

- The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000
- Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002
- The Crime and Disorder (Overview and Scrutiny) Regulations 2009
- Chapters 3 and 9, DETR New Council Constitutions Guidance

Article 6 – The cabinet

- Section 11 and schedule 1 (paragraph 1A) Local Government Act 2000
- Sections 62-74 Local Government & Public Involvement in Health Act 2007
- Chapters 4, 14 and 15, DETR New Council Constitutions Guidance

Article 8 – Community councils

- Section 18 Local Government Act 2000
- Regulation 16A Local Government (Committees and Political Groups) Regulations 1990
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Chapters 6 and 9, DETR New Council Constitutions Guidance

Article 9 – Joint arrangements

- Sections 2, 19, 20 Local Government Act 2000
- The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000
- Chapters 6 and 9, DETR New Council Constitutions Guidance

Article 10 – Officers

- Section 4 and 5 Local Government and Housing Act 1989
- Section 60, 64-66 Local Government Act 2000
- Section 31 Local Democracy, Economic Development and Construction Act 2009
- Chapters 8 and 9, DETR New Council Constitutions Guidance

Article 11 – Documents

- Section 234, Local Government Act 1972

PART 3 – WHO TAKES DECISIONS?

- Section 13 Local Government Act 2000
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Sections 62-74 Local Government and Public Involvement in Health Act 2007
- Chapter 5, DETR New Council Constitutions Guidance

PART 4 – RULES

Access to information procedure rules

- Sections 100 A-H and Schedule 12A Local Government Act 1972
- Section 22 Local Government Act 2000
- Chapter 7, DETR New Council Constitutions Guidance

Budget and policy framework procedure rules

- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Chapter 2, DETR New Council Constitutions Guidance

Council assembly procedure rules

- Part VA Local Government Act 1972
- Parts I and VI, Schedule 12 Local Government Act 1972
- Sections 10-18 Local Democracy, Economic Development and Construction Act 2009
- Local Authorities (Standing Orders) Regulations 1993

Committee procedure rules

- Part VA, Local Government Act 1972
- Part VI, Schedule 12 Local Government Act 1972
- Sections 10-18 Local Democracy, Economic Development and Construction Act 2009
- Local Authorities (Standing Orders) Regulations 1993

Community council procedure rules

- Part VA, Local Government Act 1972
- Part VI, Schedule 12 Local Government Act 1972
- Sections 10-18 Local Democracy, Economic Development and Construction Act 2009

Cabinet procedure rules

- Part VA Local Government Act 1972
- Schedule 1 Local Government Act 2000
- Sections 10-18 Local Democracy, Economic Development and Construction Act 2009
- Chapters 4 to 9, DETR New Council Constitutions Guidance

Financial standing orders

- Chapter 2 DETR New Council Constitutions Guidance

Officer employment procedure rules

- Section 7, Local Government and Housing Act 1989
- Chapters 8 and 9 DETR New Council Constitutions Guidance

PART 5 – CODE OF CONDUCT

- Sections 53-54A & 81 Local Government Act 2000
- Part 10, Sections 183-201 Local Government Public Involvement in Health Act 2007
- The Standards Committee (England) Regulations 2008

PART 6 – PROTOCOLS

Member allowances scheme

- Section 7, Superannuation Act 1972 and regulations thereunder
- Section 18, Local Government and Housing Act 1989 and regulations thereunder
- Local Authorities (Members' Allowances) (England) Regulations 2003