

Item No. 8.2	Classification: Open	Date: 16 July 2014	Meeting Name: Council Assembly
Report title:		Constitutional Issues 2014/15	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

That council assembly considers the proposal set out in this report as recommended by the constitutional steering panel:

Council Assembly – Members’ question time

1. That the changes identified in paragraphs 10 - 14 on the rotation of questions to cabinet members be agreed so that questions are taken in the following ratio for political groups i.e. Labour 3, Liberal Democrat 2 and Conservative 1.
2. That it be noted that in future two cabinet members would be moved to the bottom of the list for members’ questions (see paragraphs 15 – 16). The proper constitutional officer to write to all councillors giving notice of the change.

Leader’s question time

3. That the introduction of a council meeting for the consideration of questions from the public to the leader, see paragraphs 17 – 29, be agreed.
4. That the first leader’s question time be held on Wednesday 22 October 2014 to coincide with council assembly, which will now be summonsed as an extraordinary meeting of the council assembly to consider any business that cannot wait for decision until the next ordinary meeting in the following month of November 2014.
5. That it be noted the constitutional steering panel considered a broad outline of the event for the leader’s question time (see paragraphs 19 – 25).
6. That the constitutional change formalising this position as set out in paragraph 29 be agreed.

Consequential changes

7. That the proper constitutional officer be authorised to make any necessary consequential changes to the constitution as a result of the above.

BACKGROUND INFORMATION

8. All constitutional changes are considered by constitutional steering panel, which then recommends changes to council assembly. The constitutional steering panel considered the issues outline in this report on 24 June 2014 and recommended changes to the constitution as outlined above. Changes to the

constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.15.

KEY ISSUES FOR CONSIDERATION

9. This report includes a number of issues considered by the constitutional steering panel on 24 June 2014:
 1. Council assembly – Members’ question time
 2. Leader’s question time

COUNCIL ASSEMBLY – MEMBERS’ QUESTION TIME

Members’ question time – Rotation of questions to cabinet members

10. It was reported to the constitutional steering panel, that in accordance with council assembly procedure rule 2.9.9 all questions are listed in the order of receipt, except questions to the leader which rotated alternately by political group (see council assembly procedure rules 2.9.12 and 2.9.13). Within the permitted 30 minutes of question time a council assembly will deal with approximately 17 – 22 questions half of which will be to the leader and community council chairs. The time permitted for questions is non-suspendable.
11. At the request of the constitutional steering panel on 9 June 2014, officers reported on alternative ways of rotating questions to cabinet members. It was noted on the 9 June 2014 that the rotation should not be on the same basis as council assembly questions to the leader of the council, which are on a ratio of one question asked from each political group in turn as long as there are questions remaining. Instead the panel wanted to consider rotations with some element of proportionality, although it was noted that a strictly proportionate rotation might not be advantageous to the opposition groups. The constitutional steering panel considered a number of possible rotations and recommended the following rotation as offering the appropriate balance across all groups for asking questions of cabinet members:

Table 1: Recommended rotation of members’ question to cabinet members

	Lab	Lib Dem	Con
Recommended rotation	3	2	1

12. The political groups would be rotated every meeting in a similar way to motions. Questions from each group would be listed in order of receipt unless the order was changed or prioritised by the relevant group whip at least four days before the meeting of council assembly.
13. This change is recommended by the constitutional steering panel to council assembly for approval. Existing council assembly procedure rules 2.9.9, 2.9.12 and 2.9.13 would require constitutional changes. The necessary changes are set out in Appendix 1.
14. The group whips indicated that the rotation should be applied informally at the July 2014 meeting by way of the programme motion and prioritisation of the order of questions by each group.

Members' question time – Rotation of cabinet members

15. The panel also considered whether the current system of rotating the order of cabinet members after every meeting, i.e. currently one cabinet member is moved from the top of the list to the bottom, should be amended so two cabinet members are moved to the bottom. The panel felt that this would increase the opportunity for back bench members and opposition councillors to ask questions of different cabinet members. Currently a cabinet member will stay close to the top of the list for several meetings before progressing to the bottom.
16. The current system of rotating cabinet members is based on council assembly procedure rule 2.9.8, which states “the order to be rotated by the proper constitutional officer”. The number of cabinet members rotated is a matter of custom and practice and does not require a constitutional change. The panel having agreed to this change this could be made with immediate effect. The proper constitutional officer will write to all councillors confirming that the change would be implemented for the next ordinary meeting.

LEADER'S QUESTION TIME

17. The council assembly (constitutional meeting) on 11 June 2014 agreed in principle to the introduction of a leader's question time. This would be held on one of the existing council assembly dates and dedicated to answering questions. The meeting would be less formulaic and more free flowing than a formal council assembly meeting, providing an opportunity for the community to submit questions to the leader on any matter in relation to which the council has powers or which affects Southwark. Council assembly invited constitutional steering panel to look at proposals for the leader's question time and considers any necessary constitutional changes.
18. In order not to fetter the council's decision making process it was reported to council assembly that the meeting should have the capacity to take late and urgent items, if this is needed. The chair of the meeting would also have the discretion to vary timings and order as appropriate.
19. The constitutional steering panel on 24 June 2014 considered the format of the leader's question time and identified the following priorities:
 - Free-flowing debate
 - Public engagement
 - Informality
 - Minimise the impact of the constitutional business to ensure engagement with the public
 - The Mayor opening and closing the meeting.
 - Having the meeting facilitated by an independent person
 - Questions to the leader from a variety of people – for the debate to include evidence from locals, subject matter experts, councillors, local or national organisations.
20. It was anticipated that councillors would be expected to attend the meeting, to have an opportunity to ask questions and participate, but not to dominate the discussion.

21. A set of broad themes or subject areas was suggested, so relevant experts could be invited and the public could be prepared for specific issues. Questions would be answered by the leader and those relevant cabinet members, rather than solely the leader.
22. Local people would have the opportunity to submit questions several days in advance, to submit them on the day before the start of the meeting and ask questions from the floor of the meeting. It was suggested that some of those questions submitted in advance could help set the main themes or subject areas for the meeting.
23. It was recognised that the meeting should be publicised beforehand, to ensure that people who had not previously considered getting involved were made aware of the event and encouraged to participate. Getting more people involved in discussing local issues in a different forum was raised as a priority. It was felt that the meeting should be promoted as something different to a council assembly. The panel wanted officers to explore the fielding of questions from social media.
24. A schedule of approximately 90 minutes was suggested, with short interval in the middle. It was suggested that prior to the meeting there should be an informal session where public can meet councillors.
25. Officers undertook to explore a number of possible venues; the importance of public accessibility was emphasised. Members agreed that there would not need to be separate group rooms for this meeting, which will open up a wider range of venues in the borough.
26. The first meeting of leader's question time would be held on 22 October 2014. This would replaced the council assembly (ordinary meeting) scheduled for that date.
27. The constitutional steering panel asked officers to explore if any constitutional changes were required and need to be considered by council assembly in July 2014. The proper constitutional officer, having consulted with the monitoring officer, is recommending that an additional clause be added to the council assembly procedure rules clarifying the status of the leader's question time in the constitution. This would allow the leader's question time to operate outside of the existing procedure rules giving it some greater flexibility.
28. It is recommended that a council assembly be summonsed on the same evening as an extraordinary meeting this would refer to the leader's question time in the order of business, but primarily would be a summons to deal with any business that could not wait until the following ordinary meeting. This will allow the meeting to be set up in a way that is constitutionally acceptable to deal with any business.
29. The proposed constitutional change is set out below:

3.4 LEADER'S QUESTION TIME

An extra-ordinary meeting of the council shall be summonsed to coincide with the leader's question time meeting. The order of business shall note that the leader's question time is to be held on the same day. The leader's question time shall be conducted outside of the council assembly

procedure rules. All councillors shall be invited to the leader's question time meeting. At the conclusion of the leader's question time, the extraordinary meeting shall consider any specific business identified in the summons for the meeting.

As an extraordinary meeting of the council assembly, attendance would be recorded for the extraordinary meeting but not leader's question time.

Advice on constitutional changes

30. All constitutional changes are considered by the constitutional steering panel, which then recommends changes to council assembly. Changes to the constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.15.

Changes to the constitution are shown as follows:

- Additions (shown as underlined)
- Deletions (shown with a ~~striketrough~~).

Community impact statement

31. The proposed changes to the rotation of cabinet member questions in members' question time will have no direct impact on local people from adoption of these changes to the council's constitution. It will allow members to be questioned more frequently and allow political groups to submit more topical questions as the order of questions will be determined by a predetermined ratio rather than by order of receipt. This report outlines the constitutional steering panel's considerations of the scope of leader's question time. This council meeting will provide an opportunity for members of the public to ask the leader questions in a less formal and free flowing meeting. The constitution enables people, including the local community where relevant, to understand the role that they can play in the decision making of the council and how the council will safeguard high standards of conduct amongst members and officers.

Resource implications

32. There are no specific budget implications from the proposals set out in this report. The recommended changes can be maintained within existing resources. The first leader's question time will be held on the date of a council assembly meeting.
33. The constitution is published on the council's website and is available for viewing online. Limited numbers of the constitution are produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. Therefore, it is anticipated that the cost can be contained within existing budgets.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

34. Any legal issues are outlined in the body of the report.

REASON FOR LATENESS

35. The constitutional steering panel met on 24 June 2014 and further officer consultations were necessary to complete the report.

REASON FOR URGENCY

36. This report includes a number of urgent constitutional changes that council assembly is asked to adopt. The changes are recommended to ensure the efficient and effective running of the members' question time at council assembly and report back on leader's question time. The recommendations require approval by the council assembly in July 2014 because the report contains changes to the council assembly procedure rules which will apply to the next meetings in October and November 2014. Officers will need sufficient time to change council processes so the new rules can be applied at the next meeting and publicised to councillors and the public.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution	Council Offices, 160 Tooley Street, London SE1 2QH	Constitutional Team Email: constitutional.team@southwark.gov.uk Tel: 020 7525 7228

APPENDICES

Appendix	Title
Appendix 1	Revised Council Assembly Procedure Rule 2.9 – Questions By Members

AUDIT TRAIL

Lead Officer	Graeme Gordon, Director of Corporate Strategy	
Report Author	Ian Millichap, Constitutional Manager	
Version	Final	
Dated	10 July 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Incorporated in the report
Strategic Director of Finance and Corporate Strategy	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	10 July 2014	