Southwark's constitution – introduction

The council

Council composition

Southwark is made up of 23 wards, with 63 councillors 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.

Two political parties are represented on the council. The Labour party holds 49 seats and the Liberal Democrat party 14 seats. The council is controlled by the Labour party.

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 up to 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 Rebecca Lury – Deputy Leader of the Council and Cabinet Member for Culture, Leisure, Equalities and Communities
- Councillor Evelyn Akoto – Cabinet Member for Community Safety and Public Health
- Councillor Jasmine Ali – Cabinet Member for Children, Schools and Adult Care
- Councillor Stephanie Cryan – Cabinet Member for Housing Management and Modernisation
- Councillor Richard Livingstone – Cabinet Member for Environment, Transport Management and Air Quality
- Councillor Victoria Mills – Cabinet Member for Finance, Performance and Brexit
- Councillor Leo Pollak – Cabinet Member for Social Regeneration, Great Estates and New Council Homes
- Councillor Johnson Situ – Cabinet Member for Growth, Development and Planning
- Councillor Kieron Williams – Cabinet Member for Jobs, Skills and Innovation

The majority opposition party in Southwark Council is the Liberal Democrat party who have 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 every six weeks, 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.

- **Planning sub-committee** – to decide on other 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, governance and standards committee** – to consider the internal audit annual report, risk management and governance, including approving the statement of accounts on an annual basis, to maintain high standards of conduct among elected councillors and co-opted members and investigate complaints against those who have contravened the code of conduct.

- **Health and wellbeing board –** to prepare and publish a joint strategic needs assessment (JSNA) and a joint health and wellbeing strategy to meet the needs identified in the JSNA in relation to the local authority's area.

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 some local matters and at present have some responsibility for decisions in the following key areas: the cleaner, greener, safer capital and revenue programmes, traffic management, community council fund 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:

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

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. Each community council meets five times a year. Prior to two of these meetings, there are shorter, public decision making meetings; which will be focused on Cleaner Greener Safer funding allocation, the Neighbourhood Fund, devolved highway capital programmes and other relevant executive decisions will be divided amongst these two meetings as appropriate. 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.

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 about a local ward councillor** if someone believes that a councillor's behaviour has breached the members' code of conduct: https://www.southwark.gov.uk/downloads/download/140/complaint_form-breach_of_the_member_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/SD00000333/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. Members of the public can contribute in a number of ways, including getting involved in discussions at local forums, or by submitting community evidence 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:

- champion the needs of residents
- exercise independent judgement
- make the decision-making process open and transparent
- behave in accordance with legal obligations
- treat people with respect.

Members are required to disclose their interests and register these by notifying the council of any changes. A 'disclosable pecuniary interest' is an interest of the member or their partner (which means spouse or civil partner, a person with whom

the member is living as husband or wife, or a person with whom the member is living as if they are civil partners).

Southwark council has formed an audit, governance and standards committee to help maintain high standards of conduct. The committee will establish a sub-committee to consider complaints of misconduct against elected councillors and co-opted members who have contravened the code of conduct.

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 (known as commissions), and can take a number of forms:

- reviews into individual topics
- "call in" – scrutiny of decisions of the cabinet before they are implemented
- 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
- Scrutiny team: 020 7525 4350 or scrutiny@southwark.gov.uk

You can also write to these teams at: Southwark Council, 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://moderngov.southwark.gov.uk/ieListMeetings.aspx?CommitteeId=425

COUNCIL DECISION MAKING STRUCTURE

Council Assembly

Overview and Scrutiny Committee

- Healthy Communities Commission
- Community Safety Commission
- Local Economy and Life Long Learning Commission
- Housing and Environment Commission

Leader of the Council

Cabinet

- Deputy Leader and Culture, Leisure, Equalities and Communities
- Children, Schools and Adult Care
- Community Safety and Public Health
- Environment, Transport Management and Air Quality
- Finance, Performance and Brexit
- Growth, Development and Planning
- Housing Management and Modernisation
- Jobs, Skills and Innovation
- Social Regeneration, Great Estates and New Council Homes

Community councils

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

Other committees

- Appointments Committee
- Audit, Governance and Standards Committee
- Corporate Parenting Committee
- Health and Wellbeing Board
- Licensing Committee (and Sub-Committee)
- Planning Committee
  - Planning Sub-Committee A
  - Planning Sub-Committee B