

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

RECOMMENDATIONS

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

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

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

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

BACKGROUND INFORMATION

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

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

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

KEY ISSUES FOR CONSIDERATION

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

Annual Residents' Conference

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

Ward Meetings

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

empowering communities programme by the Community Champions.

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

Community Champions

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

Democracy Fund

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

Constitutional issues

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

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

38. This paper proposes a method to replace the executive function in respect of the allocation of Neighbourhoods and other funds. The ability of the community and councillors to take part in discussions about the delivery and variations to environment contracts, as well as for proposing new projects for the Community Projects Bank, can be addressed through adapting current council processes and can also be the subject of Ward or Democracy Fund meetings, if people so choose.

39. The consultative functions can all be addressed through adapting council processes, particularly through the increasingly widely used Consultation Hub.

40. The current CC roles and functions are listed in Appendix 4, which shows where these functions will be transferred to in the new proposal.

Community impact statement

41. The proposed changes to the CC structure provide alternative structures and processes to enable all Southwark residents to participate in discussing matters of interest and concern for their local community, while strengthening the relationship with their elected members.

42. Placing the emphasis on resident led initiatives for smaller areas, will help bring together members of Southwark's diverse local communities, in compliance with the council's duty under the Equality Act 2010 which requires the council to have due regard when taking decisions to the need to:

- a. Eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it
- c. Foster good relations between those who share a relevant protected characteristic and those that do not share it.

43. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

44. Having due regard to the need to advance equality of opportunity is further explained by the Act, which states that it involves

- Removing or minimising disadvantages connected with a relevant protected characteristic.
- Taking steps to meet the different needs of persons who share a relevant protected characteristic.

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

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

Resource implications

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

Consultation

47. The constitutional steering panel has been consulted.

Financial implications

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

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

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

Strategic Director of Finance and Governance

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None.		

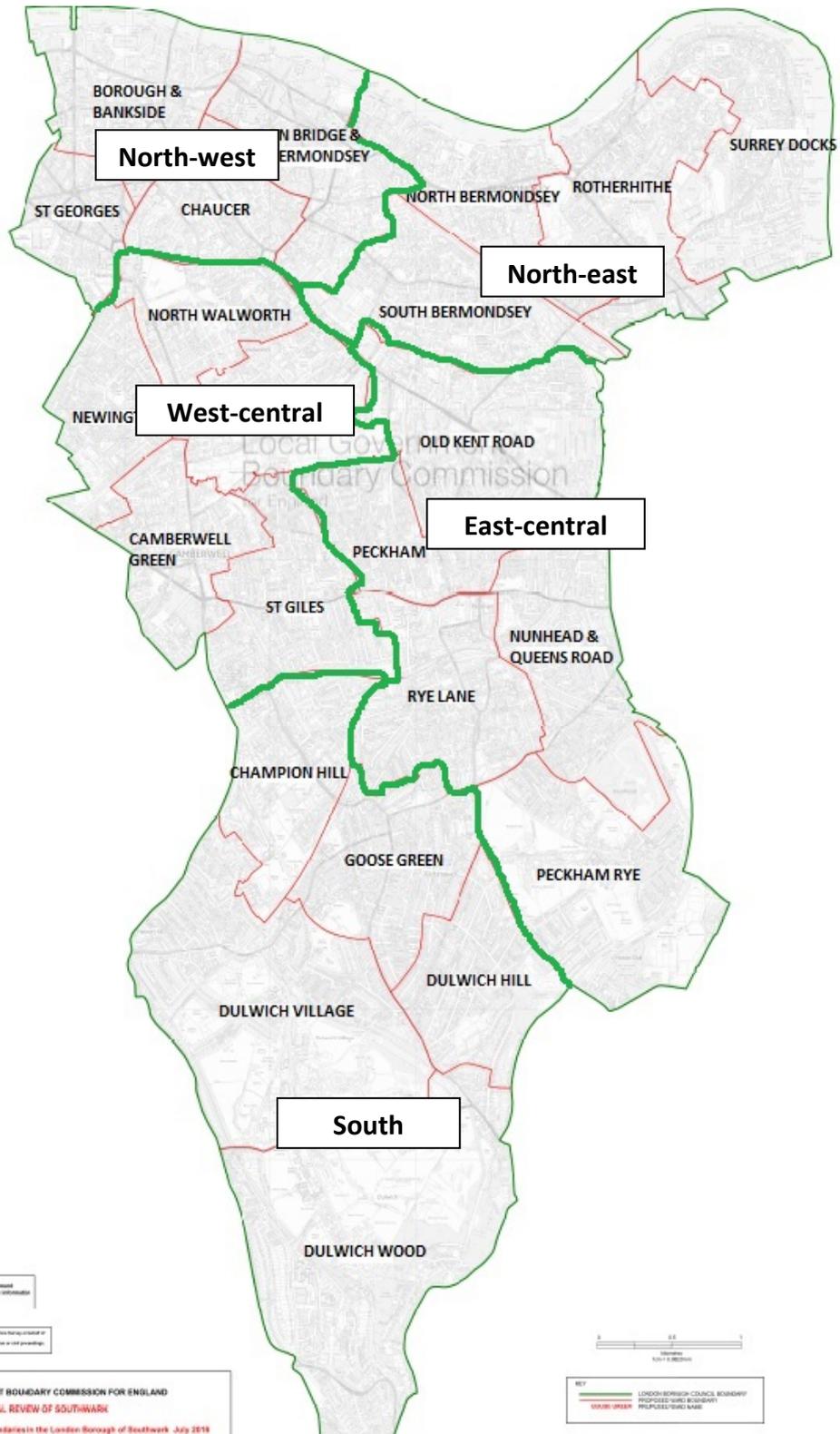
APPENDICES

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

AUDIT TRAIL

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

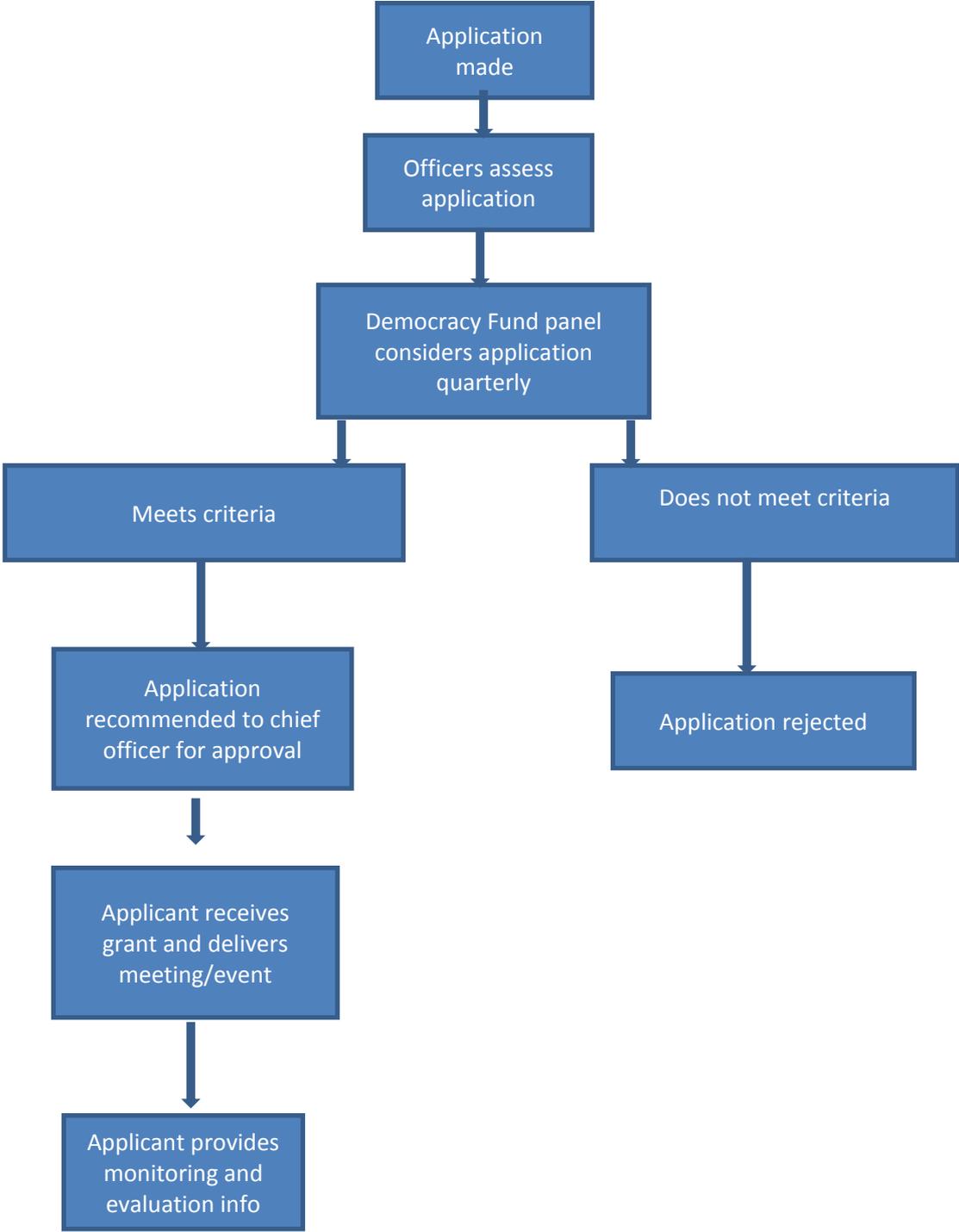
Appendix 1 – New multi-ward areas



Democracy Fund process

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

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



Ward meeting process

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



Proposed decision-making process following CC changes

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

8. To be consulted on all major and strategic schemes prior to consideration by the planning committee, subject to the consultation deadlines.	Consult ward members – Planning committee decision
Environmental management (executive function) <u>Consultative/non decision making</u>	
Current	Proposed new arrangements
9. Recommendations to the appropriate chief officer on local contract variations.	Ward members recommend to chief officer
10. Recommendations to the cabinet on issues concerning major changes to contracts.	Ward members recommend to cabinet
11. Appointment of ward members to serve on warden schemes steering groups.	Ward members recommend to cabinet member
12. To consider regular reports on environmental management issues, including street cleaning, refuse collection, abandoned vehicles and leisure centres.	Cabinet member with input from ward members
13. To participate in contract reviews and be able to suggest service improvements and identify local priority issues.	Ward members advise cabinet member
Neighbourhood fund1, cleaner, greener, safer and devolved highway capital programmes (executive function) <u>Decision making</u>	
Current	Proposed new arrangements
14. To approve the allocation of neighbourhood funds, cleaner, greener, safer and devolved highway capital schemes of a local nature using the resources and criteria identified by the cabinet.	Ward members
15. In the event that a programme variation decision is required before the next scheduled meeting of a community council the appropriate chief officer shall be authorised to determine this, in consultation with the relevant chair of the community council and relevant ward members. Variation decisions shall include any allocation or reallocation of funds or variation in projects (this list is not exhaustive).	Chief Officer in consultation with ward members
16. If successful in the bidding to the cabinet for strategic projects, to oversee and take responsibility for the development and implementation of the schemes.	Cabinet member in consultation with ward members

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

Community Champion Role Description

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

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

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

Indicative Timeline

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

** Three further meetings to be organised by wards

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