

<b>Item No.</b> 4.	<b>Classification:</b> Open	<b>Date:</b> May 23 2007	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Constitutional Review	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Legal and Democratic Services	

## RECOMMENDATIONS

That the recommendations set out in this report on changes to the constitution in respect of the following be considered:

### Council assembly procedure rules

1. Public question time (*see paragraph 29.*)
2. Deputations (*see paragraphs 30.*)
3. Deputations – cross referencing (*see paragraph 31.*)
4. Members question time (*see paragraphs 32-35.*)
5. Rules of Debate – Amendments to motions (negating the motion) (*see paragraph 36.*)
6. Notice required for amendments (*see paragraph 37.*)
7. Notification of appointments, resignations and terminations of appointments (*see paragraph 38.*)
8. Order of business at council assembly – council tax meeting (*see paragraph 39.*)

### Executive matters

9. Executive matters reserved – statutory school organization and social services decisions (*see paragraphs 40-42.*)
10. Executive matters reserved – Voluntary grants under the community support programme (*see paragraph 44.*)
11. IDM review and fees and charges (*see paragraphs 45-46.*)
12. Part 3E: Major Projects Board (*see paragraphs 47.*)

### Others changes

13. Overview and scrutiny procedure rules (*see paragraphs 48.*)
14. Planning policy and local development framework (*see paragraphs 49-51.*)
15. Other changes considered by the constitutional steering panel on May 1 2007 (*see paragraph 52.*)
16. That in respect of any changes arising from recommendations 1–15, officers be authorised to make any consequential amendments and cross-referencing amendments to the constitution.

## Process for Comprehensive Constitutional Review 2007/08

17. That the constitutional steering panel's work plan for the 2007/08 review of the constitution be noted (*see paragraphs 53-55*).

## **BACKGROUND INFORMATION**

### **Constitution and role of the constitutional steering panel**

18. The terms of reference of the constitutional steering panel (CSP) include specific responsibility for the oversight, review and recommending amendments to the constitution. The constitutional steering panel has a duty to monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.
19. The existing constitution was adopted at council assembly (constitutional meeting) in May 31 2006 and subsequently amended by council assembly in January and February 2007.
20. The constitutional steering panel met on April 16 and May 1 2007 to review the current constitution. At the first meeting the panel reviewed issues in the reports prepared by officers and gave feedback and identified other areas they would like officers to investigate in further detail.
21. The second panel meeting received more detailed proposed changes. Having discussed the proposed constitutional changes, the panel made number of recommendations to council assembly as indicated in this report and the appendices. The discussion also covered a number of areas upon which the panel did not to make a recommendation at this stage and these are listed in Appendix 15.

## **KEY ISSUES FOR CONSIDERATION**

22. This report constitutes the monitoring officer's annual report, any constitutional issues have first been considered by the constitutional steering panel.

### **Council assembly procedure rules (CAPR)**

23. As in previous years officers have convened a meeting with the political group whips to review this section of the constitution and have discussed various aspects of the review at the constitutional steering panels held on April 16 and May 1 2007. As part of its review the panel considered the timing of the meeting, deadlines for amendments and generally sought to rectify several anomalies. The review of CAPR's is set out below.

### **Model timetable for meetings of council assembly**

24. Council assembly procedure rule 1.13 (Guillotine) states that meetings should conclude three hours after the conclusion of introductory business. However, the three hours may be extended by a further hour to consider any outstanding contested motions. Therefore, in reality most meetings of council assembly rarely end before 11.30pm or later.
25. In respect of the guillotine, members need to balance a number of issues: the need to complete the business at each meeting; a process that allows debate/participation by members; and, that generally speaking taking decisions after 10.30 p.m. may not be conducive to good decision-making. The suggested changes to the guillotine process aim to ensure that these issues are more balanced.
26. In order to facilitate a reduction in the length of the meeting the constitutional steering panel considered that by refining a number of council assembly procedure rules (CAPR's) the model timetable set out below could be achievable.

Table 2 - Model Timetable for Council Assembly

Agenda Item	Estimated time required	Start	Finish
Mayors announcements, minutes and tributes	Ten minutes	7.00pm	7.10pm
Petitions	Five minutes	7.10pm	7.15pm
Public question time	Fifteen minutes	7.15pm	7.30pm
Deputations	3 x 10 minutes = 30 minutes	7.30pm	8.00pm
Debate on Motions relating to deputations moved up the agenda	3 x 10 minutes = 30 minutes (Longer if motions received with notice as there is no time limit on debate)	8.00pm	8.30pm
Members' question time	Thirty minutes`	8.30pm	9.00pm
Reports from executive, committees and officers	Thirty minutes	9.00pm	9.30pm
Motions	1 hour	9.30pm	10.30pm
Outstanding business (if any)	15 minutes	10.30pm	10.45pm

**Guillotine / Duration of meetings**

*(Council assembly procedure rule 1.13)*

27. The guillotine applies only to ordinary council meetings, and not to the annual (Mayor making) meeting, the annual (constitutional meeting), or to extraordinary meetings. Where necessary, it is possible for the operation of council procedure rule 1.13 to be suspended.
28. Currently CAPR 1.13 (4, 5 & 6) allows each item of business to be afforded up to a maximum of 15 minutes with any opposed motions being given up to a maximum of one hour. The constitutional steering panel considered examples of other authorities guillotine procedures and these are attached as Appendix 1. The panel considered the proposal that the guillotine be calculated from the start of the meeting and that once the guillotine has fallen any outstanding business that the council is legally obliged to make be allocated a maximum of 15 minutes and that any other outstanding business be put to the vote without debate or referred to the appropriate decision maker. Also members considered the proposal that the CAPR in relation to the guillotine be non-suspendable. Having considered this issue, the CSP did not make any recommendations. However the panel did make some changes, set out below, to the rules on public and members' question times which would impact on the duration of the meeting.

**Public question time**

*(Council assembly procedure rule 3.6)*

29. Council assembly procedure rule 3.6 currently allows members of the public to submit a question to ordinary meetings of council assembly. Public question time should not exceed

30 minutes and any time not fully utilized is carried over to members' question time, subject to a maximum of 15 minutes. An analysis of questions taken from the public over the last year is set out in Table 3 below. In the past details of public question time have been published in the local press and on the web, however the uptake has been limited as it is felt that the public much prefer to bring their concerns to the council by way of a deputation or raise their questions at a local level at community councils. The constitutional steering panel suggests that the time limit be reduced to fifteen minutes and the practice of carrying over any unused time to members' question time be discontinued.

Table 3: Number of public questions taken 2006/07

<b>Date of meeting</b>	<b>Number of public questions taken</b>
June 28 2006	Nil
September 13 2006	Nil
December 6 2006	1
January 24 2007	Nil
March 28 2007 (Ordinary)	3

<b>Recommendation 1 – Public Question Time</b>
<ol style="list-style-type: none"> <li>1. That public question time be reduced by 15 minutes.</li> <li>2. That any time unused by the public should not be carried over to members question time.</li> </ol>

## **Deputations**

*(Council assembly procedure rule 3.7)*

30. In order for the business of the meeting to flow smoothly it is important that there is a balance between the different parts of the agenda. Recently deputations and motions arising from them have dominated meetings of the council assembly. A consequence of this is that other business on the agenda has not been reached or fully debated, for example members' motions. Therefore in order to achieve a more balanced meeting the CSP agreed to recommend the following:
- that deputations may only come to council assembly when it is not possible or appropriate for them to go to the relevant decision making body (executive, community council etc).

<b>Recommendation 2 – Deputations</b>
That deputations may only come to council assembly when it is not possible or appropriate for them to go to the relevant decision making body (executive, community council etc).

31. Currently some information in the constitution is duplicated. In particular the deputation rule appears in three different places in a similar format albeit with some minor variations. Therefore the constitutional steering panel agreed with officers' objective in trying to reduce the overall length of the constitution by rationalising the content. The panel therefore recommends that the council assembly procedure rule 3.7 be used as the definitive guide to deputations and that the community council and executive rules be cross-referenced with council assembly procedure rules. This will ensure that rules specific to each meeting are clearly identified.

### Recommendation 3 – Deputations (Cross-referencing)

That council assembly procedure rule 3.7 be used as the definitive guide to deputations and that the community council and executive rules be cross referenced with council assembly procedure rules to ensure that rules specific to each meeting are clearly identified.

#### Members question time

*(Council assembly procedure rule 3.9)*

32. In order to assist members in formulating supplemental questions the panel considered the proposal that the deadline for the circulation of answers be brought forward so that the written responses can be circulated to members one clear day in advance of the meeting. However, the panel decided that they needed to consult further with their groups on this proposal before reaching a decision. Should such a proposal be acceptable the following amendment would need to be made to CAPR 3.9 (7):
- ‘Copies of all written questions and their draft answers, which may be subject to oral amendment, shall be circulated to all councillors **one clear day in advance of the meeting.**’
33. Officers pointed out that the implications of this change would require the constitutional team to publish amendments and questions on the same day. Resources would not be available to deal with this change, as it would impact on the constitutional team’s other work such as preparing for the Mayor’s briefing on the Tuesday evening.
34. In line with previous paragraphs in order to rationalize the content of the meeting the constitutional steering panel considered several proposals to change the format of members’ question time but agreed that it should only be slightly amended. It was therefore agreed that the time set aside for members questions should be fixed at 30 minutes and that any unused time from public question time should not be carried over to members’ question time.
35. In addition to the above changes council assembly procedure rule 3.9 (10) requires that questions to the leader and deputy leader should be rotated. However, in previous administrations the deputy leader did not hold an individual portfolio. The currently deputy leader holds the housing management portfolio therefore at each meeting of council assembly questions directed to the deputy leader are all housing related and are not therefore included in the usual executive rotation. In order to rationalize this anomaly the constitutional steering panel agreed that questions to the deputy leader should be included in the rotation of questions to executive members.

### Recommendation 4 – Members Question Time

1. That members question time be restricted to 30 minutes and that any unused time from public question time should not be carried over to members’ question time.
2. That the deputy leader be included in the rotation of questions to executive members.

#### Rules of debate – Amendments to motions (Negating the motion)

*(Council assembly procedure rule 1.16 (11))*

36. Council assembly procedure rule 1.16 (11) relates to amendments to motions and states at the end of points (a) – (d) that ‘as long as the effect of (b) to (d) is not to negate the motion or to delete all of the original motion or all words after the initial “that” in the original motion’.

However in order to simplify the rules and provide greater scope for debate the panel recommends that the negating rule on amendments be removed. CSP expressed a preference for option 2. This would be the simpler to implement. However, the whips undertook to consult with their groups and agreed that council assembly should consider the two options as set out below:

#### Recommendation 5 – Rules of Debate

Two options:

##### **Option 1**

**Delete** words highlighted in bold:

“As long as the effect of (b) to (d) is not to negate the motion or to delete all of the original motion or all words after the initial “that” in the original motion.”

**OR**

##### **Option 2**

**Delete** all of (11) which reads:

“As long as the effect of (b) to (d) is not to negate the motion or to delete all of the original motion or all words after the initial “that” in the original motion.”

#### Notice required for amendments

37. The constitutional steering panel considered that the current deadline for receipt of amendments was insufficient to allow members time to consider and respond to any issues raised within an amendment. They therefore agreed to recommend that the deadline should be moved forward by 24 hours.

#### Recommendation 6 – Notice Required for Amendments

That council assembly procedure rules 3.10 (1) and 3.11 (2) be amended to read:

‘delivered at least two clear working days before the meeting’.

#### Notification of appointments, resignations and terminations of appointments

*(Council assembly procedure rule 2.7 (2))*

38. Officers advised the constitutional steering panel that in line with current practice CAPR 2.7 (2) required further clarification to emphasize the fact that any appointments, resignations or terminations become effective immediately once received. Therefore it is recommended that the sentence below be added at the end of paragraph 2.

#### Recommendation 7 - Notification of appointments, resignations and terminations of appointments

That the following sentence be added at the end of CAPR 2.7 (2):

‘That any appointments, resignations or terminations become effective immediately.’

## Order of business at council assembly - council tax meeting

39. The setting of the council calendar forms part of the constitutional issues report elsewhere on the agenda, however the constitutional steering panel felt that meetings in the last quarter of the municipal year were rather congested and that therefore the February council tax meeting should only consider the budget. In order to implement this proposal several CAPR's have to be amended in order to restrict the order of business for that meeting. This would exclude deputations (3.7), petitions (3.8) and motions (3.12). Questions are already excluded. Council assembly is therefore recommended to agree the changes outlined below in order to facilitate this process:

### Recommendation 8 - Council tax setting meeting

1. That council assembly procedure rules 3.7 (1), 3.8 (1) and 3.12 (6) be amended to read:  
  
'shall not be taken at the annual (Mayor-making), annual (constitutional) or the council tax setting meetings.'
2. That a new paragraph be added to council assembly procedure rule 3.10 to exclude the taking of members' motions at the council tax setting meeting.

## Executive Matters

### Part 3C: Matters reserved to the executive for collective decision making Statutory school organization and social services decisions

40. The school organization committee (SOC) is responsible for considering school organization proposals where there are representations received as part of the formal consultation process. The Secretary of State for Education and Skills, announced that the Education and Inspections Bill received Royal Assent on November 8 2006, and is now the Education and Inspections Act 2006. This act means from May 25 2007 the SOC will be abolished and there will be new arrangements for local authorities to decide statutory proposals (other than new school competition proposals put forward by local authorities, which will go to the Adjudicator to decide).
41. As SOC will cease to exist officers recommended to the constitutional steering panel that the executive should take all the school organisation decisions, as they have the responsibility now in the context of determining statutory proposals when there are no representations.
42. A number of changes to the social services matters reserved to the full executive have also been updated arising from legislative changes. These are set out in Appendix 2.

### Recommendation 9 – Statutory school organization decisions

1. That clause 22 of executive matters reserved be redrafted to include responsibility for all school organization decisions (see Appendix 2).
2. That changes to the social services matters reserved to the full executive arising from legislative changes be agreed. These are set out in Appendix 2.

43. A query was raised as to whether it would be possible to involve non-executive members in the discharge of this function. In response, officers advised it was clear the abolition of the SOC was set to take effect from May 25 and the council needed make it clear in the constitution the arrangements for decision making on this matter after this date. The legal

officer stated that he would inform members once the regulations had been published on any scope for other alternative arrangements.

### **Voluntary grants under the community support programme**

44. The current matters reserved have been in place since 2004 and this recommended change provides for consistent decision making across all voluntary sector grant programmes over £2,500.

#### **Recommendation 10 – Voluntary grants under the community support programme**

Amend Part 3C:

That voluntary grants under the community support programme be moved to the individual decision making process. The detailed changes are set out in Appendix 2.

### **Executive matters reserved – IDMs fees and charges**

45. Currently the constitution reserves individual decision making (IDMs) fees and charges decisions to the executive member, other than those taken at council assembly. Financial standing orders (FSOs), also contain rules in fees and charges. This change seeks to clarify and cross reference responsibilities more clearly.
46. Following consultation with the finance director advice to departments is that IDMs reserved powers takes precedence in 2006/07 when taking fees and charges decisions. For 2007/08 it is recommended that the wording of FSO be updated and IDMs reworded to take account of the medium term financial strategy, which is agreed by the executive.

#### **Recommendation 11 – IDMs Fees and charges**

Therefore, it is suggested that Part 3D (5), Matters reserved to IDM be amended **after** 'in relation to their areas of responsibility **insert** 'and' in line with the financial standing orders'.

### **Part 3E: Major Projects Board**

47. The proposals for amending the matters reserved for the major projects board are set out in Appendix 11. Some changes to the executive procedure rules are also proposed clarifying the application of the rules (see Appendix 12).

#### **Recommendation 12 - Part 3E: Major Projects Board**

That the proposals for amending the matters reserved for the major projects board set out in Appendix 11 be agreed. That changes to the executive procedure rules clarifying the application of the rules to the board be agreed (see Appendix 12).

### **Overview and scrutiny procedure rules – Urgent Implementation**

48. In order to allow for more flexibility when considering decisions for urgent implementation the steering group considered that it would be appropriate that the vice-chair of OSC be included in those list of members outlined in overview and scrutiny procedure rule 20 (3), which relates to an urgent decision when the chair is not available. Therefore, members are requested to agree the recommendations set out below:



### Recommendation 13 – Overview and scrutiny procedure rules

That the following amendment outlined in italics be inserted into overview and scrutiny procedure rule 20 (3):

*'If there is no chair or if the chair is unable to act, then the agreement of the vice-chair, the Mayor or deputy Mayor, will suffice.'*

The panel was advised that there is no legal impediment to this change.

### Planning policy – Local development framework and consultation on strategic plans

49. The Local Government Act 2000 introduced a policy framework, which sets out a number of specified plans and strategies of the local authority for adoption or approval by council assembly. This includes the unitary development plan. The purpose of this change is to update the language of the constitution in light of the government's review of overall planning policy guidance. This requires constitutional changes to the relevant articles and part 3 of the constitution relating to the council assembly, planning committee and community councils. Therefore the constitution will refer to the local development plan where it now refers to the UDP and supplemental planning guidance will be renamed as supplemental planning documents. The detailed changes are set out in Appendix 13.
50. At the same time the constitution must continue to refer to the unitary development plan, as council assembly will consider this in June 2007.
51. The constitutional steering panel considered a proposal that the planning committee be given the opportunity to comment on consultation about major external planning processes (e.g. London Plan, Cross River Tram). The article and part 3 of the constitution would need to be amended to include a function that the planning committee be consulted with and then make recommendations on the council's response. This is similar to the process that currently operates for significant planning policy matters such as the UDP and supplemental planning documents where the planning committee submits any comments to the relevant executive decision maker. There was cross group support for these proposals and officers have included an additional clause in the relevant articles and part 3 of the constitution.

### Recommendation 14 – Planning policy and Local development framework

That changes to relevant sections of the constitution relating to planning policy matters set out above be agreed. The changes are set out in full in Appendix 13.

### Other constitutional changes

52. The constitutional steering panel recommended constitutional changes these are summarised in Appendix 3 and the detailed changes are set out in Appendices 4 to 13. This covers areas such as the implications of the Gambling Act for 2003, licensing committee, corporate parenting committee, major project board and typographical errors.

### Recommendation 15 – Other changes

That the recommendations as set out in the following appendices be agreed:

- Schedule of constitutional changes – Appendix 3

#### **Recommendation 15 – Other changes**

- Audit Committee – Appendix 4
- Financial Standing Orders 2007/08 – Appendix 6
- Contract Standing Orders 2007/08 – Appendix 7
- Licensing Committee: Roles and Functions – Appendix 8
- Licensing Committee: Matters Reserved – Appendix 9
- Corporate Parenting Committee – Appendix 10
- Typographical changes – Appendix 14

#### **Recommendation 16 – Other changes**

That in respect of any changes arising from recommendations 1–15, officers be authorised to make any consequential amendments and cross-referencing amendments to the constitution.

### **Process for Comprehensive Constitutional Review 2007/08**

53. The CSP considered a report from the strategic director of legal and democratic services concerning the process for the annual review of the constitution. The report highlighted the fact that the review inevitably focused on solving the particular issues that had arisen during the proceeding year, rather than looking fundamentally at the accessibility and suitability of the constitution as a whole. The meeting were informed that the Local Government and Public Health Bill was currently going through the Parliamentary process and would likely receive Royal Assent in the autumn. This would create a number of mandatory and optional changes to the governance of local authorities, which the CSP would need to consider.
54. The CSP were informed that CIPFA and SOLACE were on the verge of producing a new framework for corporate governance and that it recommends that local authorities should have a code of corporate governance. Work on this, which is likely to be overseen by the audit committee, will need to fit with any revisions to the constitution, and, depending on the timetable that the framework sets, may need to be finalised before the 2008 May council. The work programme will be amended to reflect the timing once more is known about this.
55. The CSP therefore considered a work programme that would address the structure and content of Southwark's constitution in line with any proposals that might arise from the government's new arrangements. The proposed work programme for the review is attached as Appendix N. The CSP agreed the work plan and recommended that council assembly be informed of the process for the 2007/08 review of the constitution.

#### **Recommendation 17 – Process for Comprehensive Constitutional Review 2007/08**

That the constitutional steering panel's work plan for the 2007/08 review of the constitution be noted (see Appendix 16).

### **Community Impact Statement**

56. This report contains no specific proposals that will impact on local communities. In general when considering constitutional changes regard should be given to the impact on individuals and structures:
  - Not to erode officer delegations

- Have regard to the opportunity for individual members of the public and groups to make representations to decision-makers
- Taking account of public access to information.

57. The constitution contains a number of routes whereby members of the public can access their elected councillors either as local representatives or when taking decisions, e.g. public question time, deputations and petitions.

### Consultation

58. On April 14 and May 1 2007 officers met with the whips of the three political groups to discuss constitutional review issues. Members' comments are reflected within this report.

### Resource Implications

59. Establishment of new decision making bodies will have resource implications for democratic services. Currently no funding exists in departmental budget to support new bodies. Also officers have indicated that the constitutional team cannot currently accommodate the workload suggested by the moving of the deadline for receipt of members amendments and the earlier publication of the answers to members questions.

### Legal Implications

60. The strategic director of legal and democratic services and her staff have been involved in the preparation of this report and the legal implications are contained in the body of the report.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark's constitution	Constitutional Team Southwark Town Hall Peckham Rd, SE5 8UB	Ian Millichap 020 7525 7225
Constitutional steering panel - Agenda and notes	Ditto	Lesley John 020 7525 7228

### LIST OF APPENDICES

Changes in constitution are set out as follows:

1. Deleted text is indicated with a strikethrough.
2. New text is **highlighted**.

Except FSOs, CSOs and Executive Procedure Rules which are shown with tracked changes:

Appendix No.	Title
Appendix 1	Guillotine procedures
Appendix 1A	Council Assembly Procedure Rules And Deputation Procedure Rules – Amendments
Appendix 2	Part 3C: Matters reserved to the executive for collective decision making
Appendix 3	Schedule of other constitutional issues (not dealt with in the main report)
Appendix 4	Audit Committee – Constitutional Changes
Appendix 5	Summary of changes to Financial Standing Orders and Contract Standing

Appendix No.	Title
	Orders
Appendix 6	Financial Standing Orders 2007/08 ( <i>Tracked changes</i> )
Appendix 7	Contract Standing Orders (Draft) ( <i>Tracked changes</i> )
Appendix 8	Licensing Committee – Article 8 – Roles and Functions – Implications of the Gambling Act 2005
Appendix 9	Licensing Committee – Part 3G: Matters Reserved – Implications of the Gambling Act 2005
Appendix 10	Corporate Parenting Panel – Draft Amendments to the Constitution
Appendix 11	Major Projects Board – Part 3E: Matters Reserved – Draft Changes to the Constitution
Appendix 12	Major Projects Board – Executive Procedure Rules -- Draft Changes to the Constitution ( <i>Tracked changes</i> )
Appendix 13	Planning Policy Changes – Changes to relevant articles and part 3
Appendix 14	Constitutional Review - Minor Typographical Changes and Amendments
Appendix 15	Other issues discussed by the constitutional steering panel on May 1 2007
Appendix 16	Constitutional steering panel's workplan for the 2007/08 review of the constitution.

## AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Legal and Democratic Services	
Report Author	Ian Millichap, Constitutional Team Manager Lesley John, Constitutional Officer	
Version	Final	
Dated	11.05.07	
Key Decision?	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
Officer Title	Comments Sought	Comments included
Strategic Director of Legal & Democratic Services	Yes	Yes
Executive Member	No	No
Date final report sent to Constitutional Team		11.05.07

## APPENDIX 1

### GUILLOTINE PROCEDURE

#### Meetings of council assembly

Date of meeting	Time meeting finished
May 24 2006 (Mayor making)	20.17.
May 31 2006 (Constitutional council)	20.40
June 28 2006 (Ordinary)	23.42
September 13 2006 (Ordinary)	23.10
December 6 2006 (Ordinary)	23.49
December 6 2006 (Extraordinary)	00.47
December 6 2006 (Special)	00.50
January 24 2007 (Ordinary)	00.10
February 21 2007 (Budget)	21.41
March 28 2007 (Ordinary)	00.05

#### Other authorities guillotine procedures

Authority	Duration of meeting
Camden	Meeting has to be concluded by 10.00 p.m. Motions not dealt with by 10.00 p.m. fall without discussion and are passed to the relevant executive member/chair and reported back to the next meeting of council.
Kensington and Chelsea	The meeting does not last longer than three hours after which motions not dealt with are put to the vote and any other business not dealt with is put to the next meeting.
Lambeth	The meeting does not last longer than three hours but has the option to extend by half an hour. All remaining business after that time is put to the vote without debate unless it is a statutory required item, in which case the meeting will continue until a decision is reached.
Islington	The meeting is to be concluded by 10.30 p.m. All outstanding motions or recommendations not dealt with are put to the vote without debate. Only amendments, written notice of which have been given to the Mayor by 10.15 p.m., will be dealt with during this process.
Westminster	When a meeting has sat for three hours (including any adjournments), then unless after two and half hours it has been resolved to continue sitting beyond the three hours any motions not previously disposed shall automatically lapse and thereafter all outstanding business will be put to the vote without debate.
Lewisham	After two and half hours after the start of the meeting the chair will move that only specified remaining business ought to be considered at an adjourned meeting, and any other reports on the agenda should be put to the vote without debate.

Authority	Duration of meeting
Hackney	<p>Unless the majority of members present vote for the meeting to continue until a time specified in the motion and not later than 10.30pm, any meeting that has not concluded by 10 p.m. will either:</p> <ul style="list-style-type: none"> <li>(a) adjourn and the remaining business not dealt with will be considered at a time and date fixed by the Mayor or</li> <li>(b) the Mayor will put the remaining matters on the agenda to the meeting in turn without discussion. The council will decide and, if necessary, vote on each item without discussion;</li> </ul> <p>Any outstanding individual members' motions are referred to a relevant committee or cabinet, unless the mover of the motion has requested that it be voted on at the meeting</p>
Southwark	<p>The guillotine takes effect 3 hours after the conclusion of introductory business including: announcements, tributes, declarations, approval of minutes, receipt of petitions and excluding the time for adjournments.</p> <p>Once the guillotine falls all reports with a recommendation are considered and voted upon in a maximum of 15 minutes per item. Unopposed motions are agreed without debate and unopposed motions are debated for a maximum of 1 hour with 10 minutes per motion. After the guillotine speaking times are reduced to 3 minutes for movers of motions and 2 minutes for all other speakers.</p> <p>The guillotine can be suspended at any time.</p>

### Issues considered by the constitutional steering panel

**Guillotine.** There are a number of variations on the kind of guillotine operated in other London boroughs, a selection of which is demonstrated above.

Common factors include:

- Time limit commences from beginning of meeting
- Three hour limit
- Limits on type and time given for business taken after guillotine.

Variations include:

- No business taken after guillotine
- Refer business or adjourn to another meeting
- Day time or late afternoon start
- All outstanding motions referred to committee or executive
- Notice of suspension of guillotine 30 minutes before meeting is due to end
- Time limits on extension periods e.g. 30 minutes

- Time limit beyond which the meeting cannot be suspended e.g. 30 minutes or one hour.

Currently council assembly can suspended the guillotine, one option is that the rule becomes non-suspendable and once it has fallen at 10.15pm any outstanding business be put to the vote without debate up to a maximum of 15 minutes / or referred to the relevant executive member/chief officer.

### PART 3C: MATTERS RESERVED TO THE EXECUTIVE FOR COLLECTIVE DECISION MAKING

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1. All relevant matters reserved to the executive by council assembly for decision.
2. Decisions on matters reserved to the executive 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 17<sup>1</sup> and above.
6. Approval to amend terms and conditions of service and employment contracts for individual groups of staff where these will vary from existing council wide procedures.
7. Decisions regarding the strategic aspects of the regulation and control of the council's finances.
8. Approval of policy and procedures governing the council's relationship with the voluntary sector.
9. ~~Approval of grants, under the community support programme, to voluntary organisations.~~
10. Approving write-offs of debt of a value of over £50,000.
11. Amendments to the council's equal opportunities policy.
12. 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.
13. 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.
14. Acquisition of land and property, outside any scheme already agreed by members, where the market value is more than £100,000.
15. The acquisition of land and property which involves the use of compulsory purchase orders.

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<sup>1</sup> At April 2006, grade 17 equated to £67,950 - £85,599 per annum.



## Social services issues

16. Appointment of rota visitors to establishments and representatives on the adoption panel and secure accommodation review panel.
17. Approval of long term or permanent closures and the cessation of services excluding changes in service delivery in individual cases.
- ~~18. In respect of registered homes, consideration of: proposals to cancel registration; proposals to refuse to register; proposals to vary any condition; and, proposals to impose an additional condition of registration in accordance with section 13 of the Registered Homes Act 1984.~~
- ~~19. In respect of registered children's homes, consideration of: proposals to cancel registration; proposals to refuse to register; proposals to vary any condition; and, proposals to impose an additional condition of registration in accordance with schedule 6 of the Children Act 1989.~~
- ~~20. Consideration of appeals against refusal to register and imposing conditions of registration (except where the appeal relates to police checks) in accordance with section 77 of the Children Act 1989.~~

## Education issues

21. Approval of schools admissions policies.
22. Decisions to go out to consultation prior to the publication of school reorganisation proposals.
- 23. Decisions on school reorganisation proposals following the statutory consultation process.**

## Notes on constitutional changes:

*New text is highlighted*

*Deletions are indicated with a strikethrough.*

1. Social Services - Paragraphs 18 and 19 are no longer applicable as those functions have been taken over by Commission for Social Care Inspection (CSCI).
2. Social Services – Paragraph 20 is no longer applicable as section 77 has been repealed and replaced by the Care Standards Act 2000. This responsibility has now been taken over by the Chief Inspector of Schools for England.
3. Education – Power scheduled to return to the local authority following the abolition of the school organisation committee.
4. Voluntary organisations – Paragraph 9 sets out the approval of grants under the community support programme to voluntary organisations. It is proposed that this matter is delegated to the relevant individual executive decision maker. Under the current scheme of delegation this would be the executive member for citizenship, equalities and communities. The change would mean that the grant award process for grants over £2,500 was consistency across all the council's grants programmes.

In part 3D (Matters Reserved to Individual Executive Members for Decision), clause 5, second bullet point, the wording would be amended as follows:

“Approving grants to voluntary organisations over £2,500, ~~apart from those under the community support programme.~~”

5. Renumber remaining paragraphs accordingly.

CONSTITUTIONAL REVIEW 2006/07

SCHEDULE OF CONSTITUTIONAL CHANGES (NOT DEALT WITH IN THE MAIN REPORT)

No.	Issue / Constitution Reference		Current Position	Recommendation	Comment
1.	Formatting Duplication	-	<p>Currently some information in the constitution is duplicated. E.g. deputation rule appears in three different places in a similar format albeit with some minor variations</p> <p>Objective is to try to reduce the overall length of the constitution by rationalising the content.</p>	<p>Deputation rules - Proposal to redraft to reduce duplication and cross reference to one under council assembly and indicating the variations applying to committee and executive rules.</p> <p>Article 4 – Policy Framework – listed here and under matters reserved. Amend to include in matters reserved only.</p> <p>Article 4 – Content of footnote 7 on executive appointments duplicates article 7.04. Amend footnote to include reference to relevant article only.</p> <p>Article 7 – Local choice functions – listed here and under matters reserved. Propose deleting so only in one place.</p> <p>Article 8 – DAC – note on</p>	<p>The changes on the deputation rule are set out in <b>APPENDIX 1A</b>.</p> <p>Other changes are identified in the minor typographical changes and amendments document.</p>

No.	Issue / Constitution Reference	Current Position	Recommendation	Comment
			<p>quorum, which is set out in committee procedure rules. Propose deleting so only in one place.</p> <p>Budget and Policy Framework Procedure Rules – Virement – Amend section 5 to cross reference to financial standing orders.</p>	
2.	Audit Committee – Other issues	Audit Committee established in February 2007. A number of minor changes in the summary, articles and procedure rules are required to fully incorporate it into the constitution.	<p>Summary – “How decisions are made” – add reference to audit committee – “There is an audit committee which provides independent assurance about the council’s governance framework.”</p> <p>See also <b>APPENDIX 4.</b></p>	
3.	Part 3K – Matters Reserved of officers – Responsibility for pensions.	The responsibility for the function is currently set out in Part 3K and the role of the finance director is set out in the Officer Procedure Rules.	<p>In paragraph 1, (see page 71) amend final sentence to read:</p> <p>“The powers of the finance director include the requirement under the pension regulations to review investments made by the</p>	

No.	Issue / Constitution Reference	Current Position	Recommendation	Comment
		<p>This amendment is needed to an issue identified by our pensions investment management team through the lack of a reference in our constitution to Southwark's pension fund by name. This amendment specifies the name of the fund i.e. London Borough of Southwark's Pension Fund.</p>	<p>investment manager at least once every three months, and to administer all other functions relating to the London Borough of Southwark's Pension Fund in accordance with the relevant legislation and regulations."</p>	
4.	Financial Standing Orders (FSOs)	<p>As in previous years, the finance director is reviewing the FSOs in line with current policies and procedures and updating them in the light of any legislation or other statutory requirements.</p>	<p>Summary of changes set out in <b>APPENDIX 5</b>. New FSOs circulated as <b>APPENDIX 6</b>.</p>	<p>As a result of the new FSOs there may be some cross-referencing changes to other provisions in the constitution.</p>
5.	Contract Standing Orders (CSOs)	<p>Following the review of contract standing orders, the finance</p>	<p>Summary of changes set out in <b>APPENDIX 5</b>. Amended CSOs circulated as <b>APPENDIX 7</b>.</p>	<p>As a result of the new CSOs there may be some cross-referencing changes to other provisions in the</p>

No.	Issue / Constitution Reference	Current Position	Recommendation	Comment
		<p>director is finalizing the new draft CSOs in line with current policies and procedures and updating them in the light of any legislation or other statutory requirements.</p>		<p>constitution e.g. article 14.</p>
6.	<p>Licensing Committee – Gambling Act 2005 - Article 8 and Matters Reserved</p>	<p>Gambling Act 2005 means the local authority will consider licensing on a range of gambling establishments including amusement arcades, betting shops etc. A number of new areas of decision-making need to be specified.</p> <p>The constitution already includes reference to the gambling statement of policy.</p>	<p>Amend article 8 and matters reserved in line with provisions of Gambling Act and associated regulations are set out in <b>APPENDIX 8</b> and <b>APPENDIX 9</b>.</p>	
7.	<p>Corporate parenting panel</p>	<p>The corporate parenting panel is</p>	<p>The proposed constitutional changes are set out in</p>	<p>It is recommended that the executive member with</p>

No.	Issue / Constitution Reference	Current Position	Recommendation	Comment
		<p>currently a panel comprised of councillors, which is serviced by the children's services department. It is a cross political group panel. Officers have looked into possible options for establishing it as a more formal committee.</p>	<p><b>APPENDIX 10.</b></p>	<p>responsibility for children's services and education should chair the committee. The committee will be able to co-opted non-voting members.</p>
8.	Executive Reports - Executive Procedure Rule 2.8	<p>The council wishes to adopt an approach in line with most local authorities where reports are presented in the name of the executive member.</p> <p>No change to the constitution is required as the issue of officer and executive member leads is not specifically covered in any procedural rules.</p>	<p>Recommended no change to constitution at this time.</p>	<p>The constitutional steering panel considered two options:</p> <ol style="list-style-type: none"> <li>1. No change to constitution.</li> <li>2. A clause could be added into executive procedure rule clause 2.8 (paras 1 and 2) "Who can put items on the executive agenda"</li> </ol> <p>Any change would need to be publicised, for officers and members once agreed. Changes would be made to report writing guidance on The Source, and appropriate training for all involved.</p>

No.	Issue / Constitution Reference	Current Position	Recommendation	Comment
				Officers advised that the proposal links to other work which is being considered to modernise reports. It may therefore be more practical to adopt Option 1 at this time.
9.	Disciplinary appeals committee – Independent expert	Rules on DAC identify “director of social services” as the officer responsible for appointing an independent expert who serves on a DAC panel considering cases involving children and vulnerable adults. Now that children’s and adult services are located in separate departments responsibility for this appointment needs to be reviewed to identify an effective process.	That the third sentence in 2.3 be amended as follows:  “That in consultation with the strategic director (health and community services) and the strategic director (children’s services), the head of human resources will select and recommend the appointment of the independent chair (s)...”.	The panel considered two options and initially expressed a preference for option 2:  1. To nominate the head of human resources as the appointing officer.  2. To make this a joint strategic director responsibility.  Having consulted with the officers, a further option was presented on May 1.  This was based on a combination of both options including the requirement for the relevant strategic directors to be consulted prior to any appointment. All the officers involved have confirmed that this would be a practical way of



No.	Issue / Constitution Reference	Current Position	Recommendation	Comment
				proceeding. The panel supported this approach.
10.	Minor typographical changes/amendments	Officers are reviewing constitution. A list of minor changes is attached.	See <b>APPENDIX 13</b>	

### AMENDMENTS TO THE CONSTITUTION

#### AUDIT COMMITTEE RELATED ISSUES

##### SUMMARY

In the section entitled “How decisions are made” – add reference to audit committee – “There is an audit committee which provides independent assurance about the council’s governance framework.”

##### ARTICLE 12 - OFFICERS

**Add** new 12.04 (l) "**Audit Management** - The finance director is responsible for management of the audit function, as set out in the financial standing orders."

##### PART 3A: MATTERS RESERVED TO COUNCIL ASSEMBLY

In paragraph 16, **add**:

- Audit Committee

