

**COUNCIL ASSEMBLY
(ORDINARY)**

WEDNESDAY SEPTEMBER 12 2007

PUBLIC QUESTION TIME

**1. QUESTION FROM MS. JANE WEBSTER TO COUNCILLOR NICK STANTON,
LEADER OF THE COUNCIL**

I assume the council has a policy on the deadline for responding to emails, text, fax or questions raised at meetings similar to the 10 working day deadline for answering letters. Can you explain to whom breaches should be reported and what power if any that person has to enforce?

RESPONSE

The council's policy on responding to correspondence defines a letter as a written communication from the public received via fax, e-mail or by post which requires a response.

Correspondence should be acknowledged within three working days of receipt and full reply sent within 10 working days. The rules that apply to letters also apply to other forms of correspondence including e-mail and fax (text is not specifically mentioned, but it would be within the spirit of the policy to include it).

All members' enquiries should be answered within ten working days but in exceptional circumstances (which should be relayed to the Member), a further three weeks may be allowed.

Breaches should be reported to the relevant strategic director or to corporate complaints team who is able to investigate and recommend an appropriate course of action.

Under the corporate complaints policy there is provision for holding letters to be sent, but should there be an excessive delay, and the customer not kept informed, then the complaint can be escalated to stage two, where the complaint will be independently investigated.

With regard to questions raised at meetings, the practice varies depending on the meeting. Meetings such as council assembly, executive and some community councils have public question times. In the case of council assembly and executive there are specific deadlines in the advance of the meeting for the submission of questions. Written responses are made available at the meeting and the individual has the opportunity to ask a supplemental question. In the case of community councils where questions are raised from the floor at meetings, the relevant officers would usually answer the questions at the meeting. If a question were more complex the response would be either included in the agenda papers for the next meeting or given at the next meeting. On occasion the officer may respond before a particular event takes place. Agenda papers are circulated five clear working days before a meeting.

2. QUESTION FROM MR. MARTIN NEUSUM TO COUNCILLOR KIM HUMPHREYS, DEPUTY LEADER AND EXECUTIVE MEMBER FOR HOUSING MANAGEMENT

Residents are unclear whether councillor's loyalties lie with Southwark Council or its residents particularly given that the Chief Executive is line manager to both councillors and officers alike. Therefore, are local councillors Southwark Council or not, with or without the authority to insist officers carry out their instructions?

RESPONSE

Southwark Council, like all local authorities, is a statutory body. As such, the council can only do those things that it is permitted or compelled to do by law.

The council appoints and employs a permanent workforce of professional, administrative and manual staff to discharge its functions. The head of the paid service is the chief executive whose role in the council's decision-making process is to advise on and give effect to policy. In this, she is assisted by strategic directors who, as members of the corporate management team, advise on policy as well as having an operational role in service delivery. Ultimately, all officers are responsible to the chief executive through the council's management structure. The chief executive, however, is not the line manager for councillors.

The relationship between members and officers and the roles, duties and responsibilities of officers are set out in the council's constitution under the Member and Officer Protocol. The purpose of the protocol is to set down principles and procedures, which have been jointly agreed by officers and members to guide their joint working in the public interest. Notably, the protocol states at paragraph 8:

“Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, its executive, committees and sub-committees. Within these guidelines all officers should endeavour to give every assistance to members carrying out their various roles. Officers have a duty to keep members of all political groups fully informed about developments of significance in relation to council activities.”

In accordance with the protocol, officers are expected to put into effect decisions made by the council's decision-making bodies, that is, council assembly, the executive and the council's committees and sub committees. Members cannot insist that officers implement decisions of the council when the decision or decisions are the subject of a report by the council's monitoring officer regarding the legality or otherwise of those decisions.

The council, as a corporate entity, is made up of elected members who together represent the people living and working in Southwark. Councillors are elected to represent the people and, therefore, have to consider not just the interests of their local electorate, but those of the borough as a whole.

The role of the council's executive, which comprises the leader of the council and nine members appointed as executive members with portfolio responsibilities, is to propose a policy framework, to ensure the implementation of policies within that framework, to oversee the authority's services and to provide a focus for local partnerships.

Councillors who are not members of the executive conduct other council business, such as planning and licensing, through council committees and sub committees. In addition, those councillors have the opportunity to scrutinise policy decisions of the executive and/or suggest amendments to policy as members of the council's overview and scrutiny committee.

Background Information

The council also has express statutory powers to delegate much decision-making to officers on the same terms and subject to the same limitations as in the case of delegation to committees and sub committees. In doing so, all officers owe a legal and managerial duty to the council as a corporate whole.

The Local Government Act 2000 Guidance Note states that, with regard to local authorities operating executive arrangements, officers are responsible for day-to-day managerial and operational decisions and are there to support both the executive and all councillors in their several roles as decision-makers, committee members, advocates for their constituents and party representatives. The guidance note emphasises that it is an overriding principle that all officers are employed by and are accountable to the council as a whole.