

Item No. 70.2	Classification: Open	Date: 12 th February 2003 24 th February 2003	Meeting Name: Standards Committee Council Assembly
Report title:		Constitutional Issues – Community Councils	
Ward(s) or groups affected:		All	
From:		Chief Executive (Borough Solicitor & Secretary)	

RECOMMENDATIONS

Recommendations for Standards Committee

1. That the Standards Committee consider each of the constitutional issues outlined in Appendix 2 of this report taking account of the options suggested and the views of Executive, Planning, Licensing and Overview & Scrutiny Committees, and indicate its preferences.
2. That the Standards Committee refers its recommendations to Council Assembly for consideration.

Recommendations for Council Assembly

3. That Council Assembly considers this report and the recommendations of the Standards Committees (to be circulated separately in an Addendum Report to all Members), and approves the changes to the Constitution to facilitate the introduction of Community Councils.
4. That arising from recommendation 3, Officers be authorised to make any consequential amendments and cross referencing amendments to the Constitution.

BACKGROUND INFORMATION

Constitution

5. On 27th November 2002 Council Assembly agreed a policy on area decision-making and the establishment of Community Councils. This report invites Standards Committee to recommend changes to the Constitution, which will facilitate the implementation of Community Councils. It will consider any comments/recommendations from the Executive, Overview & Scrutiny, Licensing and Planning Committees. Subsequently Council Assembly will be asked to consider changes to the constitution.
6. The terms of reference of Standards Committee include specific responsibility

for the oversight, review and recommending amendments to the Constitution. The Standards Committee 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.

7. The purpose of the Constitution is to:
- i) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
 - ii) support the active involvement of citizens in the process of local authority decision-making;
 - iii) help Councillors represent their constituents more effectively;
 - iv) enable decisions to be taken efficiently and effectively;
 - v) create a powerful and effective means of holding decision-makers to public account;
 - vi) ensure that no one will review or scrutinise a decision in which they were directly involved;
 - vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
 - viii) provide a means of improving the delivery of services to the community.

The existing Constitution was adopted at Council Assembly (Constituional Meeting) on 29th May 2002 and subsequently amended on 24th July and 30th October 2002.

Decision by Council Assembly on 27th November 2002

8. Council Assembly on the 27th November 2002 agreed the Council's policy on local decision-making and the establishment of Community Councils with devolved decision-making powers with effect from 1st April 2003.
9. It was agreed the following functions be devolved in part to Community Councils in Phase 1, subject to changes in the constitution:

Non- executive functions

- Planning; and
- Licensing

Executive functions

- Community Safety Capital;
- Local traffic management issues;
- Environmental Improvement Programme Capital;
- Appointment of Local Education Authority governors to the governing bodies of primary schools.

A map showing the boundaries is attached as Appendix 9. The proposed implementation date is 1st April 2003. It was reported that the establishment of Community Councils would require a series of changes to the Constitution.

Decision by Standards Committee on 18th December 2002

10. The Standards Committee on the 18th December 2002 considered a report on changes to the constitution. The Committee noted the outline of changes to the Constitution that will be necessary as a result of the introduction of Community Councils. The Committee asked for a detailed report on the changes to the Constitution to be brought back to the next meeting to be held on 12 February 2003.

Timetable for agreeing constitutional changes

11. The timetable for agreeing constitutional changes necessary to implement Community Councils is set out below:

Meeting	Date	Action
Executive	14 th January 2003	Commented on the proposed changes
Overview and Scrutiny Committee	15 th January 2003	Commented on call-in and other consequential changes to Overview and Scrutiny Rules.
Planning Committee	3 rd February 2003	To comment on proposed changes.
Licensing Committee	4 th February 2003	To comment on proposed changes.
Standards Committee	12 th February 2003	To consider proposed changes, including views of Executive and comments of Overview and Scrutiny, Planning and Licensing Committees.
Council Assembly	24 th February 2003	To consider and agree changes to Constitution.

12. A schedule outlining the key areas for amendment of the constitution has been considered by the Executive, Overview & Scrutiny, Planning and Licensing Committees. An updated version is set out in Appendix 2 and includes the recommendations/comments of the Executive and Overview & Scrutiny Committee. The views of Planning and Licensing Committees, which are due to meet on the 3rd and 4th February respectively, will be circulated separately. ***(Note: The views of the Planning and Licensing Committees have been incorporated into this version of the report for Council Assembly.)***

KEY ISSUES FOR CONSIDERATION

- 13 The principal constitutional issues addressed in this report are:

- Scrutiny and Call-in (see paragraphs 14 – 24)

- Exercising Planning and Licensing Functions (*see paragraphs 25 – 27*)
- Planning (*see paragraphs 28 – 29*)
- Licensing (*see paragraphs 30 – 34*)
- Planning and Licensing Transitional Arrangements (*see paragraphs 35 – 37*)
- Education (*see paragraphs 38 – 39*)
- Article 10 and Matters Reserved to Community Council (*see paragraphs 40 – 41*)
- Other Constitutional Changes
 - Membership (*see paragraphs 42 – 44*)
 - Appointment of Chairs/Vice-Chairs (*see paragraphs 45 - 47*)
 - Committee Procedure Rules (*see paragraphs 48 – 53*)
 - Co-opted Members (*see paragraphs 54 – 56*)

The options on these key constitutional issues and the views of the Executive and Overview & Scrutiny Committee are set out in the boxes below. (See also Appendix 2).

Scrutiny and Call-in

14. As outlined in paragraph 8, Community Councils will take decisions in respect of both executive and non-executive functions. The scrutiny function has not been delegated to Community Councils. Minor amendments to Article 6 of the constitution and to the Overview & Scrutiny Procedure Rules are desirable to clarify the general role of overview and scrutiny in relation to Community Councils. In addition, some policy choices are required as to how the Overview & Scrutiny Committee's power to Call-In decisions made, but not yet implemented, should be exercised.
15. It is important to be clear on the distinction between "ordinary" post-decision scrutiny and the special power to "Call-In" a decision and prevent it being implemented. The Overview & Scrutiny Committee (and by extension its sub-committees) has a general power to review or scrutinise decisions made, or other action taken, in connection with the discharge of any of the Council's functions (both executive and non-executive). This power extends to Community Councils (which are, in law, "Area Committees"). In addition, the Overview & Scrutiny Committee also has a limited "Call-In" power to prevent executive decisions from being implemented, for a short period, to allow the Overview and Scrutiny Committee to review the decision.

When can a matter be called-in?

16. The exact rules relating to call-in are for local determination, provided the statutory minimums are met. Currently, the Chair or Vice-Chair plus three members of the Overview & Scrutiny Committee may call-in any decision taken by the Executive, and key decisions on executive functions taken by officers under delegated authority. Call-in requests should normally be made only if there is evidence that the decision was not taken in accordance with the clear principles of decision-making set out in the Constitution.

17. Officers are recommending that the existing provision be extended to cover all executive decisions taken by Community Councils. This is the same approach that currently applies to Executive meeting decisions.

Views of Executive/Other Committees

Executive and Overview & Scrutiny Committee supported the extension of the existing provision to cover all executive decisions taken by Community Councils

Process following Call-In

18. The Constitution would also have to state the process after call-in. The current practice is for the decision to be considered by Overview & Scrutiny Committee. Currently, Overview & Scrutiny Committee can:
- Refer the decision back to the decision-making body or person for reconsideration, setting out in writing the nature of its concerns; or
 - Refer the matter to Council Assembly if the decision is deemed to be outside the policy and budget framework.¹
19. The Overview & Scrutiny Procedure Rules would need to be amended to apply this provision to Community Councils. An implication of this change is that the time period available to the decision-maker to reconsider the decision is currently 7 clear working days. This may be problematic when arranging extra-ordinary Community Council meetings at short notice and engaging public involvement. Some suggested options on the time period for the decision-maker to reconsider a decision are set out in the box below.

Options

Executive and Overview & Scrutiny Committee did not express a preference on this matter, however they did suggest that a third option for Standards Committee to consider. The three options are set out below:

Option A – Retain existing provision of 7 working days.

Option B – Review existing provision of 7 working days, and in addition allow the Borough Solicitor in consultation with the relevant Chief Officer to determine whether the matter can wait until the next scheduled meeting of the Community Council.

Option C - Retain existing provision of 7 working days, and allow the Borough Solicitor & Secretary in consultation with the Relevant Chief Officer *and Chair of the relevant Community Council* to determine whether the matter might wait until the next scheduled meeting of the Community Council.

¹ Paragraph 19.4, Overview & Scrutiny Procedure Rules

When does call-in commence?

20. Overview and Scrutiny Committee asked Standards Committee to advise whether scrutiny can be defined as commencing:

- At the point at which a call-in request is made; or
- At such time as any subsequent call-in meeting is held.

This is in relation to whether a conflict of interest might occur when an individual signatory to a call-in is also a member of the Community Council (where the original decision was taken).

21. In signing a call-in request a Member is exercising a function of the overview and scrutiny committee. Clearly the member has a personal and prejudicial interest at the point when the matter is being considered at Overview & Scrutiny Committee² and may only participate if answering questions or giving evidence. The key issue here is membership of the body whose decision is being scrutinised not whether the member agreed with it and voted for it.

22. The advice given previously was couched in terms of best practice and accountability and not strictly breaches or potential breaches of the Code of Conduct. It is always possible for the Council to amend its Code of Conduct to reflect the new position with Community Councils. There is, of course, no similar conflict in the case of "call-in" or scrutiny of Executive decisions because the law prohibits Executive Members from serving on Overview & Scrutiny Committees.

23. In this context, Officers believe that the advice is reasonable and would recommend that the Overview & Scrutiny Procedure Rules are amended to reflect the implications arising from the extension of call-in to Community Council executive decisions:

1. As a matter of good practice, Members should not scrutinise their own decisions. Therefore, a Member serving on a Community Council (who is also a Member of the Overview & Scrutiny Committee) who participates in taking an executive decision should not sign a call-in request on the same decision (thus avoiding any conflict of interest).
2. Arising from point 1 above, in the circumstances when a Member has participated in taking an executive decision, then a Reserve Member (Overview & Scrutiny Committee) could be entitled to consider whether they wish to sign a call-in. This would assist in maintaining the pool of Members able to call-in decisions. The constitution would need to be amended to accommodate this change.

Function of Scrutiny

² - Southwark Code of Conduct paragraph 11.

24. Article 6 of the Constitution, Overview & Scrutiny Committee and Sub-Committees, would also have to be amended to clarify the general role of Overview and Scrutiny in relation to Community Councils.

Views of Executive/Other Committees

Overview & Scrutiny Committee recommended that Community Councils be able to request inquiries on a given topic as the Executive and Council Assembly can under the present arrangements

Exercising Planning and Licensing Functions

25. There are two possible options for the manner in which Community Councils operate when exercising planning and licensing functions.

The options are: -

- a) Community Councils exercise planning and licensing functions as Section 101 committees deriving their powers from Council Assembly; or
 - b) Community Councils exercise these functions as sub-committees of the Planning Committee or Licensing Committee.
26. There would be little difference in practice to the division and exercise of functions and responsibilities. However, Option B has one potential advantage as the Planning and Licensing Committees would have the same functions as the Community Councils and could recover jurisdiction where this was appropriate. It provides a possible solution to dealing with the rare cases where the Community Council is not able to deal with a matter effectively because of the large numbers of members with personal interests or decided views on an application. In organisational terms the Community Councils would be operating as sub-ordinate bodies of the Executive (Council Assembly having no concurrent powers with the Executive as the Executive is not a committee for the purposes of Section 101 of the Local Government Act 1972.) The adoption of Option B as the route for delegation of planning and licensing powers would result in the Community Councils having a consistent organisational role whether exercising executive or non-executive functions.
27. Option A would enhance the status of the Community Councils as they would operate as Section 101 committees rather than as subordinate bodies. Both options are set out below. (See also Appendix 2).

Options

The options are: -

- A) Community Councils exercise planning and licensing functions as Section 101 committees deriving their powers from Council Assembly;

or,

B) Community Councils exercise these functions as sub-committees of the Planning Committee or Licensing Committee.

Views of Executive/Other Committees

The Executive, Planning and Licensing Committees recommended Option B.

Planning

Proposed changes to constitution

28. Council Assembly approved the demarcation of responsibilities between Community Councils and Planning Committee.
29. A draft Roles & Functions (Article 8) and Matters Reserved (Part 3: Responsibility for Functions) allocating the planning functions for the Main Planning Committee and Community Councils is attached as Appendix 4. In view of the policy agreed by Council Assembly the scope for options is limited. Officers have included the proposed threshold for mixed schemes of 3500m². The draft documents are based on the existing Roles & Functions and Matters Reserved.

Views of Executive/Other Committees

The Executive noted and referred the Roles & Functions and Matters Reserved to the Planning Committee for consideration.

The Planning Committee noted the proposed demarcation of responsibilities between Community Councils and the Committee in respect of planning functions.

The Planning Committee recommended that the effectiveness of this split should be considered as part of the proposed six-month operational review of Community Councils.

The Executive also recommended that the six month review of Community Councils should include a review of consultation regarding Section 106 of the Town and Country Planning Act funds, and whether Community Councils should be consulted about funds under £100,000.

More generally, the Planning Committee expressed concern about the increased pressure that Members would face when asked to determine controversial planning applications at Community Councils. The Committee emphasised the need for Members to be trained on all relevant aspects of planning and probity before making decisions on

applications.

The Planning Committee stressed the importance of a cross-party forum to consider planning matters without decisions being whipped. The Planning Committee believed that this independence is important and asked the Standards Committee to make recommendations about how Community Councils can operate and be seen to operate in an independent and impartial manner when considering planning applications.

Licensing

Proposed changes to constitution

30. Council Assembly agreed that licensing functions be split between the main Licensing Committee and Community Councils.
31. The split between Committee and the Officer Licensing Panel remains unchanged and delegated powers and matters reserved remain the same.
32. Council Assembly agreed that there should not be a mechanism for Community Councils to refer applications back to the Licensing Committee, except in the case of a Community Council being inquorate. A specific clause covering this issue is included in the Matters Reserved and Roles & Functions of the Licensing Committee (see Appendix 5). Otherwise there is no provision to allow Licensing Committee any intervention rights on applications considered by Community Councils. Licensing applications for venues on or near Community Council boundaries, which will have a material impact on neighbouring Community Council areas, will go to Licensing Committee. The Strategic Director Environment & Leisure will determine when such boundary proximity is a material factor.
33. A draft Roles & Functions (Article 8) and Matters Reserved (Part 3: Responsibility for Functions) allocating the functions for the Main Licensing Committee and Community Councils is attached as Appendix 5. In view of the policy agreed by Council Assembly the scope for options is limited. The draft documents are based on the existing Roles & Functions and Matters Reserved.

Views of Executive/Other Committees

The Executive noted and referred the Roles & Functions and Matters Reserved to the Licensing Committee.

The Licensing Committee supported the division of responsibilities set out in Appendix 5 of this report.

More generally, the Licensing Committee also authorised Members to determine applications located within their own Ward subject to Code of Conduct and Public Law requirements.

The Licensing Committee asked to receive a review report on the delivery of Licensing functions by Community Councils after six months of operation.

Implementations of new licensing proposals

34. In the Queen's speech the government announced that it would be proposing devolution of greater responsibility for licensing applications. The impact of this would be to transfer the consideration of liquor licensing from the magistrates court to local authorities. The full implications of this change have yet to be announced and receive approval by Parliament. There are likely to be major service and resource implications of giving local authorities this responsibility. Further work on the implications of this change will be required and will be reported to Members. It is likely that on the basis of current timetable that this matter could be considered as part of the six-month review of Community Councils.

Planning and Licensing Transitional Arrangements

35. In order to ensure continuity in the consideration of planning and licensing applications, the Executive on 14th January 2003 agreed a phased transition to decision taking so that:
- all applications received on or before 31st March 2003 are dealt with under the existing arrangements, i.e. Planning Committee or Licensing Committee as appropriate, with a long-stop date of 31st July 2003;
 - all applications received on or after 1st April 2003 will be dealt with under the new arrangements, i.e. Planning Committee, Licensing Committee or Community Council as appropriate; and,
 - all applications received on or before 31st March 2003 but not determined by 31st July 2003 to be dealt with under the new arrangements - Planning Committee, Licensing Committee or Community Council.
36. This will ensure that performance indicators for dealing with applications are maintained whilst Members are receiving the training and development that will be necessary before being able to participate in the consideration of these matters.
37. It will also allow the Community Councils to commence their work and get up to speed on the range of other issues concerning the Council's services and community involvement without the initial burden of dealing with quasi-judicial matters.

Views of Executive/Other Committees

The Planning and Licensing Committees noted the transitional arrangements set out in the report.

Education

38. Council Assembly agreed that the Community Councils should be empowered to exercise the powers of the Council to appoint Local Education Authority School Governors to the governing bodies of primary schools within its area, from among the list of suitable persons maintained by the Council's Voluntary Bodies Appointments Panel.
39. This will require an amendment to the terms of reference of the Standards Committee and the inclusion of a specific provision in the terms of reference for Community Councils. The proposed changes are set out in Appendix 2.

Article 10 and Matters Reserved to Community Council

40. The existing Article 10 refers to Area Committees and has been redrafted to reflect the Council's new policy on establishing Community Councils. Article 10 describes the form, composition and function of Community Councils in relation to the rest of the Constitution (see Appendix 6). This includes a description of the role and functions of Community Councils (i.e terms of reference). This sets out the broader areas of responsibility in respect of the community engagement and local decision-making.
41. Officers have also drafted a new section covering Community Councils that will be inserted into Part 3 of the Constitution on Responsibility for Functions. This includes all those functions delegated to Community Councils set out in paragraph 8 above. In view of the policy agreed by Council Assembly the scope for options is limited. The Matters Reserved to Community Councils for decision (Part 3: Responsibility for Functions) is attached as Appendix 7). This defines those functions and issues for which decisions are reserved, or have to be taken, by Community Councils. To ensure that there is a full picture of the Community Councils' responsibilities this document distinguishes between decision-making and consultative matters. It also distinguishes between executive and non-executive functions.

Other Constitutional Changes

Membership

42. Community Councils do not need to be politically balanced. In addition Community Councils can only include members of the local authority who are members for the electoral wards wholly or partly contained within the area for which the committee has functions. It is for Standards Committee to recommend (and Council Assembly to agree) the membership of Community Councils. The pool of Members able to serve on Community Councils is set out in Appendix 3.
43. The various options set out in the box below present different solutions to the issue of membership. It presents a number of issues including first, which

Community Councils the Livesey Ward Members should serve on; and, second, the size of the councils.

44. Option 1A would allow the Members to participate fully on all matters concerning their wards. There would be a larger pool of Members from which to draw a quorum. Option 1B and 1C allow for less participation by Livesey Members. In respect of Option 2, this would allow Members with other demanding portfolios to focus on those areas and enable backbench members to develop their community role, since the size of Community Councils would be reduced, for example to 6 members. A disadvantage of this approach is that all Members in the local wards can serve on relevant Community Councils covering their areas and this arrangement would not facilitate this. The membership is not subject to proportionality rules and therefore not appointed by political groups. A reduction in the size of Community Councils may also lead to possible quorum problems. An additional consideration is that the public may expect all Members to participate in Community Councils.

Options

The membership options are:

Option 1 – All Members serve on all community councils covered by their wards. In this option Livesey Ward could be treated in a number of ways:

Option A - Livesey Ward Members have dual eligibility for membership of Peckham and Rotherhithe community councils.

Option B – Two Members serve as voting members on Peckham and Rotherhithe, with the third Councillor being a Reserve Member.

Option C – One Member serve on Peckham and Rotherhithe, with the other two Councillors being Reserve Members.

Option 2 – Community Councils have a fixed membership e.g. 6 (with other members serving as reserves).

If Members chose option 2, then they should also indicate whether or not the seat allocation should be proportionate (although this is not a legal requirement).

Views of Executive/Other Committees

Executive recommended that options 1A and 1B receive further consideration.

Appointment of Chairs/Vice-Chairs

45. Current practice is that Council Assembly appoints Chairs of Committees, with the exception of Standards Committee. However the constitution allows for

these appointments to take place at the first meeting of the body. These arrangements are the same as existing committees and comply with legal requirements. No additional constitutional change is required. However Standards Committee is asked to express a view on the most appropriate way to elect Chairs and Vice-Chairs. The options are set out in the box below (see also Appendix 2).

46. Options A and B have advantages for members of the public as they will know in advance who the Chair will be and be able to raise issues prior to the meeting. Options A and B are procedurally very similar. However the opportunity to promote the autonomy of Community Councils through self-determination of Chairs should be considered. Option B would ensure that the process would take place locally.
47. Option C presents some operational difficulties and uncertainty in managing the introduction of Community Councils in the absence of a named Chair.

Options

The following options are available:

- A) Appointment by Council Assembly for all meetings in the current municipal year (i.e. until May 2003).
- B) Appointment by Council Assembly for the first meetings of Community Councils and delegation of responsibility to each Community Council to appoint Chair for all subsequent meetings for the year.
- C) Appointment to be made by Community Councils for all meetings.

Views of Executive/Other Committees

Executive supported Option A – Appointment by Council Assembly for all meetings in current municipal year (i.e. until May 2003) and then after annually by Council Assembly (Constitutional Meeting).

Committee Procedure Rules

48. As Community Councils will formally be constituted as committees of the Council in the first instance the same provisions that exist for other committees will guide their decision-making powers and procedures. Existing provisions in respect of Committees are currently included in the Council Procedure Rules. This covers all existing Committees and Sub-Committees, with the exception of scrutiny committees that are covered by the Overview & Scrutiny Procedure Rules. To provide greater clarity on procedures a separate Committee Procedures Rules has been drafted (see Appendix 8). This includes a number of options for Members to consider:

Options

Duration of Meetings – Standards Committee is asked to consider and recommend whether the Constitution should limit the length of meetings, if so which meetings and the mechanism to be used. Two options are presented in Appendix 8.

Position of Chairs/ Vice-Chairs falling vacant during the year – This provision would allow the Committee or Community Council to appoint an interim Chair until the matter is considered by the relevant parent body. Standards Committee to consider whether or not to recommend inclusion of such a clause.

49. This is based on existing Council Procedure Rules. Current provisions in the constitution have been adapted for use by committees and Community Councils, for example, deputations. Officers have included a provision for public question time (for use at Community Councils only). These have been included to provide some formal mechanisms. However whilst on occasions they are useful tools, Members will wish to allow sufficient scope for Community Councils to be more innovative and flexible. It is anticipated that existing provisions for motions of adjournment will allow sufficient opportunities to use the kind of mechanisms necessary to engage public interest and involvement in Community Councils. This would allow time for:
- Discussion on issues of local public interest
 - Public forums
 - Extended question & answers
 - Presentations
 - Breaking up in to smaller groups to discuss issues
50. In this respect the Chair of the Community Councils will be an important role. The constitution allows the Chair to decide, taking the advice of the Borough Solicitor & Secretary, all matters of order, relevancy, competence and interpretation of procedure rules relating to the conduct of meetings.
51. It should be noted that currently when considering licensing and planning applications, the committees' responsibility for these functions make use of procedures and protocols for good decision-making. In the future, whether the main committees or Community Councils takes these decisions, these arrangements will need to continue to ensure good governance.
52. Once Community Councils have commenced meeting and as their work develops, officers are mindful that it will be necessary to review whether there is a need for a separate set of procedure rules covering Community Councils. This will be considered as part of the review of Community Councils.

53. Officers are currently consulting with the public on format, timing and location of meetings. Following the current public consultation a further report will be presented the Executive on the 11th March 2003 to update Members on the implementation arrangements.

Co-opted Members

54. The law restricts the appointment of voting co-opted members to a small group of functions (e.g. fisheries, harbours, tourism, festivals and the management of not more than 1500 housing dwellings), none of which are currently proposed for delegation to Community Councils.
55. Government Guidance recognises that the composition of “area committees” can take many forms, for example, it can be restricted to councillors or include representatives from other public, private and voluntary sector bodies in the area and members of the public. Other than the specific areas identified in the previous paragraph, these representatives would be non-voting advisory representatives.³
56. There are no plans for co-options to Community Councils at present. However, the outcome of the consultation exercise on Community Councils could provide feedback on the potential role of non-voting co-opted members. This matter could be considered as part of the six-month review on the operation of Community Councils.

Effect of proposed changes on those affected

57. Community Councils will have an important role in bringing decision-making closer to local people and in helping people to have a greater say in the way in which the local authority works.

Resource implications

58. There are no specific financial implications within this report. Any financial issues in respect of the implementation of Community Councils have been reported to Council Assembly and the Executive and will now form part of the budget setting process for 2003/04.

Consultation

59. Consultation on Community Councils is currently ongoing with members of the public, voluntary sector, tenants and residents groups, local businesses and other stakeholders. This includes the format of meetings. Proposed changes on the constitution have also been subject to consultation with the Executive, Planning, Licensing and Overview & Scrutiny Committees. The findings will be included in reports to later meetings in the constitutional timetable as the information becomes available.

Legal Implications

³ Guidance on New Council Constitutions, Paragraph 6.12

60. The proposal to localise decision-making is a key objective of the Government's Modernising Agenda, with the aim of bringing government and decision-making nearer to local people. The principles behind this include the desire to widen participation particularly with those communities who are usually excluded; to increase involvement, shape services and policies, deliver democratic renewal, and strengthen community cohesion.
61. To this end the Local Government Act 2000 allows for the creation of decision making bodies (usually known as area committees) and consultative bodies (usually known as area forums). It was noted that there are two salient points highlighted in the Statutory Guidance to the Local Government Act 2000 (to which Members must have regard):
- In making arrangements for area committees “the principal aim should be to ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making”(Chapter 6.11).
 - “...[A]rea committees or forums can have an important role to play in helping give the people a say in the way in which a local authority works.” (Chapter 6.15).

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly 27 th November 2002 – Agenda	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	Ian Millichap 020 7525 7225
Executive 19 th November 2002 – Agenda – Community Councils Reports	“	Everton Roberts 020 7525 7225
Council Assembly 27 th November 2002 – Agenda – Community Councils Report	“	Tina Akumanyi 020 7525 7222
Standards Committee 18 th December 2002 – Agenda – Community Council Report	“	Tina Akumanyi 020 7525 7222

APPENDICES

Appendix No.	Title
Appendix 1	Audit Trail
Appendix 2	Constitutional Issues for Consideration by the Executive
Appendix 3	Members entitled to serve on Community Councils
Appendix 4	Planning - Draft Roles & Functions and Matters Reserved for the Main Planning Committee and Community Councils
Appendix 5	Licensing - Draft Roles & Functions and Matters Reserved for the Main Licensing Committee and Community Councils
Appendix 6	Community Councils - Draft Article 10
Appendix 7	Community Councils - Draft Matters Reserved
Appendix 8	Committee Procedure Rules
Appendix 9	Map showing boundaries for Community Councils
Appendix 10	Extracts from Existing Constitution

APPENDIX 1

Audit Trail

Lead Officer	Deborah Holmes, Borough Solicitor & Secretary	
Report Author	Lyn Meadows, Assistant Borough Solicitor Ian Millichap, Constitutional Support Manager (Executive)	
Version	Final	
Dated	10/02/03	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Chief Finance Officer	No	No
Executive Member	No	No
Date final report sent to Constitutional Support Services	11/02/03	

Note: This is the same report circulated for consideration by the Standards Committee on 12th February 2003. However for ease of reference, the views of the Planning and Licensing Committees have been included in the report.

APPENDIX 2

**CONSTITUTIONAL ISSUES FOR CONSIDERATION BY
THE STANDARDS COMMITTEE**

APPENDIX 3

Members entitled to serve on Community Councils as their ward is wholly or partly contained with the Community Council area

Community Council	Councillor	
Borough and Bankside	Cllr. Daniel M ^c Carthy Cllr. Catriona Moore Cllr. Abdur-Rahman Olayiwola	Cllr. Mark Pursey Cllr. Richard Thomas Cllr. Lorraine Zuleta
Bermondsey	Cllr. Beverley Bassom Cllr. Denise Capstick Cllr. Stephen Flannery Cllr. Paul Kyriacou Cllr. Linda Manchester	Cllr. Eliza Mann Cllr. Kenny Mizzi Cllr. Robert Skelly Cllr. Nick Stanton
Rotherhithe	Cllr. Columba Blango Cllr. Jeffrey Hook Cllr. David Hubber Cllr. Jonathan Hunt (LW) Cllr. Graham Neale (LW)	Cllr. Gavin O'Brien Cllr. Richard Porter (LW) Cllr. Lisa Rajan Cllr. Anne Yates
Walworth	Cllr. Margaret Ambrose Cllr. Paul Bates Cllr. Catherine Bowman Cllr. James Gurling Cllr. Jelil Lapido	Cllr. Lorraine Lauder Cllr. Abdul Mohamed Cllr. Caroline Pidgeon Cllr. Neil Watson
Peckham	Cllr. Barrie Hargrove Cllr. Jonathan Hunt (LW) Cllr Billy Kayada	Cllr. Graham Neale (LW) Cllr. Richard Porter (LW) Cllr. Tayo Situ
Camberwell	Cllr. Dora Dixon-Foyle Cllr. John Friary Cllr. Peter John Cllr. Dermot M ^c Inerney Cllr. Alison Moise	Cllr. Vicky Naish Cllr. Tony Ritchie Cllr. Veronica Ward Cllr. Ian Wingfield
Nunhead and Peckham Rye	Cllr. Alfred Banya Cllr. Mick Barnard Cllr. Fiona Colley Cllr. Mark Glover Cllr. Aubyn Graham	Cllr. Alun Hayes Cllr. Andy Simmons Cllr. Robert Smeath Cllr. Dominic Thorncroft
Dulwich	Cllr. David Bradbury Cllr. Toby Eckersley Cllr. Norma Gibbes Cllr. Kim Humphreys Cllr. Michelle Pearce	Cllr. Lewis Robinson Cllr. William Rowe Cllr. Charlie Smith Cllr. Sarah Welfare

(LW) – denotes a Livesey Ward Member entitled to serve on both the Peckham and Rotherhithe Community Councils.

REASONS FOR URGENCY

57. In order to meet the timetable set out in paragraph 12 of the report, this item needs to be considered by the Executive on 14th January 2003. This will allow the Executive which was responsible for initiating the policy on Community Councils to express its preferences on constitutional changes. The next scheduled meeting of the Executive is not until 28th January.

REASONS FOR LATENESS

58. The report was late because of the need to consult with other officers prior to finalising the information in this report.