

Item No. 4	Classification: Open	Date: 26th May 2004	Meeting Name: Council Assembly
Report title:		Constitutional Review – General Issues	
Ward(s) or groups affected:		All	
From:		Chief Executive (Borough Solicitor & Secretary)	

RECOMMENDATIONS FROM THE STANDARDS COMMITTEE

1. That Council Assembly considers the recommendations set out in this report, as agreed by the Standards Committee on 27th April, on changes to the Constitution in respect of:
 - Policy and budget framework (*see paragraphs 10 – 11*)
 - Executive's Terms of Reference - Plans and strategies to be approved by the Executive (*see paragraph 12*)
 - Local choice functions (*see paragraph 13*)
 - Scrutiny (*see paragraphs 14 - 18*)
 - Council Assembly Procedure Rules (*see paragraphs 19 - 37, and tables 4 & 5*)
 - Guillotine/meeting conclusion
 - Deputations
 - Meeting frequency
 - Members' motions
 - Adjournment debates
 - Petitions
 - Other issues
 - Community Councils (*see paragraphs 38 - 39, and Appendix 2*)
 - Pensions Investment Advisory Panel (*see paragraphs 40 - 41 and Appendix 4*)
 - Precluding discussion on individual Standards Boards cases (*see paragraphs 42 – 44 and Appendices 6 and 7*)
2. That the technical changes and corrections to the Constitution outlined in Appendix 3 be approved.
3. That arising from recommendations 1 – 3, Officers be authorised to make any consequential amendments and cross-referencing amendments to the Constitution.

RECOMMENDATION FROM THE CHIEF FINANCE OFFICER

4. That Council Assembly agree consequential amendments arising from legislative and governmental regulations and changes in the Council's financial

procedures. (see paragraphs 52 – 55 and Appendix 5)

BACKGROUND INFORMATION

Constitution and Role of Standards Committee

5. The terms of reference of Standards Committee include specific responsibility for the oversight, review and recommending amendments to the Constitution.
6. 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. 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.
7. The existing Constitution was adopted at Council Assembly (Constitutional Meeting) on 29th May 2002 and subsequently amended on 24th July 2002, 30th October 2002, 24th February 2003 and 21st May 2003.

Timetable for agreeing Constitutional changes

8. The timetable for agreeing Constitutional changes necessary to amend the Council Procedure Rules are set out below:

Table 1 - Timetable

Meeting	Date	Action
Standards Committee	27 th April 2004	To consider proposed changes, considered at meeting of political groups whips.
Council Assembly	26 th May 2004	To consider recommendations of

Meeting	Date	Action
(Constitutional Meeting)		the Standards Committee and agree changes to Constitution.

KEY ISSUES FOR CONSIDERATION

9. The key Constitutional issues and recommendations proposed by the Standards Committee are set out in the sections below.

Policy and budget framework (See page 37 of the Constitution)

10. The Local Government Act 2000 introduced a budget and policy framework, which sets out a number of specified plans and strategies of the local authority for adoption or approval by Council Assembly. The current policy framework was agreed in May 2002, when executive arrangements were first introduced by the Council. The current policy framework is set out in paragraph 5 of the Matters Reserved to Council Assembly, page 37 of the Constitution.
11. Since that time there has been government advice on reducing the number of reports that Councils need to produce as part of an initiative to reduce bureaucracy. As a result officers have proposed some alterations to the policy framework to bring it up to date.

Table 2 – Recommended changes to the budget and policy framework

No.	Current Item	Recommendation	Comment
1.	Annual Library Plan	Delete	Replaced by Position Statement on Libraries (which is the responsibility of the Executive)
2.	Policy on area forums	Rename as "Policy on Community Councils"	Updated name to reflect change in Constitution. In May 2002, Council agreed that this matter should form part of the policy framework.
3.	Best Value Performance Plan	No change	This plan is required by statute to be approved by Council Assembly. The plan is locally known as 'The Corporate Plan'.
4.	Children's Service Plan	Delete	This plan is no longer required.
5.	Community Care Plan	Delete	This plan is no longer required.
6.	Community Strategy	No change	This plan is required by

No.	Current Item	Recommendation	Comment
			statute to be approved by Council Assembly.
7.	Crime & Disorder Strategy	No change	This plan is required by statute to be approved by Council Assembly.
8.	Southwark Plan (Unitary Development Plan)	No change	This plan is required by statute to be approved by Council Assembly.
9.	Early Years Development Plan	Renamed as "Early Years & Childcare Partnership Strategic Development Plan"	Although not required by statute to be approved by Council Assembly, this plan has been included in the policy framework since the initial adoption of executive arrangements..
10.	Education Development Plan	No change	This plan is required by statute to be approved by Council Assembly.
11.	Local Transport Plan	No change	This plan is required by statute to be approved by Council Assembly.
12.	Neighbourhood Renewal Strategy	No change	In May 2002, Council agreed that this matter should form part of the policy framework.
13.	School Organisation Plan	No change	Although not required by statute to be approved by Council Assembly, this plan has been included in the policy framework since the initial adoption of executive arrangements. In future this plan will only require approval every 3 years, unless there is a significant change.
14.	Youth Justice Plan	No change	This plan is required by statute to be approved by Council Assembly.
15.		Insert "Capital Investment Strategy"	This strategy is currently listed as a plan for approval by the Executive but actually forms part of the budget. This change amends this anomaly. This strategy is required to be approved by Council

No.	Current Item	Recommendation	Comment
			Assembly.

Note: The agreement of “the budget and determining the level of local taxation” is set out in paragraph 4 of the Matters Reserved to council Assembly, page 37 of the Constitution.

Executive’s Terms of Reference - Plans and strategies to be approved by the Executive

(See page 41 of the Constitution)

- Similarly the section of the Constitution setting out the plans and strategies to be approved by the Executive needs to be updated. This list is set out in the Executive’s Terms of Reference on page 41 of the Constitution. All those plans not listed in table 2 will remain in the terms of reference.

Table 3 – Recommended changes to the Plans and strategies to be approved by the Executive

No.	Current Item	Recommendation	Comment
1.	Adult & Community Learning Plan (incorporating Family Learning Strategy)	Delete	This plan is no longer required
2.	Capital Investment Strategy	Delete	Move to Policy Framework list as forms part of the Budget
3.	Class Sizes Plan	Delete	This plan is no longer required
4.	Education Action Zone Plan	Delete	This plan is no longer required
5.	Excellence in Cities Plan	Delete	This plan is no longer required
6.	Headship Training Plan	Delete	This plan is no longer required
7.	Literacy Action Plan	Delete	This plan is no longer required
8.	Local Cultural Strategy (incorporating Arts & Heritage Education Strategy; Arts Plan)	Delete	This plan is no longer required
9.	National Grid for Learning – ICT Plan	Delete	This plan is no longer required
10.	Numeracy Action Plan	Delete	This plan is no longer required

Local Choice Functions

- It is recommended that the discharge of any function relating to the control of pollution or the management of air quality should be an executive function, not a

non-executive function as is currently provided by Part 3J of the Constitution (Local Choice Functions). This amendment would better reflect practice on the ground.

Local Choice Function - Recommendation

Part 3 – Responsibility for Functions – Local Choice Functions

(See page 66 of the Constitution)

7. The discharge of any function relating to the control of pollution or the management of air quality

Under responsibility **delete** “Non-executive” and **insert** “Executive”.

Scrutiny

(see pages 150 – 161 of the Constitution)

14. This section of the report sets out proposed amendments to the Overview and Scrutiny Procedure Rules (see pages 150 – 161 of the Constitution – a copy has been circulated separately to all members of this committee). The first, on health scrutiny, arises from the Council’s new duties under the Health and Social Care Act 2001 that necessitates amending the Constitution so that Southwark can be part of any joint NHS Overview and Scrutiny Committees. The second is a housekeeping-type proposal and is not mandatory.
15. The Overview and Scrutiny Committee on 5th April 2004 agreed to recommend the changes to Standards Committee.

Participation in formal joint NHS scrutiny committees

16. When strategic health authorities announce formal consultation on health service reorganisations, local authorities in affected areas are required to appoint joint Overview and Scrutiny Committees to respond formally on behalf of their local communities. This report simply proposes a Constitutional mechanism for Southwark’s participation in such committees. It is prudent to put something in place at this stage as although the Council would usually expect to know that a reorganisation is impending, it cannot be guaranteed, and the consultation timescales are tight, so it is advisable to have the mechanism in place.
17. This report does not deal with the broader questions of how joint committees will work which will be the responsibility of Overview and Scrutiny Committee.

Recommended Scrutiny Amendment No. 1

Article 6 - Overview and Scrutiny Committee and Sub-Committees (and consequentially to Overview and Scrutiny Procedure Rules)

(See pages 11, 150 – 151 of Constitution)

Insert at 6.05 Terms of reference of coordinating Overview and Scrutiny

Recommended Scrutiny Amendment No. 1

Committee:

- “(l) arrange for relevant functions in respect of health scrutiny to be exercised by an Overview and Scrutiny Committee of another local authority where the Council considers that another local authority would be better placed to undertake those relevant functions, and that local authority agrees to exercise those functions; and
- (m) may appoint a joint Overview and Scrutiny Committee with two or more local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee.”

Call-in procedure

18. This amendment requires the Chair/Vice-Chair of Overview and Scrutiny Committee to explain their reasoning if they decide not to support a call-in request signed by three members of the committee. This amendment is intended to increase the accountability and transparency of the call-in process.

Recommended Scrutiny Amendment No. 2

Overview and Scrutiny Procedure Rules - Paragraph 18 - Call-in
(See page 156 of Constitution)

Insert new paragraph 18.8

“In the event that the Chair or Vice-Chair of Overview and Scrutiny decides not to support a call-in request received within deadline and signed by 3 members of the committee, they are required to set out their reasons in writing, and this letter will be circulated to members and other interested stakeholders.”

Council Assembly Procedure Rules

(see pages 81 – 114 of the Constitution)

19. Last year the Council Assembly Procedure Rules were reviewed and a number of changes agreed including political prioritisation of motions and questions to the Leader/Deputy Leader, introduction of urgent questions and adjournment debates, changes to the guillotine to provide greater time at meetings and a protocol to accept motions and amendments by email. A meeting between officers and chief whips from each of the political groups was held on 7th April 2004 to review the operation of the Council Assembly Procedure Rules in the last year and make recommendations on improvements. The recommended changes in this section of the report arise from these discussions and reflect those areas where there was a political consensus.
20. The main areas discussed are as follows:

- Guillotine/meeting conclusion
- Deputations
- Meeting frequency
- Members' motions
- Adjournment debates

21. The recommendations and reason for the changes are set out in Table 4 below. Some additional background information is set out in paragraphs 21 to 32 of this report.

Standards Committee asked officers to make an additional technical recommendation on Members' Motions and provide a new provision on the submission of petitions. These are set out in Table 5.

Table 4 - Recommended Amendments to Council Assembly Procedure Rules arising from a Group Whips meeting

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
1.	1.13(1) Guillotine. (Page 86)	1. The guillotine shall take effect 3 hours after the beginning of question time. The time taken by announcements, presentations, adjournments and deputations, but not the time taken to consider recommendations on the agenda concerning the same subject matter as deputation(s), shall be excluded for the purposes of calculating when the guillotine shall take effect.	1. The guillotine shall take effect 3 hours after the beginning of question time. conclusion of introductory business. The time taken by announcements, presentations, adjournments and deputations, but not the time taken to consider recommendations on the agenda concerning the same subject matter as deputation(s), declarations of interest, receipt of apologies, approval of previous sets of minutes, receipt of petitions and any adjournments shall be excluded for the purposes of calculating when the guillotine shall take effect. <i>Note: This is a partial deletion and substitution with new text. The new text is shown in bold.</i>	Late finishes to Council Assembly meetings are not considered conducive to decision making. Time taken for deputations will henceforth count towards the guillotine. Proposed associated amendments to the deputation system are shown below.
2.	1.13 (5) Motions not dealt with.	5. If there are any	Delete all and insert: 5. Each Group will be	This change will ensure that each Group has at least one of its motions debated at each

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
	(Page 86)	<p>outstanding motions on the agenda, the Mayor will ask the meeting whether any of the motions are unopposed. If a motion is unopposed, the motion shall be deemed to have been formally moved and seconded. No speeches will be allowed on the motion and it will be put to the vote.</p> <p>6 All other motions not considered shall be deferred. The motions will be referred to the political group whips to be prioritised for the next ordinary meeting.</p>	<p>entitled to have at least one motion debated at each Council Assembly meeting. At the fall of the Guillotine, the Chief Whip of each Group shall be entitled to nominate one motion as outstanding business and subject to a debate of a maximum of 15 minutes.</p> <p>6 All other motions not considered shall be put to the vote without debate.</p> <p><i>Note: This is the deletion of two current clauses. Two new suggested paragraphs are shown in bold.</i></p>	<p>Council Assembly meeting. The deferral of motions allowed last year, which has lead to some motions being on the agendas of multiple Council Assembly meetings, will no longer be allowed.</p>
3.	<p>1.15 (11) Amendments to motions. (Pages 89/90)</p>	<p>11. An amendment to a motion must be delivered in accordance with Rules 3.9(1) or 3.10(2), be relevant to the motion and will either be:</p> <p>(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;</p>	<p>11. An amendment to a motion must be delivered in accordance with Rules 3.9(1) or 3.10(2), be relevant to the motion and will either be:</p> <p>(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;</p>	<p>Concern has been expressed at the growing number of 'delete all' amendments. These always require rigorous checking to ensure they have not negated the original motion. As Members have a right to offer their own motions or vote against motions they oppose, it is recommended that curbs be</p>

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
		(ii) to leave out words; (iii) to leave out words and insert or add others; or (iv) to insert or add words. as long as the effect of (ii) to (iv) is not to negate the motion.	(ii) to leave out words; (iii) to leave out words and insert or add others; or (iv) to insert or add words. as long as the effect of (ii) to (iv) is not to negate the motion or to delete all or a majority of the original motion. <i>Note: The original text is unchanged. Additional wording is shown in bold.</i>	placed on the wholesale alteration of motions once submitted.
4.	3.1 Dates and Frequency of meetings (Page 100)	Eleven meetings of the Council, including the Mayor-making, Constitutional and Council Tax Meetings, shall be scheduled to be held at the Town Hall, Peckham Road, London, on such dates as agreed by the Annual Constitutional meeting and occasionally as set out in Rule 4.	Eight Eleven meetings of the Council, including the Mayor-making, Constitutional and Council Tax Meetings, shall be scheduled to be held at the Town Hall, Peckham Road, London, on such dates as agreed by the Annual Constitutional meeting and occasionally as set out in Rule 4. <i>Note: The original text is unchanged. Additional wording is shown in bold.</i>	This change reflects changes to the policy framework (see paragraphs 9 and 10), the additional demands on the calendar arising from the Council's commitment to local decision-making via Community Councils and the development of scrutiny work. The current cycle also restricts opportunities for local representation work.

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
5.	<p data-bbox="296 337 543 505">3.7(6) Deputations to Council Assembly. (Page 104)</p>	<p data-bbox="585 337 1010 834">6. Subject to (7) below, the maximum number of deputations in respect of an individual item shall not exceed three and not more than five deputations shall be considered at any one meeting of the Council Assembly. In the event that more than three requests for a deputation are received in respect of an individual item, those deputations to be reported will be determined on the basis of the order of the date and time received.</p> <p data-bbox="585 873 1014 1170">7. If there are more than three items upon which deputations have been requested the deputations will be allocated on the basis of one deputation per item and in the order of the date and time received, until the maximum number of five is reached.</p>	<p data-bbox="1037 337 1461 867">6. Subject to (7) below, the maximum number of deputations in respect of an individual item shall not exceed three two and not more than five three deputations shall be considered at any one meeting of the Council Assembly. In the event that more than three two requests for a deputation are received in respect of an individual item, those deputations to be reported will be determined on the basis of the order of the date and time received.</p> <p data-bbox="1037 906 1470 1203">7. If there are more than three items upon which deputations have been requested the deputations will be allocated on the basis of one deputation per item and in the order of the date and time received, until the maximum number of five three is reached.</p> <p data-bbox="1037 1242 1472 1370"><i>Note: This amendment changes the figures for deputations. New numbers for deputations are shown in bold.</i></p>	<p data-bbox="1493 337 1911 667">Currently the maximum time allocated to deputations is significantly longer than that given to public or member questions. This reform would allow a maximum of 30 minutes for deputations which would be in accordance with the time allowed for public and member questions.</p>

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
6.	<p>3.7 (9)(ix) Deputations to Council Assembly.</p> <p>(Page 105)</p>	<p>(ix) Subject of Deputation not on Agenda</p> <p>If the subject of the deputation does not relate to a report on the agenda, Members may move motions and amendments without prior notice.</p>	<p>(ix) Subject of Deputation not on Agenda</p> <p>If the subject of the deputation does not relate to a report on the agenda, Members may move motions and amendments without prior notice. Debate on such motions and amendments shall be limited to 15 minutes. The mover of any such motion or amendment shall speak for a maximum of three minutes and the seconder and other speakers shall be allowed a maximum of two minutes.</p> <p><i>Note: The original text is unchanged. Additional wording is shown in bold.</i></p>	<p>Motions and amendments without notice relating to deputations are currently not regulated. This amendment would give an allocation in accordance with the 15 minutes already allowed for dealing with items of outstanding business.</p>
7.	3.8 (7)	7. Copies of all written	7. Copies of all written	Requests have been received

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
	<p>Questions by members: Circulation of Written Answers (Page 107)</p>	<p>questions and their draft answers, which may be subject to oral amendment, shall be circulated to all Councillors at the beginning of the meeting. Copies shall also be made available to the press and public present at the meeting.</p>	<p>questions and their draft answers, which may be subject to oral amendment, shall be circulated to all Councillors at the beginning one hour prior to the commencement of the meeting. Copies shall also be made available to the press and public present at the commencement of the meeting.</p> <p><i>Note: There is one deletion of text. Two new pieces of text are shown in bold.</i></p>	<p>from Members for earlier delivery of the answers to questions so that oral supplementary questions can be formulated.</p>
8.	<p>3.12 (1) Adjournment Debates. (Page 110)</p>	<p>1. At the preceding Council Assembly, the Mayor will choose by ballot those Members who will move adjournment debates. The Mayor will draw three names (and three reserve members). Members will move debates in the order in which they are drawn.</p>	<p>1. At the preceding Council Assembly, the Mayor will choose by ballot those Members who will move adjournment debates. The Mayor will draw three names (and three reserve members). Members will be limited to one debate in a Municipal Year and once successful, their names will be withdrawn from subsequent ballots. Members will move debates in the order in which they are drawn.</p>	<p>In order to ensure more Members are given the opportunity to have debates but it is suggested that once a Member has spoken in an adjournment debate, their name is withdrawn from subsequent ballots in that Municipal Year. At Standards Committee the Group Whips indicated they would consider further the viability of adjournment debates. (See Paragraph 33).</p>

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
			<i>Note: The original text is unchanged. Additional wording is shown in bold.</i>	

Table 5 - Additional recommendations from the Standards Committee

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
1.	<p>3.9 (1) Members' Motions (Page 108)</p>	<p>Notice 1. Except for motions that can be moved without notice under Rule 1.14, notice of every motion must be delivered to the Borough Solicitor & Secretary not later than thirteen clear working days before the date of the meeting. These will be entered in a book open to public inspection. A Member shall only move one such motion and second one such motion to a meeting. Notice of every Member's amendment to a motion shall be delivered at least one clear working day before the day of the meeting at which the motion is to be moved, at the office of the Borough Solicitor & Secretary. Amendments shall be placed on the agenda in order of receipt.</p>	<p>Notice 1. Except for motions that can be moved without notice under Rule 1.14, notice of every motion must be delivered to the Borough Solicitor & Secretary not later than thirteen clear working days before the date of the meeting. All motions must be accompanied by a named mover and seconder by this deadline. These will be entered in a book open to public inspection. A Member shall only move one such motion and second one such motion to a meeting. Any subsequent changes can only be agreed with the consent of the meeting. Notice of every Member's amendment to a motion shall be delivered at least one clear working day before the day of the meeting at which the motion is to be moved, at the office of the Borough Solicitor & Secretary. All</p>	<p>The existing wording in the Constitution contains no explicit requirement for a mover and seconder at the point of submission. This is an anomaly since custom and practice has been that details of both are provided at this time. Officers believe that this needs some clarification. The effect of this change will make it clear that there is a time and date by which duly moved and seconded motions must be submitted to the Borough Solicitor. Any motion submitted after that date will not be in order.</p>

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
			<p>amendments must be accompanied by a named mover and seconder by this deadline. Amendments shall be placed on the agenda in order of receipt. Any subsequent changes can only be agreed with the consent of the meeting.</p> <p><i>Note: The original text is unchanged. Additional wording is shown in bold.</i></p>	
	<p>Petitions (New 3.8)</p>	<p>No current entitlement.</p>	<p>1. Members of the Council will be entitled to present petitions to the Mayor at each Council Assembly meeting except the annual Mayor Making and Constitutional meetings.</p> <p>2. *Members in receipt of petitions must inform the Borough Solicitor and Secretary of their intention to lodge a petition at least one clear working day before the day of the meeting.*</p> <p>3. Petitions must relate to matters in which the Council has powers or duties or</p>	<p>This is a new entitlement allowing Members to lodge petitions they have received with the Council.</p>

No.	CAPR Reference No.	Current Wording	Standards Committee Recommendation	Comment
			<p>which affect Southwark. Petitions shall not concern approval or otherwise of a current Planning or Licensing application.</p> <p>4. The Mayor will call on Members to present petitions in the order in which they were notified to the Borough Solicitor and Secretary.</p> <p>5. Petitions will be received without debate and recorded in the minutes. The Borough Solicitor and Secretary will arrange for a summary of any petition which addresses an issue within the direct responsibility of the Council to be referred to the relevant Executive member or Chief Officer.</p> <p><i>Notes:</i></p> <p>1. This is new text to be inserted. Subsequent paragraphs in the Constitution would have to be renumbered.</p> <p>2. The * above refers to a notice provision which is not capable of suspension.</p>	

Guillotine / Duration of meetings
 (Council Assembly Procedure Rule 1.13)

22. The current Council Assembly Procedure Rule 1.13 was the result of an amendment last year to bring it in line with the wording in the old Standing Orders. Therefore the existing guillotine falls 3 hours after the start of the meeting, excluding time for Announcements, presentations, adjournments and question time. Once the guillotine fell specific items of outstanding business could be dealt with, each of which was allocated a maximum 15 minutes for debate. At that time a bell is rung, the Member speaking must immediately sit down; the Mayor interrupts the meeting and calls for the vote immediately on the item under discussion. The vote must then be taken without further discussion. Any other motions or recommendations on which there is unanimous support within the chamber are carried. All other motions are deferred to the next meeting.
23. At the last year's meeting of the whips, the following model timetable for Council Assembly meetings was discussed. This is reproduced below with the addition of adjournment debates:

Table 6 - Model Timetable for Council Assembly

Agenda Item	Start	Finish
Mayors announcements, minutes, tributes and deputations	7.00pm	7.30pm
Public and Member Questions	7.30pm	8.15pm
Reports from Executive, committees and officers	8.15pm	9.15pm / 9.45pm
Motions	9.45pm	10.30pm
Adjournment Debates	10.30pm	11.00pm

24. 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 Assembly Procedure Rule 1.13 to be suspended.
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 some debate/participation by Members; and, that generally speaking taking decisions after 10.30pm is not conducive to good decision-making. The suggested changes to the guillotine process aim to ensure that these issues are more balanced.
26. In the last year there has been concern at the late finishing of the meetings of Council Assembly that conclude between 11.00pm and 12.00pm. One of the problems with the existing arrangement is the amount of business excluded from the guillotine at the start of the meeting. It was suggested this should be

adjusted to ensure that more of the business of the meeting was included in the guillotine. In order to achieve this the guillotine would be amended so it fell 3 hours after the start of the meeting, excluding time for announcements and the preliminary business.

Deputations

(Council Assembly Procedure Rule 3.7)

27. In order for the business of the meeting to flow smoothly it is important that there is a balance between the different parts on 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, for example members' motions. A number of changes to this Council Assembly Procedure Rule are proposed to achieve this: first, to reduce the number of deputations from 5 to 3, and second, to introduce a mini-guillotine to restrict debate on any motions arising from deputations to 15 minutes only.

Meeting Frequency

(Council Assembly Procedure Rule 3.1)

28. The original assumption for the current ten Council Assembly meetings per annum was based on the extra demand for meetings anticipated following the introduction of the policy framework. In practice this has not happened because of some of the changes described above (see paragraphs 9 and 10). This is now likely to reduce further and officers have recommended and the group whips have concurred that in future the Council Assembly (along with most other meetings) should meet on a six rather than a four-week cycle. This change also reflects the additional demands on the calendar arising from the Council's commitment to local decision-making via Community Councils and the development of scrutiny work. The current cycle also restricts opportunities for local representation work. The recommendation to adopt a six week cycle is set out in Item 3 'Constitutional Issues for 2004/05' elsewhere on this agenda.
29. Appendix 1 sets out a model similar to the current 4-week cycle and the proposed 6-week cycle.

Members' Motions

(Council Assembly Procedure Rule 3.9)

30. Members were concerned at the number of motions not debated at Council Assembly. This is partly because of the time constraints placed on the meeting by unscheduled business. Members considered a number of proposals from officers including restricting the deferral mechanism or referring any unconsidered motions automatically to the relevant decision-maker, usually the Executive. Having considered the issue the political groups suggested an approach whereby, once the guillotine was reached, one motion from each party was debated for a period of 15 minutes before going to the vote. All other motions would be voted upon without debate.

Adjournment Debates

(Council Procedure Rule 3.12)

31. The adjournment debate was introduced by Council Assembly in May 2003 and has been in operation for the last year. Although open to all Councillors, the Mayor and Members of the Executive have opted not to take part. The debates provide opportunities for non-Executive councillors to raise ward issues, something that last year the whips' meeting thought was lacking. Under the current arrangements at the conclusion of Council business 3 members have an adjournment debate of 10 minutes each, so a maximum of half an hour allowed. A member can make a speech for 5 minutes on a question of importance to their wards and within the Council's powers. The relevant Executive Member responds to the issue raised but no vote can be taken. As there are no votes and no quorum requirement there is no need for other members to stay.
32. Despite concerns from officers that adjournment debates contributed to the late finish of meetings, the political whips felt members valued the opportunity for councillors to raise local issues. It was felt the debates, although not always well attended, had allowed some important issues to be raised.
33. However the whips suggested one minor change, which would restrict each member to one debate only in any municipal year. This change would provide more members with the opportunity to have a debate. In the current year a number of members were chosen more than once (and one member was chosen four times).
34. At Standards Committee, the party group representatives indicated the continuation of adjournment debates would be subject to further consideration. Any decision to reassess priorities and discontinue adjournment debates could be done with immediate effect by this meeting.

Petitions

35. The whips meeting discussed whether to re-introduce a proposal on the presentation by Councillors of petitions. This idea came out of the discussions surrounding individual executive decision-making and officers were asked to look at proposal. Officers advised that when the new Constitution was introduced in May 2002, petitions were not included because it was felt that if local people wished to make representations this could be done via a deputation. This advice was based on the actual practice at the time where if people had a petition they also welcomed the opportunity to address the meeting. Council Assembly Procedure Rule 3.7(3) states:

“Any written representations or petitions associated with the deputation should ideally be submitted at the same time as the request for a deputation and clearly no later than three clear working days before the day of the Council Assembly meeting.”
36. Officers advised that if members wished to introduce a new provision on petitions consideration would have to be given to removing or reducing some other part of the meeting, excluding statutory and Executive/committee recommendations.
37. After further consideration at the Standards Committee, agreement was reached

giving Members an entitlement to introduce petitions at Council Assembly without significantly adding to workloads or to the length of meetings. Subject to the agreement of this meeting, Members will henceforth be allowed to lodge petitions at Council Assembly meetings after giving 1 clear working day's notice to the Borough Solicitor and Secretary.

Community Councils

38. Minor technical changes necessary to reflect current operational arrangements for Community Councils are shown in Appendix 3. The changes reflect two issues:
- (1) The Environmental Improvement Programme and Community Programme are to be incorporated in the Cleaner and Greener Borough initiative grants.
 - (2) Nominations for Primary School Governors are drawn from the School list maintained by the Education Department.
39. The scrutiny review of Community Councils roles and functions sought Executive consideration of further delegation to Community Councils. An item to Executive is scheduled for May and is also likely to be part of the wider Member debate on 'strategic fit', now scheduled for July. Any Constitutional changes arising from these will require a separate process of amendment with a later report to Standards Committee as appropriate.

Pensions

40. The Standards Committee has recommended the establishment of a Pensions Investment Advisory Panel to advise the Chief Finance Officer on his performance of all functions relating to local government pensions. The establishment of a Pensions Investment Advisory Panel is consistent with advice received from the Independent Advisors to the Southwark Pension Fund and best practice operating in other Authorities. The Pensions Investment Advisory Panel will replace the current Officer Pensions Board.
41. It is proposed that the Panel would meet quarterly and would comprise 9 members. 3 Members (1 of whom will be the Chair) and 3 officers would have voting rights. 2 investment advisors and a trade union representative would fill the remaining seats on the Panel but would not be entitled to vote. Constitutional changes arising from the establishment of the Pensions Investment Advisory Panel are shown in Appendix 5 to this report.

Debating Standards Issues – Amendment to Council Procedure Rules

42. The Standards Committee has recommended that the Council Assembly Procedure Rules be amended to preclude discussion on individual Standards Boards cases. This recommendation was proposed in the wake of recent attempts to revisit findings of an Standards Board Ethical Standards Officer.
43. The amended rules provide that Members should "refrain from comments that relate to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the Standards Committee or the Adjudication

Panel, in so far as those comments relate to the behaviour or conduct of an individual Member or Members." The sections of the Council Procedure Rules relating to rules of debate, public questions, questions by members, scope of motions, urgent questions and adjournment debates have all been amended accordingly. The recommended amendments to the Council Procedure Rules are shown in Appendix 6 to this report.

44. As drafted, the Council would still be able to comment, and move motions, on the investigation or ruling of the Standards Committee, Standards Board for England or Adjudication Panel in so far as it relates to a corporate action. A protocol has been developed to provide guidance on what is a corporate action. Standards Committee recommend that the Protocol governing the discussion in Council Assembly on Investigations and Rulings of the Standards Board for England, Standards Committee and the Adjudication Panel (attached to this report as Appendix 7) is attached to the Council Assembly Procedure Rules as an Addendum.

Other Issues

45. The report to Standards Committee in December 2003 made reference to a number of other issues. This section updates members on the current position.

Table 8 – Other Issues

No.	Issue	Current position
1.	Non executive functions	No significant changes were identified in this area. However there is an issue on air quality, which has arisen during the year. This is however a local choice function and is covered in paragraph 12 of the report. There is a separate report on pensions management elsewhere on the agenda.
2.	Forward plan format; increasing user friendliness and usefulness	This issue will be picked up as part of next year's review on access. However these are operational rather than Constitutional changes.
3.	How e-friendly the Constitution is	Officers will be looking at this under the access issue. However these are operational rather than Constitutional changes.
4.	Member involvement in Disciplinary Appeals Committees	There are no current proposals.
5.	Pension Fund Investment Management	There is a separate section on pensions in this report.
6.	Council Tax Base Setting	This matter is no longer reserved to Council but can be delegated to the Chief Finance Officer, in accordance with the Local Government Act 2003. The legal advice is that since this decision has an impact on the level of the Council Tax, it is

No.	Issue	Current position
		recommended the decision should remain a matter for Council Assembly. An amendment to the Constitution on this issue is included in Appendix 3.

Other Technical Constitutional Changes

46. Officers have set out in Appendix 3 a number of minor technical changes that have come to light though the year. Standards Committee is asked to recommend these to Council Assembly for approval.

Effect of proposed changes on those affected

47. The Constitution has an important role in bringing decision-making closer to local people. The changes proposed in this report will assist in taking decisions more efficiently and effectively and providing the means of holding decision-makers to public account.

Resource implications

48. These will be some financial implications if the Council continues to have adjournment debates and does not change the current guillotine. This will mean that Council Assembly meetings will continue to finish between 11.00 – 12.00pm requiring the Town Hall to remain open and officers to be available for the duration of the meeting. The estimated cost at each meeting is approximately £220. There are no other specific financial implications within this report.

Consultation

49. A meeting between Chief Whips and officers was held on 7th April 2004, the comments are included in the report. This report has been circulated to all members of the Council – any feedback will be reported to the committee.

Legal Implications

50. The existing Constitutional arrangements introduced from June 2002 were the result of the measures contained in the Local Government Act 2000. These changes were part of a wider policy to strengthen local authorities abilities to deliver effective community leadership, democratic renewal and improvement in services. The purpose was to create efficient, accountable and transparent governance that supports this wider agenda. Section 37 of the act requires each local authority to prepare, keep up to date and publicise a document known as the Council's Constitution. The Constitution allocates responsibility within the local authority and sets out how this will put into effect. The Council's Constitution is based on the framework in the Modular Constitutions for English Local Authorities published in December 2002 by the government. However local authorities have choices about how they meet these requirements. Authorities are encouraged to use the framework to create accessible and meaningful instruments of governance. It is recognised that Constitutions will be

subject to review and will change as local authorities learn from the experience of operating new Constitutions.

51. The changes proposed in this report are consistent with statute, regulations and guidance.

Supplemental Advice from the Chief Finance Officer

52. In addition to the changes addressed elsewhere in this report, a number of revisions are required to Financial Standing Orders within the Part 4 Rules section of the Constitution.

53. These changes are necessary to take account of the following:

- the appointment of the Chief Finance Officer as Section 151 officer
- new legislation and government regulations
- consequential changes to the Council’s financial procedures arising from the above.

54. The amendments needed are set out in Appendix 5 and were reported to Standards Committee at its meeting on 11th May 2004.

55. A further review will be carried out to consider the impact of any policy changes.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly – 21st May 2003 – Agenda	Constitutional Team, Southwark Town Hall, Peckham Road SE5 8UB	Ian Millichap 020 7525 7225
Standards Committee 27th April 2004 – Agenda	Constitutional Team, Southwark Town Hall, Peckham Road SE5 8UB	Paula Thornton 020 7525 4395
Southwark Constitution – Agreed by Council Assembly – 21st May 2003	Constitutional Team, Southwark Town Hall, Peckham Road SE5 8UB	Ian Millichap 020 7525 7225

APPENDICES

Appendix No.	Title
Appendix 1	Draft Calendar – Model 4 week and 6 week cycles
Appendix 2	Community Council – Technical Constitutional Changes
Appendix 3	Other Constitutional Technical Amendments
Appendix 4	Pensions Board Enabling Amendments
Appendix 5	Financial Procedure Rules Technical Amendments
Appendix 6	Debating Standards Issues Amendments
Appendix 7	Protocol governing discussion on Investigations and Rulings of the Standards Board and Adjudication Panel

AUDIT TRAIL

Lead Officer	Deborah Holmes, Borough Solicitor & Secretary	
Report Authors	Ian Millichap, Constitutional Support Manager (Executive) Kevin Flaherty, Constitutional Officer Rebecca Vink, Legal Officer Jo Anson, FMS	
Version	Final	
Dated	14/05/04	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Chief Finance Officer	Yes	Yes
Executive Member	No	No
Date final report sent to Constitutional Team		14/05/04

APPENDIX 1

Draft Calendar 2004/05

Four Week Cycle

Week	M	T	W	T
1	O&S Cttee Standards	Executive	Scrutiny Sub 1 Scrutiny Sub 2	
2	Dulwich CC Bermondsey CC	Planning	Scrutiny Sub 3 Scrutiny Sub 4	
3	Lab Group B&B CC Rotherhithe CC	Lib Dem Group N&PR CC Camberwell CC	Scrutiny Sub 5 Scrutiny Sub 6	
4	Peckham CC Walworth CC		Council Assembly	

Six Week Cycle

Week	M	T	W	T
1	O&S Cttee Standards	Executive	Scrutiny Sub 1 Scrutiny Sub 2	
2	Dulwich CC Bermondsey CC	Planning	Scrutiny Sub 3 Scrutiny Sub 4	
3.	Licensing	Member Development	Scrutiny Sub 5 Scrutiny Sub 6	
4		N&PR CC Camberwell CC	B&B CC Rotherhithe CC	
5	Lib Dem Group Lab Group	Executive	Peckham CC Walworth CC	
6			Council Assembly	

Notes:

This document sets out two broad options for the length of the cycle and frequency of meetings. Both can be varied so that the frequency of individual meetings is either 4 or 6 weeks. The reasons for the proposed 6-week cycle is the volume of additional meetings generated by community councils, development of scrutiny and local representative work. The political group whips supported this option.

APPENDIX 2

CHANGES PROPOSED TO ARTICLE 10 – COMMUNITY COUNCILS

Existing		Proposed	
Roles and functions (page 23)		Roles and functions	
	Environmental Improvement Programme (Executive)		Cleaner, Greener, Safer Programme
13.	To approve the mechanism and allocation of funds to local Environmental Improvement Programme (EIP) schemes.	13.	To approve the allocation of capital funds to local Cleaner, Greener, Safer (CGS) schemes.
14.	To recommend bids for the funding of EIP schemes of a strategic nature, as part of an open bidding process, to the Executive.	1 4	To recommend bids for the capital funding of schemes of a strategic nature, as part of an open bidding process, to the Executive.
15.	To oversee and take responsibility for the development and implementation of the local schemes.	15.	To oversee and take responsibility for the development and implementation of the local schemes. [NO CHANGE]
16.	If successful in the bidding to the Executive for strategic projects, to oversee and take responsibility for the development and implementation of the schemes.	16.	If successful in the bidding to the Executive for strategic projects, to oversee and take responsibility for the development and implementation of the schemes. [NO CHANGE]
	Community Safety Functions (Executive)		[DELETE]
17.	To undertake consultation on proposed Community Safety projects.		[DELETE] – consultation is an integral part of the CGS process
18.	To recommend to the Executive local projects for submission for in-principle approval.		[DELETE] – included in 13 above
19.	To grant detailed scheme approval to local projects and monitor the progress of approved schemes.		[DELETE] – included in 15 above
	Education Functions (Executive)		Renumber following sections Education Functions (Executive)

Existing		Proposed	
22.	To appoint to Local Education Authority governorships on the governing bodies of primary schools within the area of the Community Council, from among the list of suitable persons maintained by the Council's Voluntary Bodies Appointments Panel.	19.	To appoint to Local Education Authority governorships on the governing bodies of primary schools within the area of the Community Council, from the list of suitable persons maintained by the Governor Development Service in the Education Department.

PART 3F: MATTERS RESERVED TO COMMUNITY COUNCILS

(See pages 52-54 of the constitution)

Existing		Proposed	
Environmental Improvement Programme (Executive)		Cleaner, Greener, Safer Programme (Executive)	
<u>Decision-making</u>		<u>Decision-making</u>	
10.	Approval of the mechanism and the allocation of funds to Environmental Improvement schemes of a local nature, using the resources identified by the Executive, for example: <ul style="list-style-type: none"> • Designing out dumping and fly-tipping • Local playground improvements • Local Parks • Improvement to local sports facilities • Improvement to local community centres and youth facilities • Eyesores and facelifts • Improving ward-level communication routes and pathways • Bins, Street furniture etc. 	10.	Approval of the allocation of funds to Cleaner, Greener, Safer schemes of a local nature, using the resources identified by the Executive, for example: <ul style="list-style-type: none"> • Designing out dumping and fly-tipping • Local playground improvements • Local Parks • Improvement to local sports facilities • Improvement to local community centres and youth facilities • Eyesores and facelifts • Improving ward-level communication routes and pathways • Bins, Street furniture etc.
<u>Consultative/Non decision-making</u>		<u>Consultative/Non decision-making</u>	
11.	Recommendation of bids to the Executive for funding for EIP schemes of a strategic nature as part of an open bidding process	11.	Recommendation of bids to the Executive for funding for schemes of a strategic nature as part of an open bidding process.
Community Safety Functions (Executive)		[DELETE]	

Existing	Proposed
<p data-bbox="235 226 454 262"><u>Decision-making</u></p> <p data-bbox="235 294 714 367">12. Approval of the submission of Community Safety bids.</p>	<p data-bbox="820 226 1323 262">[DELETE] – and renumber following</p>
<p data-bbox="235 394 690 430">Education Functions (Executive)</p>	<p data-bbox="820 394 1274 430">Education Functions (Executive)</p>
<p data-bbox="235 430 470 466"><u>Decision-making</u></p> <p data-bbox="235 497 763 798">19. Appointment of Local Education Authority school governorships to the governing bodies of primary schools within the area of the Community Council, from among the list of suitable persons maintained by the Council's Voluntary Bodies Appointments Panel.</p>	<p data-bbox="820 430 1055 466"><u>Decision-making</u></p> <p data-bbox="820 497 1404 766">18. Appointment of Local Education Authority school governorships to the governing bodies of primary schools within the area of the Community Council, from among the list of suitable persons maintained by the Governor Development Service in the Education Department.</p>

OTHER TECHNICAL CONSTITUTIONAL CHANGES

No.	Issue / Constitution Reference	Current Position	Recommendation of Standards Committee	Comment
1.	Article 9 – The Standards Committee 9.02 - Composition (Page 18)	Refers to three independent members	Delete “three” and insert “four”.	In line with Council Assembly decision. Drafting amendment.
2.	Article 10 – Community Councils 10.02 – Composition (Page 21)	This section includes a table on members from which electoral wards serving on Community councils. However it makes no reference to the voting rights on Livesey Ward Members.	Add a paragraph below the table stating: “Note: In respect of Livesey Ward Members they shall serve as voting members on Peckham Community Council and non-voting members on Rotherhithe Community Council.”	In line with Council Assembly decision. Drafting amendment.
3.	Article 12 – Officers Strategic Director of Education & Culture (page 28)	Strategic Director of Education & Culture listed in clause 12.01 as responsible for “Education issues”.		
4.	Article 13 – Decision Making (Pages 32 – 33)			

No.	Issue / Constitution Reference	Current Position	Recommendation of Standards Committee	Comment
	13.03(b)(ii) - Types of Decision	This clause refers to a "... Protocol for Key Decisions set out in Part 5 of this Constitution"	Delete the words "...Protocol for Key Decisions set out in Part 5 of this Constitution"	This information is set out in the Access to information Procedure Rules and the appendix to these rules, which sets out the definition of a key decision.
5.	Article 13 – Decision Making (Pages 32 – 33) 13.07 – Decision making by other committees and sub-committees established by the Council	This clause refers to the procedures covering these bodies being set out in the "Council Procedure Rules".	This should be amended to refer to the "Committee and Community Council Procedure Rules."	Drafting amendment. Paragraph 13.09 similarly needs amending.
6.	Setting the Council Tax Base Part 3C – Matters Reserved to the Executive (Page 42 – 43)	Council Assembly approves this matter.	Option A Maintain the status quo, whereby the Council Assembly approves the Council Tax base, taking into account the advice of the Chief Finance Officer. Option B Delegate the decision to the Chief Finance Officer.	The changes in the Local Government Act 2003 raise the possibility that the function of determining the Council Tax base can be delegated to a committee, sub-committee or officer but not to the Executive. It is possible that further amendments may be made to the Function and Responsibility Regulations to allow for the Executive to be delegated this function in

No.	Issue / Constitution Reference	Current Position	Recommendation of Standards Committee	Comment
				<p>the future. Although setting the Council Tax Base is no longer reserved to Council Assembly by law the issue of agreeing the Council Tax is listed in matters reserved to Council Assembly (see Part 3 of the Constitution, Responsibility for Functions). Officer advice would support the continuation of the status quo, which would mean that a separate meeting of Council Assembly to set the Council Tax Base in order to notify the GLA in time is required, followed by a later meeting to agree the Council Tax for the following year.</p>
7.	<p>Creation of Posts/1st Tier Officer</p> <p>Part 3C – Matters Reserved to the Executive (Page 42 – 43)</p>	<p>Clause 5 refers to the “creation of posts graded Hay 17 and above.”</p> <p>Note on page 43 refers to “Head of Service”</p>	<p>Delete the word “Hay”.</p> <p>Amend note to read “1st Tier Officer”.</p>	<p>Drafting amendment.</p> <p>Officers will also amend similar error on page 58.</p>
8.	Planning Decisions	Footnote 17- in 3 rd line	In Footnote 17- in 3 rd line,	Drafting amendment

No.	Issue / Constitution Reference	Current Position	Recommendation of Standards Committee	Comment
	Part 3F – Matters Reserved to Community Councils Page 50 – 54)	refers to “licensing applications” Footnotes 20 – 21 duplicated.	delete “licensing applications” and insert “planning applications”. Delete duplicated footnotes	
9.	Council Assembly Procedure Rules 1.3 – Chair of Meeting (Page 85)	This clause refers to committees and sub-committee chairs.	Delete all after the first sentence, including all references to chairs of committees and sub-committees.	Drafting amendment.
10.	Council Assembly Procedure Rules Previous Decisions and Motions (Page 83)	Clause 1.12(1) states notice of motion to rescind a decision needs to be signed by at least 30 Members.	This should read “16 Members”.	Drafting amendment
11.	Committee and Community Council Procedure Rules 1.3 Quorum (Page 116)	No business shall be considered unless (or 25% of the membership) are present in the meeting room, except for the following meeting...”	No business shall be considered unless (or 25% of the membership) are present in the meeting room, except for the following meeting...” <i>Note: Amendments shown in bold/italics.</i>	Drafting amendment
12.	Code of Conduct (Pages 178 – 184)		Renumber paragraphs	Drafting amendment
13.	Overview & Scrutiny Procedure Rules	Article 6 has the following	Insert new (e) as follows:	Drafting amendment.

No.	Issue / Constitution Reference	Current Position	Recommendation of Standards Committee	Comment
	(Pages 151 – 152) 3.1 Terms of Reference of the Overview & Scrutiny Committee	“(e) To determine the issue for debate or the matters to be raised in the scrutiny slot at each Ordinary council Assembly meeting.” This is omitted from the wording in the procedure rules.	“(e) To determine the issue for debate or the matters to be raised in the scrutiny slot at each Ordinary council Assembly meeting.” And renumber the subsequent clauses.	Consistent with Council Assembly Procedure Rules.
14.	Overview & Scrutiny Procedure Rules (Pages 156) 18.6 – Call-in threshold	This clause sets out the current threshold for call-in of executive decisions.	Add after “plus three members of the committee”: “(including Education co-optees for the purpose of education decisions only)”	This brings the Constitution in line with the current legal position.

APPENDIX 4

PENSION INVESTMENT ADVISORY PANEL

Article 12 – Officers

12.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council Assembly or to the executive in relation to an executive function and to the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

[Add to 12.04 new (f):

- (f) **Constitute a Pensions Advisory Panel.** The Chief Finance Officer will constitute a Pensions Advisory Panel and take into account the Panel's advice when performing the following functions:
 - (a) establishing, and reviewing, the strategic investment objectives
 - (b) reviewing the definition of the investment return target most likely to satisfy this investment objective.
 - (c) considering what constraints, if any, should apply to the invested assets and monitor compliance.
 - (d) establishing and reviewing the strategic asset allocation (benchmark) that is likely to meet the investment return target.
 - (e) considering and reviewing the appropriateness of the fund structure i.e. the delegation of powers to managers, set

- boundaries for the manager's discretion, consider what manager return targets are likely to achieve the investment return target
- (f) monitoring the performance of the investment managers at least once every three months, and from time to time consider the desirability of continuing or terminating the appointment of investment managers. In monitoring the performance of investment managers the panel should consider:
- the investments made by the managers
 - their input to the process and the value of their advice
 - investment returns and risk against established targets.
 - manager compliance with the fund's requirements.
 - Discussion of results with managers.
- (g) considering policy matters in relation to the pension scheme and the Council's early retirement policy
- (h) considering applications, from other bodies, for membership of the Council's pension scheme
- (i) monitoring early retirements
- (j) monitoring costs incurred in administering the pension scheme, including
- Management and other direct costs
 - Transaction (Dealing) costs
- (f)(i) The Pensions Advisory Panel will constitute:
- 3 Members (1 from each party group) who have received the appropriate training; 1 of those Members will chair the Panel;
 - 3 officers (the Chief Finance Officer, an Officer with specialist knowledge on the Pensions Scheme and the Head of Human Resources or their equivalents);
 - 2 independent advisers (non-voting); and
 - a representative appointed by the constituent trade unions representing beneficiaries (non-voting)
- (f)(ii) Decisions should aim to be reached by consensus. Where agreement cannot be reached then a majority vote will apply. Voting rights are restricted to Members and officers, with the Chair having the casting vote if required.
- (f)(iii) Decisions of the Panel will be treated as advice to the Chief Finance Officer.
- (f)(iv) To be quorate at least three voting members of the panel must be present plus at least one independent adviser. At least one of the voting members must be an officer.

Part 3H: Matters delegated to Officers

[additional text in bold:

1. All matters not reserved to the Council Assembly, to the Executive, or to a Committee for decision are delegated to the appropriate Chief Officer and Head of Service. **The powers of the of the Chief Finance Officer** include the

requirement under the Pension Regulations to review investments made by the Investment Manager at least once every three months, **and to administer all other functions relating to local government pensions in accordance with the relevant legislation and regulations.**

2. Each Chief Officer and/or Head of Service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the Council.
3. It is the responsibility and duty of Chief Officers to ensure that where appropriate matters of a controversial nature, or involving significant changes in policy, are consulted upon with the relevant Executive Member and recorded or reported to the Executive, Council Assembly and Committee as appropriate.
4. In respect of grants of £2,500 and under the decisions are delegated for officer decision following consultation by the Chief Officer/Head of Service with the appropriate Executive Member. All such grants are to be circulated to Members in advance and reported to the Executive.
5. The Borough Solicitor & Secretary will maintain a list of "Proper Officers".

APPENDIX 5

FINANCIAL STANDING ORDERS TECHNICAL AMENDMENTS

Reference	Section Heading	Proposed Amendment
Throughout		Replace 'Chief Executive' and 'Chief Executive and Director of Finance' with 'Chief Finance Officer'
1.(a) i)	Financial Administration	Replace 'Accounts and Audit Regulations 1996' with 'Accounts and Audit Regulations 2003' Replace 'Section 114 of the Local Government Finance Act 1988' with 'Section 112 of the Local Government Act 1988' Insert 'Section 25 of the Local Government Act 2003'
3. (a)	Preparation of the Revenue Budget	Insert at the end 'Under Section 25 of the Local Government Act 2003, s/he also has specific responsibilities for reporting on <ul style="list-style-type: none"> • the robustness of the estimates • the adequacy of the proposed financial reserves'
3. (b) i)	Preparation of the Revenue Budget	Replace 'service plans' with 'business plans'
3. (d)	Preparation of the Revenue Budget	Replace 'service plans' with 'business plans'
5. (b) ii)	Monitoring and Control of the Revenue Budget	Insert 'at least' between 'monitor' and 'monthly'
5. (b) vi)	Monitoring and Control of the Revenue Budget	Replace 'Executive' with 'Council Assembly' and 'September' with 'August'
5. (e)	Monitoring and Control of the Revenue Budget	[Shown as iv] Replace 'Executive' with 'Council Assembly'
5. (f)	Monitoring and Control of the Revenue Budget	line 3 – Insert 'and income' between 'expenditure' and 'is charged ...'; insert new final bullet point 'transactions within the Collection Fund'
6. (a)	Annual Statement of Accounts	Replace 'Accounts and Audit Regulations 1996' with 'Accounts and Audit Regulations 2003'

Debating Standards Issues – Amendment to Council Procedure Rules

CAPR Reference No.	Suggested amendment
Rule 1.16 (Rules of Debate)	add new rule 1.16(3)(e): [Councillors shall:] refrain from comments that relate to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the Standards Committee or the Adjudication Panel, in so far as those comments relate to the behaviour or conduct of an individual Member or Members.
Rule 3.6.5 (Public Question Time – Scope of questions)	Add new bullet: [The mayor in consultation with Borough Solicitor and Secretary may reject a question if it:] relates to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the Standards Committee or the Adjudication Panel, in so far as those comments relate to the behaviour or conduct of an individual Member or Members.
Rule 3.8 (Questions by Members)	Add new 3.8.7: Scope No question shall be asked on a matter relating to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the Standards Committee or the Adjudication Panel, in so far as the question relates to the behaviour or conduct of an individual Member or Members. renumber other rules accordingly
Rule 3.9.4 (Scope of Motions)	Add after current text: Motions, or amendments to motions, shall not relate to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the Standards Committee or the Adjudication Panel, in so far as the Motion, or Amendment, relates to the behaviour or conduct of an individual Member or Members.
Rule 3.11 (Urgent Questions by Group Leaders)	Add new 3.11.4 No question shall be asked on a matter relating to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the Standards Committee or the

	<p>Adjudication Panel, in so far as the question relates to the behaviour or conduct of an individual Member or Members</p> <p>renumber other rules accordingly</p>
<p>Rule 3.12(3) (Adjournment Debates)</p>	<p>Add after current text: and must not relate to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the Standards Committee or the Adjudication Panel, in so far as those comments relate to the behaviour or conduct of an individual Member or Members.</p>

Protocol governing the discussion in Council Assembly on Investigations and Rulings of the Standards Board for England, Standards Committee and the Adjudication Panel

In addition to the provisions provided for in Rules 1.16, 3.6.5, 3.8, 3.9.4, 3.11, 3.12.3 of the Council Procedure Rules Members should note that:

A Member or Members or the Council Assembly as a whole should not comment on an investigation that is being undertaken or has been completed, or a ruling of the Standards Board for England, the Standards Committee or the Adjudication Panel except by moving a motion that relates to a general corporate action.

A general corporate action would include:

- raising concerns about general behaviour or standards in the Council, that do not expressly refer to a particular Member or Members;
- calling for the Council to develop additional protocols governing Members' conduct or actions;
- calling for the Council to review or amend existing protocols governing Members' conduct or actions to ensure that they are providing members with clear and comprehensive guidance on conduct issues;
- calling for the Council to undertake Member development training on the Code of Conduct, or any part of it, or protocol to increase awareness amongst Members of the existence and contents of the Council protocols and Code of Conduct.

Council Assembly should delegate a request for a general corporate action to the appropriate committee or officer (for example a request to revise the Member-Officer protocol would need to be referred to the Standards Committee).

Calls for a particular member or members to take further action, including calling on a member or members to make a public apology, resign or any other action that could be taken to be a punitive action against that member or members, will be ruled out of order by the Mayor on advice from the Borough Solicitor and Secretary.