

<b>Item No.</b> 9.1	<b>Classification:</b> Open	<b>Date:</b> 21st July 2004	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Southwark Alliance – delegation of decision making powers to Council Assembly	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Standards Committee	

### **RECOMMENDATION(S)**

1. That Council Assembly considers the proposed amendments to the Constitution on the matters reserved to Council Assembly in relation to the Southwark Alliance that are outlined in paragraph 6 and paragraph 11 below.
2. That Council Assembly notes that Standards Committee considered the proposed amendment recommended by Officers (in paragraph 11) to transfer the power to appoint the third Council representative to the Council Assembly, but did not recommend this amendment be made.

### **BACKGROUND INFORMATION**

3. The amendment F (see wording below) on the Southwark Alliance was moved at Council Assembly on 26 May 2004 and referred to Standards Committee to consider. It was agreed that Standards Committee would make recommendations to Council Assembly on the proposed amendments to the Constitution at the next Council Assembly meeting in July.
4. Standards Committee considered amendment F, officer advice on the proposed amendment (outlined in paragraphs 7 – 11 below) and the proposed amendment to the constitution that was recommended by officers (outlined in paragraph 10) at its meeting on the 14<sup>th</sup> June 2004.
5. The matter was discussed and Standards voted against recommending the amendment that was proposed by Officers to Council Assembly.

### **6. AMENDMENT F**

Moved: Councillor Kim Humphreys  
 Seconded: Councillor William Rowe

That the following matter be reserved to the Council Assembly (Part 3A of the Constitution, Responsibility for Functions);

All the significant issues relating to the Council's policy towards the Southwark Alliance including but not confined to;

- a) appointment of the Council representatives on the Alliance Board or any of the subsidiary decision making bodies.
- b) financial administrative and other support provided to the Alliance

7. A background paper sets out how the relationship between Southwark Alliance and the Council operates in regard to the major elements of the Southwark Alliance functions, under the current Constitutional arrangements for the Council. This was considered by Standards Committee at its meeting on the 14<sup>th</sup> June, 2004 and is attached as Appendix A.

## **KEY ISSUES FOR CONSIDERATION**

### **All significant issues being reserved to Council Assembly**

8. Officers would advise against Council Assembly amending the Constitution to provide that "All the significant issues relating to the Council's policy towards the Southwark Alliance" be reserved to the Council Assembly. It is considered that this amendment would be unworkable because (as is outlined in the background paper):
  - many decisions relating to the Southwark Alliance with major policy implications for the Council already come to the Council as statute requires that they are included in the Budget and Policy Framework;
  - thereafter the nature of the Council's role in the Southwark Alliance is in carrying out its operational responsibilities as a key partner to work collaboratively with other agencies to implement those major policy issues;
  - the role of Council Assembly is to focus on strategic issues; much of the role of the Executive in relation to the Southwark Alliance is to implement decisions already taken by the Alliance (where Council has already had the strategic input). It would be impractical for the Executive to come back to the Council Assembly for every small piece of expenditure.

### **Appointment of Council Representatives**

9. In relation to part (a) of the proposed amendment (the Council being delegated the power to appoint the Council representatives to the Alliance), it should be noted that the Membership of the Alliance is a matter for the Alliance to decide and is provided for in their Standing Orders. The Southwark Alliance Standing Orders name the Leader and Chief Executive of Southwark Council as specific members, plus one other Councillor. For this reason the power of the Council Assembly to appoint the Council Representatives is limited to being able to appoint the third member.
10. Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000 provide that appointments to outside bodies is a local choice function. Statutory guidance advises that the executive will make appointments to outside bodies in connection with functions that are the responsibility of the executive, however Council Assembly would be acting within their powers to amend the Constitution to provide that the third Council representative should be appointed by the Council Assembly.
11. In light of this, an alternative amendment to the Constitution is outlined below. It has been drafted to provide for any future amendments to the Southwark Alliance Standing Orders that may provide for an increase in the numbers of Council representatives on the board.

**Add to Part 3A of the Constitution: Matters reserved to Council Assembly**

new para 16: Appointing any Council representatives on the Alliance Board, or any of the subsidiary decision making bodies, where the post is not reserved to a particular position by the Standing Orders of that body.

**Policy relating to Financial Support provided to the Alliance**

12. The resources provided by the Council to fund the Southwark Alliance are outlined in the background report and are minor comprising the office space for four staff. Taking into account the size of the contribution, officers advise against amending the constitution as proposed.

**Supplementary Advice from the Borough Solicitor & Secretary**

13. Under the Constitution, the Council Assembly has the power to adopt and change the Constitution. The role of the Standards Committee is to provide recommendations to the Council Assembly as to changes to the Constitution. The Council Assembly can choose not to follow recommendations of the Standards Committee.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Council's Constitution	Town Hall	Paula Thornton 020 7525 4395
Local Strategic Partnerships Government Guidance – Issued on March 27,2001 by the DETR		Nathalie Hadjifotiou 020 7525 7914

**APPENDICES**

No.	Item
A.	Southwark Alliance – Local Strategic Partnership Background briefing report considered at Standards Committee, 14 <sup>th</sup> June, 2004
	Table on Southwark Alliance

## APPENDIX A

### Audit Trail

<b>Lead Officer</b>	Deborah Holmes	
<b>Report Author</b>	Rebecca Vink	
<b>Version</b>	Final	
<b>Dated</b>	6.7.04	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Borough Solicitor & Secretary	Yes	Yes
Chief Finance Officer	No	No
Head of Regeneration		
<b>Executive Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Support Services</b>		