



EXECUTIVE

MINUTES of the OPEN section of the meeting of the EXECUTIVE held on TUESDAY 14th January, 2003 at 7.00pm at the Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Nick Stanton, Leader (In the Chair)
Councillor Caroline Pidgeon, Deputy Leader
Councillor Beverley Bassom, Housing
Councillor Catherine Bowman, Regeneration and Economic Development
Councillor James Gurling, Service Delivery
Councillor Catriona Moore, Health and Social Care
Councillor Richard Porter, Community Support and Safety
Councillor Richard Thomas, Environment and Transport
Councillor Lorraine Zuleta

APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Bob Skelly, Executive Member for Education, Youth and Leisure.

NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS AS URGENT

The Chair agreed to accept the following late item as urgent:

Item 174 – Constitutional Issues for Community Councils.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

None were declared.

MINUTES

RESOLVED: That the open minutes of the meeting held on the 17th December 2002 be approved and signed as a correct record by the Chair.

The Executive considered the items set out on the open agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

171 **REQUEST FOR DEPUTATION FROM WILLIAM UTTING REGARDING THE FOOTPATH AT WEST DULWICH STATION.**

RESOLVED: That the deputation be received.

The deputation submitted that the footpath at West Dulwich Station was the obvious route for people from a wide area and was in urgent need of repair and was in some parts dangerous. The Council was asked to ascertain who was responsible for the land and thereafter give it a high priority for repair and maintenance; to liaise with Railtrack to clear the undergrowth, which grows on both sides of the fence defining Railtrack and the Council lands; and service the damaged lights on the embankment.

172 **LONDON BOROUGH GRANTS SCHEME 2003/04** (see pages 4296-4302)

RESOLVED:

1. That the budget of £28,923,370 for 2003/2004, recommended by the London Borough Grants Committee, be approved.
2. That the shortfall of £14,000 in the Council's contribution be met on a pro-rata basis from other grant giving departments.

173 **BEST VALUE REVIEW OF HIGHWAYS**

This report was not circulated and will now be considered at a future meeting of the Executive.

174 **CONSTITUTIONAL CHANGES FOR COMMUNITY COUNCILS** (see pages 4376-4413)

The Chair accepted this item as urgent in order to meet the timetable set out in paragraph 12 of the report. This will allow the Executive, which is responsible for initiating the policy on Community Councils to express its preferences on constitutional changes. It was not possible to circulate this report five clear days in advance of the meeting because of the need to consult with other officers, prior to finalizing the information in this report.

RESOLVED:

1. That the Executive notes the comments on each of the constitutional issues set out in the report and Appendix 2 and expresses the following views in respect of the options suggested:

SCRUTINY AND CALL-IN (PARAGRAPHS 14 –20 OF THE REPORT)

When can a matter be called-in? (paragraphs 16-17)

Executive **recommends** the extension of the existing provision on the call-in threshold to all Community Council executive decisions and notes the implications set out in Appendix 2:

- (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 and 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 and 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).

Process following Call-in (paragraphs 18 –20)

In respect of the referral back of a called-in decision following consideration by Overview and Scrutiny Committee, Executive **recommends** retaining the existing provision of 7 clear working days in which the decision-maker has to reconsider the decision, and in addition allowing the Borough Solicitor in consultation with the relevant Chief Officer and Chair of the Community Council, to determine whether the matter can wait until the next scheduled meeting of the Community Council.

Other scrutiny issues

Executive **notes** that Overview and Scrutiny Committee will be giving further consideration to these issues, including the role of Overview and Scrutiny Committee in relation to Community Councils and would welcome Overview and Scrutiny Committee's comments on the Executive's recommendations.

EXERCISING PLANNING AND LICENSING FUNCTIONS (PARAGRAPHS 21 –23)

Executive **recommends** Option (B) that Community Councils exercise planning and licensing functions as sub-committees of the Planning and Licensing Committees.

Planning – Demarcation of Responsibilities (paragraphs 24 – 30)

Executive **notes and refers** the draft Roles and Functions (Article 8) and Matters Reserved (Part 3: Responsibility for Functions) allocating the planning functions for the Main Planning Committee and Community Councils (Appendix 4) to the Planning Committee to consider.

Executive **recommends** 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.

Licensing - Demarcation of Responsibilities (paragraphs 31 – 36)

Executive **notes and refers** the draft Roles and Functions (Article 8) and Matters Reserved (Part 3: Responsibility for Functions) allocating the licensing functions for the Main Licensing Committee and Community Councils (Appendix 4) to the Licensing Committee to consider.

Planning and Licensing Transitional Arrangements (paragraphs 37 – 39)

Executive **agrees** the proposed transitional arrangements for dealing with planning and licensing applications set out in paragraphs 37 – 39.

EDUCATION (PARAGRAPHS 40 – 41)

Executive **recommends** that in respect of the appointment of school governors to Primary Schools, Article 9 on Standards Committee be reworded in (o) to read:

“To constitute the voluntary bodies appointments panel to make recommendations on appointments to Southwark charities, to maintain a list of prospective school governors for appointment and to make appointments to secondary school governing bodies.”

And in addition, the following wording added to the footnote:

“Appointments to primary school governing bodies will be made by the relevant Community Council from the list of prospective school governors maintained by the voluntary bodies appointments panel.”

OTHER CONSTITUTIONAL CHANGES (PARAGRAPHS 42 – 49)

Membership of Community Councils (Appendix 2, page 4391 – 4392)

Executive **recommends** options 1A and 1B for further consideration (set out on page 4392).

Council/Committee Procedure Rules (paragraph 42 – 44)

Executive **supports** the drafting of a new section on Committee Procedure Rules covering Committees, Sub-Committees and Community Councils. These should be broad and allow innovation and flexibility

**Budget and Policy Framework Procedure Rules
(Appendix 2, page 4394)**

Executive **supports** Option A, Community Councils to be consulted directly on the budget and policy framework.

Appointment of Chairs/Vice-Chairs (Appendix 2, page 4396 - 97)

Executive **supports** 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).

Co-opted Members (paragraph 47 – 49)

Executive notes the current consultation around community councils and **recommends** that the six-month review of the operation of Community Councils includes looking at the possibility of co-opted members.

**Budget and Policy Framework Procedure Rules
(Appendix 2, page 4394)**

Executive **supports** Option A, Community Councils to be consulted directly on the budget and policy framework.

Appointment of Chairs/Vice-Chairs (Appendix 2, page 4396 - 97)

Executive **supports** 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).

Co-opted Members (paragraph 47 – 49)

Executive notes the current consultation around community councils and **recommends** that the six-month review of the operation of Community Councils includes looking at the possibility of co-opted members.

2. That the views expressed by the Executive be referred to Planning, Licensing, Overview and Scrutiny and Standards Committees for consideration.

175 **EXTERNAL COMMUNICATIONS – VISION AND IMPROVEMENT PLAN** (see pages 4303-4347)

RESOLVED: That further to the Best Value Review of External Communications the Executive notes and endorses the Vision Document for the next 5 years and the actions set out in the summary. In particular the Executive recommends:

1. A four-year socially inclusive communications strategy be developed by the end of April 2003.
2. That this strategy be drawn up in consultation with individual Executive Members, and external professional communications consultants if appropriate, with a view to ensuring that strategic communications become an integral part of the annual service planning process and clearly identifying local Performance Indicators for ongoing management appraisal.
3. The roles and responsibilities of the communications unit be revised in order to provide the professional lead for communications across the council.
4. The strategy will clearly display the benefits of co-ordinated economies of scale under a professional communications function within each department.
5. That the strategy will ensure that the new process of communication activity is explained to staff members alongside the borough identity guidelines.
6. That in consultation with the Executive Member for Finance, the published strategy include clear analysis as to the Council's past communications and publicity spend (across all departments) as a priority so that future efficiencies arising from the implementation of the strategy be identified.

176 **IMPLEMENTING THE BOROUGH IDENTITY** (see pages 4348-4350)

- RESOLVED:**
1. That the Borough Identity guidelines be approved.
 2. That a report back be received on implementation in October 2003, identifying any significant areas where progress has been made.

177 **REFERENCE: FINAL REPORT OF THE HEALTH AND SOCIAL CARE SCRUTINY SUB-COMMITTEE "ACCESS TO PRIMARY CARE."**

- RESOLVED:** That the final report of the Health and Social Care Scrutiny Sub-Committee on "Access to Primary Care" and the comments of Overview and Scrutiny Committee be received, and referred to the report to Southwark Primary Care Trust for consideration.

178 **APPOINTMENT TO ASSOCIATION OF LONDON GOVERNMENT (ALG) AND SOCIAL SERVICES PANEL** (see pages 4367-4369)

RESOLVED: That Councillor Catriona Moore be appointed as the representative to the Association of London Government Health and Social Services Panel for the remainder of the 2002/03 municipal year.

179 **PECKHAM ROAD – NEW LISTER HEALTH CENTRE DISPOSAL** (see pages 4370-4375)

RESOLVED: That the Council dispose of its freehold interest in the New Lister Health Centre, Peckham Road, London SE15 subject to approval of the detailed terms as set out in the closed agenda.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 7 and 9, Access to Information Procedure Rules of the Constitution.

The following is a summary of the decision taken in the closed section of the meeting.

MINUTES

The minutes of the closed section of the meeting held on the 17th December 2002 were approved as a correct record and signed by the Chair.

527 **PECKHAM ROAD – NEW LISTER HEALTH CENTRE DISPOSAL**

The Executive agreed to dispose of the freehold interest in the New Lister Health Centre, Peckham London SE15.

The meeting ended at 8.10 p.m.

CHAIR:

DATED:

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 18 OF THE
OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, TUESDAY 21st
JANUARY, 2003**

**THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT
DATE. SHOULD A DECISION OF THE EXECUTIVE BE CALLED-IN FOR
SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE
PENDING THE OUTCOME OF SCRUTINY CONSIDERATION**