

Council Assembly

Wednesday 19 May 2010
7.00 pm
Town Hall, Peckham Road, London SE5 8UB

Supplemental Agenda No.2

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Date: Friday 14 May 2010

Agenda Item 4.2

Item No. 4.2	Classification: Open	Date: 19 May 2010	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Establishment of Committees and Other Constitutional Issues – 2010-11	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

RECOMMENDATIONS

- That council assembly consider the following constitutional issues for the coming municipal year 2010-11:
 - Proportionality/size and composition of committees
 - Establishing a licensing committee
 - Appointment of chairs and vice chairs
 - Establishing a standards committee
 - Establishing the constitutional steering panel
 - Urgency committee

Proportionality/size and composition of council committees

- That the size and composition of the council’s regulatory and other committees be established in accordance with the number of seats each political group has on the council as a whole – this is known as “proportionality”.

The table below is based on the assumption that the same committees are established in 2010-11 as existed in 2009-10. The numbers in **bold** are the suggested allocations to political groups, assuming no other changes to committees. The figures in brackets are the numbers in 2009-10.

Committee	Total	Liberal Democrats	Labour	Conservative
Committee 1 (in 2009-10 - Appointments Committee)	7 (7)	3 (3)	4 (3)	0 (1)
Committee 2 (in 2009-10 - Planning Committee)	7 (7)	3 (3)	4 (3)	0 (1)
Committee 3 (in 2009-10 – Disciplinary Appeals Committee)	9 (8)	4 (4)	5 (4)	0 (0)
Committee 4 (In 2009-10 - Audit and Governance Committee)	5 (5)	1 (2)	3 (2)	1 (1)
Committee 5	7	3	4	0

Committee	Total	Liberal Democrats	Labour	Conservative
(In 2009-10 Corporate Parenting Committee)	(8)	(4)	(3)	(1)
Total	35	14	20	1
	(35)	(16)	(15)	(4)

Notes: 1. *The size and composition of the council's regulatory and other committees known as "ordinary committees" is set out above. This is based on a total number of 35 seats and includes the committees established in the 2009-10 municipal year. The proportionality is based on the total number of seats compared to the overall allocation of seats each political group has on the council. As the Labour Group has an overall majority on the council, it has been allocated a majority on each committee. The total number of seats on individual committees has had to be adjusted to ensure an overall proportionate allocation and ensure a majority on each committee.*

*In the table above the figure in **bold** is the suggested allocation following the election on 6 May 2010 (see Appendix 2). The figures in brackets are the allocations approved by council assembly on 27 January 2010.*

2. *It is for council assembly to agree the committees it wishes to establish, the total number of seats and allocate them to the committees numbered 1 to 5 in the table above. In 2009-10 the council established appointments, planning, disciplinary appeals, audit and governance and corporate parenting committees.*
3. *At least one member of the executive shall serve on the appointments committee.*
4. *The constitution states the audit and governance committee will consist of:*
 - *At least three councillors, and up to five councillors, including at least one member of each political group as defined by the Local Government and Housing Act 1989 Regulation 8 Local Government (Committees and Political Groups) Regulations 1990.*

No more than one member of the executive may be a member of the audit and governance committee and no executive member may chair the committee. No more than one member of the overview and scrutiny committee may be a member of the audit and governance committee and no member of the overview and scrutiny committee may chair the committee.

Licensing committee

3. That council assembly establishes a licensing committee with a total of 15 seats with the following allocation of seats:
 - 6 Liberal Democrat
 - 8 Labour
 - 1 Conservative.

Notes: 1. *In 2009-10 council assembly agreed to establish the committee on a*

proportionate basis comprising: 7 Liberal Democrat, 7 Labour and 1 Conservative.

2. *It is proposed in 2010-11 that a proportionate committee is established with the changed allocation as set out the recommendation above.*

Licensing sub-committee

4. That council assembly appoints a licensing sub-committee with delegated authority to hear license applications including Licensing Act 2003, Gambling Act 2005, street trading and other licensing responsibilities granted by statute. The sub-committee to include all members of the licensing committee with a quorum of three members.

Appointment of chairs and vice chairs

5. That council assembly considers whether it wishes to appoint chairs and vice chairs for the following committees:

Committees

- Planning committee
- Licensing committee
- Appointments committee
- Disciplinary appeal committee
- Audit and governance committee
- Corporate parenting committee*

*Notes: *In 2009-10 the executive member responsible for children's services chaired the corporate parenting committee. Council assembly is asked to formally approve this appointment in 2010-11.*

All outstanding appointments will be referred to the first meeting of the respective committee in the 2010-11 municipal year.

Standards committee

6. That council assembly notes the constitution states all political groups must be represented on the standards committee and it should comprise of at least four councillors and up to seven councillors.. Council assembly notes the decision in previous years to allocate the councillor membership proportionately. In order to comply with its constitutional requirements, council assembly is requested to establish a standards committee comprising of six councillors. The seats to be allocated to political groups as follows:

- Liberal Democrats 2 places
- Labour 3 places
- Conservatives 1 place.

7. Political groups will be entitled to nominate reserves on the following basis:
 - The number of reserves is equivalent to the number of places on the committee.

8. That in accordance with the constitution, the election of chair and vice chair takes place at the first meeting of the standards committee in the 2010-11 municipal year.

Notes: 1. *The constitution states the standards committee will consist of:*

- *At least four councillors, and up to seven councillors, including at least one member of each political group as defined by the Local Government and Housing Act 1989 Regulation 8 Local Government (Committees and Political Groups) Regulations 1990.*
2. *No more than one member of the executive may be a member of the standards committee.*
3. *Guidance from Standards for England states that standards committees need not reflect the political balance of the authority. This is it says because the standards committee should be above party politics and its members need to have the respect of the whole authority, regardless of the governing political party.*

Establishment of the constitutional steering panel

9. That council assembly agrees to establish a constitutional steering panel comprised of the whips of each political group represented on the council (or a nominated reserve), with the terms of reference set out in paragraphs 56 and 57.
10. That council assembly appoints a chair of the constitutional steering panel.

Urgency committee

11. That the role of the urgency committee between a municipal election and the annual meeting of council assembly be reviewed in light of the post-election period in 2010 and the new executive arrangements. Officers will report to the constitutional steering panel with proposals on future urgency arrangements.

Council calendar

12. That the calendar of council meetings for the 2010-11 municipal year ahead as shown at Appendix 3 be noted.

BACKGROUND INFORMATION

13. The constitution is updated annually and the recommendations in this report are based on the current constitution.

KEY ISSUES FOR CONSIDERATION

Proportionality – the legal position

14. The Local Government and Housing Act 1989 covers the allocation of seats to political groups. It makes no provision for single independent councillors so they do not form part of the proportionality considerations.
15. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government

and Housing Act 1989. There is a duty to give effect to the following principles, as far as is reasonably practicable:

- (i) That not all the seats on a committee or sub-committee are allocated to the same political group;
- (ii) That the majority group must have the majority of seats on each committee or sub-committee;

Note: As the Labour Group has an overall majority on the council, this principle has been applied.

- (iii) Subject to (i) and (ii) above, it must be ensured that the proportion of each political group's seats of the total number of seats on "ordinary committees" reflects, as closely as possible, their proportion of seats on full council; and,

Notes: 1. The ordinary committees are appointments, planning, disciplinary appeals, audit and governance and corporate parenting. The total number of seats on these five committees must be allocated as proportionately as is reasonably practicable.

- 2. *The licensing committee is appointed under the Licensing Act 2003 and the overview and scrutiny committee is appointed under section 21 of the Local Government Act 2000. Neither committee is an ordinary committee.*

- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.

Note: This rule applies to all committees, sub-committees and joint committees, except for licensing committee, standards committee and community councils.

Regulatory and other committees

- 16. The regulatory and other committees are the "ordinary committees" of the council. In 2009-10 the annual meeting established the following:
 - Appointments committee
 - Planning committee
 - Disciplinary appeals committee
 - Audit and governance committee
 - Corporate parenting committee
- 17. The total number of seats on the ordinary committees is allocated and then divided between the committees to give each committee as proportionate an allocation as is possible within the overall total.
- 18. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.

Appointments to seats

19. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of an authority or committee to exercise its power to make appointments in such a way as to give effect "to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group".
20. There is no requirement that a seat allocated to a particular group can only be filled by a member of that group. Therefore, groups have discretion to allocate seats as they wish, including to a member of another group, or an individual councillor or councillors sitting on the council.

Audit and governance committee

21. The constitution states that the audit and governance committee shall consist of at least three councillors, and up to five councillors, including at least one member of each political group. Council assembly notes the decision last year to allocate the councillor membership proportionately as one of the "ordinary committees". In order to comply with its constitutional requirements, council assembly is recommended to establish a committee comprising of five councillors in 2010-11. The seats to be allocated to political groups as follows:
 - Liberal Democrats 1 place
 - Labour 3 places
 - Conservatives 1 place.
22. CIPFA's guidance (Audit Committees Practical Guidance for Local Authorities, 2005) states that although audit committees are not mandatory "Audit committees are an essential element of good governance". It goes on to say "Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an audit committee, independent from the executive and scrutiny functions."
23. A summary of the committee's role and composition is set out in Appendix 1.

Licensing committee

24. Section 6 of the Licensing Act 2003 requires a licensing committee of 10 to 15 members. Council agreed in December 2004 that the licensing committee should comprise 15 members in order to achieve maximum flexibility. The power to establish the committee vests with council assembly.
25. There is no requirement in the Licensing Act 2003 that the licensing committee should be proportionate. Council assembly agreed in December 2004 to establish the current committee on a proportionate basis. Council assembly, in 2009-10, agreed the following allocation of seats: 7 Liberal Democrat, 7 Labour and 1 Conservative. A revised allocation reflecting the new proportionality on the council is included in the recommendation above.
26. The Licensing Act 2003 makes no provision to appoint reserve members.

Appointment of chairs and vice chairs

27. With the exception of the standards committee, chairs and vice chairs may be appointed directly by council assembly or the appointments may be delegated to the first meeting of the relevant committee.

28. In the case of the corporate parenting committee, it is proposed that the executive member with responsibility for children's services be appointed chair. This is line with the decision of the annual meeting last year.

Standards committee

29. The council's constitution states that the standards committee must comprise seven councillors, including at least one member from each political group as defined by the Local Government and Housing Act 1989. Section 53(10) of the Local Government Act 2000 provides that the duty to allocate seats to political groups does not apply to a standards committee. The power to appoint members of the committee vests in council assembly and, in practice, council assembly has appointed members on the basis of the number of seats allocated to each political group. In previous years council assembly has allocated seats proportionately. Not more than one executive member may sit on a standards committee.
30. At least 25% of the committee's membership must be independent. In May 2009, council assembly agreed that the term of office for independent members be four years. Independent members serve a maximum of two terms.
31. The following independent members will continue to serve on the standards committee after annual council:
- Chris Gurney - until annual council May 2012 (1st term)
 - Peter Bibby - until annual council May 2012 (1st term)
 - Wendy Golding - until annual council May 2012 (2nd term)
 - Mark Roelofsen - until annual council May 2013 (2nd term)
 - Bola Ogun - until annual council May 2013 (2nd term).
32. The chair and vice chair are appointed at the first meeting of the committee in the new municipal year. The chair is elected from the independent members of the committee.

Reserve members

33. The council assembly, committee and overview and scrutiny procedure rules make provision for the appointment of reserve members to council committees and to overview and scrutiny sub-committees. There is no provision for reserves on the licensing committee or community councils.
34. Each political group can appoint reserve members. The number of reserve members a group can appoint is, with the exception of the overview and scrutiny committee and standards committee, one less than the number of places the group holds on the committee or sub-committee.
35. If a political group holds only one place on a committee or sub-committee, that group may appoint one reserve member.
36. On the overview and scrutiny committee, scrutiny sub-committees and the standards committee, the number of reserve members that each political group can nominate is equal to the number of places each group holds on the committee.

Establishment of the constitutional steering panel

37. The constitutional steering panel is responsible for reviewing and recommending amendments to the constitution. It is also responsible for making recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Aldermen and to recommend changes to the members' allowances scheme.
38. In 2009-10 council assembly established a panel with a membership comprising the group whips of each political group represented on the council. In accordance with current practice the recommendation clarifies that groups can nominate a reserve to attend in the absence of the group whip. Council assembly is also invited to appoint a chair of the constitutional steering panel.

Urgency committee

39. The urgency committee, and sub-committees, function during an interim period between a municipal election and council assembly to exercise all the function of the council, that are not reserved by law to council assembly for decision, in cases where in the opinion of the chief executive it is necessary to act urgently. The urgency sub-committees consider planning and licensing applications and standards local filter issues. However, in light of the post-election period in 2010 and the new leader arrangements this will be reviewed. Officers will report to the constitutional steering panel with any future proposals.

Council calendar

40. A calendar of council meetings for the 2010-11 municipal year ahead has been prepared and is shown at Appendix 3.
41. The calendar is broadly based on a 6-week cycle; however the allocation of dates necessarily includes a number of deviations from the 6-week cycle to allow for school holidays, party conferences and other committed dates. Due to the demands of the service, certain meetings will meet more frequently e.g. executive and planning. Executive procedure rule 2.1 requires that the executive should meet at least ten times per year, therefore executive meetings are scheduled in line with this requirement. Scrutiny sub-committees are indicated by a number in the draft calendar, pending their establishment by the overview and scrutiny committee.
42. The dates proposed for council assembly meetings were reported in item 4.1 on the agenda. The dates are included in the calendar and council assembly is asked formally to agree these, in accordance with the relevant statutory provision.
43. In respect of meetings other than council assembly, this calendar is subject to amendments, additions and cancellations. The calendar is regularly updated throughout the year and is published on the council's website.

REASONS FOR URGENCY

44. In accordance with the council's constitution the annual meeting on 19 May 2010 is responsible for the establishment of committees. The constitution states that only council assembly can consider these constitutional issues. Any delay in establishing these important meetings on 19 May 2010 would lead to the council being unable to fully exercise its statutory responsibilities and duties as reserved to each of the committees. Notice of this report was given on the order of business for the annual meeting which was issued on Tuesday 11 May 2010.

REASONS FOR LATENESS

45. Following the borough elections on Thursday 6 May 2010, the composition of the new council was not known until 8 May 2010 after the completion of the count. Subsequently on Monday 10 May it was not possible in the short time available to finalise the proposed new committee proportionalities in time for the agenda despatch on Tuesday 11 May 2010.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive, Establishment of Committees and Other Constitutional Issues 2009-10 Council Assembly May 2009 report	160 Tooley Street, London, SE1 2TZ	Ian Millichap 020 7525 7225

APPENDICES

Appendix	Title
Appendix 1	Regulatory and Other Committees Appointments 2010-11
Appendix 2	Proportionality – Ordinary Committees – Proposal based on allocation of seats following election on 6 May 2010 and the committees established in 2009-10
Appendix 3	Council Calendar 2010-11

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Ian Millichap, Constitutional Manager Lesley John, Constitutional Officer	
Version	Final	
Dated	14 May 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Communities, Law & Governance	Yes	Yes (included in body of report)
Executive Member	No	No
Date final report sent to Constitutional Support Services	14 May 2010	

REGULATORY AND OTHER COMMITTEE APPOINTMENTS 2010-11

APPOINTMENTS COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To determine appointments to posts of chief officers, chief finance officer and monitoring officer.	Committee	7 Councillors	Ad hoc	Yes (Statutory)

Allocation 2009-10 (No. of Reserves in brackets)	Proposed Allocation 2010-11 (No. of Reserves in brackets)	Appointments to Committees
Liberal Democrats: 3 (2) Labour: 3 (2) Conservatives: 1 (1)	See main report.	Chair Vice chair

PLANNING COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
<ul style="list-style-type: none"> • To comment on local development framework documents in respect of all significant planning matters and make recommendations to the executive. • To consider and determine all the following applications: <ul style="list-style-type: none"> • strategic and major planning applications • designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance • any other planning responsibilities of the authority created by statute (and delegated to the committee). • To consider expenditure of Section 106 monies. • To comment on national and regional consultation documents proposing significant changes to strategic planning policies and make recommendations to the executive. 	Regulatory committee (Article 8)	7 Councillors	Monthly	Yes (Statutory)

Allocation 2009-10 (No. of Reserves in brackets)	Proposed Allocation 2010-11 (No. of Reserves in brackets)	Appointments to Committees
Liberal Democrats: 3 (2) Labour: 3 (2) Conservatives: 1 (1)	See main report.	Chair Vice chair

DISCIPLINARY APPEALS COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
<ul style="list-style-type: none"> • To review dismissal decisions of capability/disciplinary panels on the application of the dismissed employee. • To review the operational procedures of the hearing of appeals and report to the executive if any changes are considered necessary. • To constitute the disciplinary appeals panel (safeguarding children and vulnerable adults). 	Committee	8 Councillors	Ad hoc	Yes (Statutory)

Allocation 2009-10 (No. of Reserves in brackets)	Proposed Allocation 2010-11 (No. of Reserves in brackets)	Appointments to Committees
Liberal Democrats: 4 (3) Labour: 4 (3) Conservatives: 0 (0)	See main report.	Chair Vice chair

AUDIT AND GOVERNANCE COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
<ul style="list-style-type: none"> • To provide independent assurance of the adequacy of the council's governance arrangements. • To provide independent scrutiny of the council's financial and non-financial performance. • To provide an oversight of the financial reporting process. 	Committee	5 Councillors	Quarterly	Yes (Statutory)

Allocation 2009-10 (No. of Reserves in brackets)	Proposed Allocation 2010-11 (No. of Reserves in brackets)	Appointments to Committees
Liberal Democrats: 2 (1) Labour: 2 (1) Conservatives: 1 (1)	See main report.	Chair Vice chair

CORPORATE PARENTING COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To review and monitor the council's role as a corporate parent.	Committee	8 Councillors	Quarterly	Yes (Staturtory)

Allocation 2009-10	Proposed Allocation 2010-11 (No. of Reserves in brackets)	Appointments to Committees
Liberal Democrats: 4 (3) Labour: 3 (2) Conservatives: 1 (1)	See main report.	Chair: executive member for children's services Vice chair

STANDARDS COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To ensure the promotion and maintenance of high standards of conduct by councillors, co-opted members and church representatives in order to observe the members' code of conduct. Overview of whistle-blowing, complaints, policy and reviewing consultations and the investigation of alleged breaches of the council's members' code of conduct.	Statutory committee	7 Councillors (Including at least one member of each political group, 5 Independent voting members).	Quarterly	Yes (Local agreement)

Allocation 2009-10 (No. of Reserves in brackets)	Proposed Allocation 2010-11 (No. of Reserves in brackets)	Appointments to Committees
Liberal Democrats: 3 (3) Labour: 3 (3) Conservatives: 1 (1) Independent (voting) members: 5	See main report.	Chair (independent member) and Vice Chair appointed at first meeting.

LICENSING COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
<ul style="list-style-type: none"> • To approve the council's policies in respect of all licensing and registration matters except the licensing and gambling statements of policy. • To consider the designation of new sites for street trading • To determine and consider licensing and gambling applications for the grant, renewal, or transfer of licenses and registration of premises and other licensing responsibilities as delegated to the committee. <p>3 members plus 1 reserve sit on sub-committees as and when required.</p>	Regulatory committee (Article 8)	15 Councillors (2009-10)	<p>Committee – 4-6 annually as required</p> <p>Sub-Committees – as required</p>	Yes (Local Agreement)

Allocation 2009-10	Proposed Allocation 2010-11	Appointments to Committee
Liberal Democrats: 7 Labour: 7 Conservatives: 1	15 seats: Liberal Democrat 6 Labour 8 Conservative 1	Chair Vice chair Note: There are no reserve members on this committee

APPENDIX 2

PROPORTIONALITY - ORDINARY COMMITTEES

Proportionality

	No of seats	%
Liberal Democrat	25	39.68
Labour	35	55.56
Conservative	3	4.76
Total	63	100

Note: The Local Government and Housing Act 1989 requires the allocation of seats to political groups on a proportionate basis.

Ideal Number of Ordinary Committee Places

Total places	Liberal Democrat	Labour	Conservative
35	13.89	19.44	1.67

Note: The ideal allocations set out in the table above are based on each political group's percentage allocation on the council.

Proposed allocation of seats on ordinary committees

	Lib Dem	Lab	Cons	Total	Total Discrepancy
Committee 1 (Appointments Committee)	3	4	0	7	
Committee 2 (Planning Committee)	3	4	0	7	
Committee 3 (Disciplinary Appeals Committee)	4	5	0	9	
Committee 4 (Audit and Governance Committee)	1	3	1	5	
Committee 5 (Corporate Parenting Committee)	3	4	0	7	
Total no. of seats	14	20	1	35	
Discrepancy	-0.11	-0.56	-0.67		1.34

DRAFT COUNCIL CALENDAR 2016-17										Appendix 3
DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE	
May-10	Wed	Council Assembly (Annual Meeting)		1900	CC		Lesley John	lesley.john@southwark.gov.uk	75257228	
	Thur									
	Fri									
	Sat									
	Sun									
	Mon	Peckham Area Housing Forum Overview & Scrutiny Committee (Special meeting)		1900 1900	BGCC		Dennis Fabrizi Peter Roberts	dennis.fabrizi@southwark.gov.uk peter.roberts@southwark.gov.uk	75251453 75254350	
	Tue									
	Wed									
	Thur	Community Council Chairs and Vice-Chairs		1900						
	Fri									
	Sat									
	Sun		BANK HOLIDAY							
	Mon									
	Tue		SCHOOL BREAK							
Jun-10	Tue	Planning Committee		1900			Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257238	
	Wed	Licensing Sub-Committee Nunhead and Peckham Rye Community Council - Planning Rotherhithe Community Council - Planning Walworth Community Council - Planning		1000 1900 1900 1900						
	Thur	Camberwell Community Council - Planning Borough and Bankside Community Council - Planning		1900 1900						
	Fri									
	Sat									
	Sun									
	Mon	Liberal Democrat Group Labour Group Conservative Group								
	Tue									
	Wed	Member Development								
	Thur	Peckham Community Council - Planning Dulwich Community Council - Planning Bermondsey Community Council - Planning		1900 1900						
	Fri									
	Sat									
	Sun									
	Mon	Overview & Scrutiny (Training for all scrutiny members)		1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350	
	Tue	Executive (tbc)	Tbc	1900						
	Wed	Overview & Scrutiny (Training for all scrutiny members) Borough and Bankside Community Council		1900 1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350	
	Thur	Member Development								
	Fri									
	Sat									
	Sun									
	Mon	Nunhead and Peckham Rye Community Council Walworth Community Council Constitutional Steering Panel Camberwell East Area Housing Forum		1900 1900 1900			Lesley John			
	Tue	Peckham Community Council Dulwich Community Council		1900 1900						
	Wed	Rotherhithe Community Council Bermondsey Community Council		1900 1900						
	Thur	Audit and Governance (Training for committee members)		1900						

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
		Camberwell Community Council		1900					
Fri	25								
Sat	26								
Sun	27								
Mon	28	Watworth Community Council - Planning		1900					
		Rotherhithe Community Council - Planning		1900					
		Peckham Community Council - Planning		1900			Jean Uzoma	jean.uzoma@southwark.gov.uk	75254747
Tue	29	Planning Committee		1900					
		Gamberwell West Area Housing Forum		1900					
		Licensing Committee		1900			Sean Usher	sean.usher@southwark.gov.uk	75257222
		Scrutiny Sub-committee 1		1900					
Wed	30	Standards Committee		1900					
		Scrutiny Sub-committee 2		1900					
		Audit and Governance Committee		1900					
Jul-10	Thur 1	Member Development Event (All members invited)							
Fri	2								
Sat	3								
Sun	4								
Mon	5	Liberal Democrat Group							
		Labour Group							
		Conservative Group							
Tue	6	Planning Committee (tbc)	Alternate date: 07/07/2010	1900			Kenny Uzodike	kenny.uzodike@southwark.gov.uk	
Wed	7	Corporate Parenting Committee		1300					
		Scrutiny Sub-committee 3		1900					
		Planning Committee (tbc)	Alternate date: 06/07/2010	1900					
		Executive (tbc)	Alternate date: 06/07/2010	1900					
Thur	8	Bermondsey Community Council - Planning		1900					
		Borough and Bankside Community Council - Planning		1900					
Fri	9								
Sat	10								
Sun	11								
Mon	12	Scrutiny Sub-committee 4		1900					
		Scrutiny Sub-committee 5		1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350
Tue	13	Dulwich Community Council - Planning		1900					
		Gamberwell Community Council - Planning		1900					
		Nunhead and Peckham Rye Community Council - Planning		1900					
Wed	14	Council Assembly (Ordinary Meeting)		1900			Lesley John		
Thur	15	Member Development							
		Health and Social Care Board		1830					
Fri	16								
Sat	17								
Sun	18								
Mon	19	Overview & Scrutiny Committee		1900					
		Peckham Area Housing Forum		1900	BGCC		Peter Roberts	peter.roberts@southwark.gov.uk	75251453
							Dennis Fabrizi	dennis.fabrizi@southwark.gov.uk	75254350
Tue	20	Executive		1900			Paula Thornton	paula.thornton@southwark.gov.uk	75254395
Wed	21	Planning Committee							
Thur	22								
Fri	23								
Sat	24								
Sun	25								
Mon	26	Borough and Bankside Community Council - Planning		1900					
		Nunhead and Peckham Rye Community Council - Planning		1900					
Tue	27	Planning Committee		1900			Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
Wed	28	Peckham Community Council - Planning		1900					

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
		Camberwell Community Council - Planning		1900					
		Dulwich Community Council - Planning		1900					
Thur	29	Bermondsey Community Council - Planning		1900					
		Walworth Community Council - Planning		1900					
		Rotherhithe Community Council - Planning		1900					
Fri	30								
Sat	31								
Aug-10	Sun								
Mon	2	Camberwell East Area Housing Forum		1900			Kevin Skinner	kevin.skinner@southwark.gov.uk	75254748
Tue	3								
Wed	4								
Thur	5								
Fri	6								
Sat	7								
Sun	8								
Mon	9								
Tue	10	Camberwell West Area Housing Forum	SCHOOL BREAK	1900			Jean Uzoma	jean.uzoma@southwark.gov.uk	75254747
Wed	11								
Thur	12								
Fri	13								
Sat	14								
Sun	15								
Mon	16								
Tue	17								
Wed	18								
Thur	19								
Fri	20								
Sat	21								
Sun	22								
Mon	23								
Tue	24								
Wed	25								
Thur	26								
Fri	27								
Sat	28								
Sun	29								
Mon	30								
Tue	31								
Sep-10	Wed								
Thur	2		BANK HOLIDAY						
Fri	3								
Sat	4								
Sun	5								
Mon	6								
Tue	7	Planning Committee		1900			Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
Wed	8	Nurhead & Peckham Rye Community Council - Planning		1900					
		Walworth Community Council - Planning		1900					
		Dulwich Community Council - Planning		1900					
Thur	9	Member Development							
Fri	10								
Sat	11								
Sun	12								
Mon	13	Overview & Scrutiny Committee		1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350
Tue	14	Executive		1900					
		Borough and Bankside Community Council - Planning		1900					
		Rotherhithe Community Council - Planning		1900					
Wed	15	Bermondsey Community Council - Planning		1900					
		Camberwell Community Council - Planning		1900					
Thur	16	Peckham Community Council - Planning		1900					
		Dulwich Community Council							

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
Fri	17								
Sat	18		Liberal Democrat Party Conference						
Sun	19								
Mon	20	Gamberwell East Area Housing Forum Peckham Community Council		1900 1900			Kevin Skinner	kevin.skinner@southwark.gov.uk	
Tue	21	Executive		1900					
Wed	22	Gamberwell Community Council Corporate Parenting Committee		1900 1300					
Thur	23	Audit and Governance Committee		1900					
Fri	24								
Sat	25								
Sun	26								
Mon	27	Bermondsey Community Council Rotherhithe Community Council	Labour Party Conference	1900 1900					
Tue	28								
Wed	29			1900					
Thur	30								
Oct-10	1								
Sat	2								
Sun	3								
Mon	4	Nurhead & Peckham Rye Community Council Borough and Bankside Community Council	Conservative Party Conference	1900 1900					
Tue	5	Walworth Community Council		1900					
Wed	6	Licensing Committee Scrutiny Sub-Committee 1		1900 1900					
Thur	7			1900					
Fri	8								
Sat	9								
Sun	10								
Mon	11								
Tue	12	Overview & Scrutiny Committee Planning Committee Scrutiny Sub-committee 2 Scrutiny Sub-committee 3		1900 1900 1900 1900					
Wed	13	Standards Committee Scrutiny Sub-committee 5 Scrutiny Sub-committee 4 Constitutional Steering Panel		1900 1900 1900 2000					
Thur	14	Dulwich Community Council - Planning Walworth Community Council - Planning Nurhead & Peckham Rye Community Council - Planning		1900 1900 1900					
Fri	15								
Sat	16								
Sun	17								
Mon	18	Borough and Bankside Community Council - Planning Rotherhithe Community Council - Planning		1900 1900					
Tue	19	Executive		1900			Paula Thornton	paula.thornton@southwark.gov.uk	75254395
Wed	20	Peckham Community Council - Planning Bermondsey Community Council - Planning Gamberwell Community Council - Planning		1900 1900 1900					
Thur	21								
Fri	22								
Sat	23								

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
Sun	24								
Mon	25	Group Meetings							
Tue	26		HALF TERM						
Wed	27								
Thur	28								
Fri	29								
Sat	30								
Sun	31								
Nov-10	Mon 1	Camberwell East Area Housing Forum (AGM)		1900			Kevin Skinner	kevin.skinner@southwark.gov.uk	75254748
Tue	2	Planning Committee		1900			Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
		Camberwell West Area Housing Forum		1900			Jean Uzoma	jean.uzoma@southwark.gov.uk	75254747
Wed	3	Council Assembly		1900			Lesley John		
Thur	4	Peckham Community Council		1900					
		Camberwell Community Council		1900					
Fri	5								
Sat	6								
Sun	7								
Mon	8	Rotherhithe Community Council		1900					
		Nunhead and Peckham Rye Community Council		1900					
Tue	9	Corporate Parenting Committee		1300					
		Dulwich Community Council		1900					
		Bermondsey Community Council		1900					
Wed	10	Walworth Community Council		1900					
		Borough and Bankside Community Council		1900					
Thur	11	Heath and Social Care Board		1830			Everton Roberts	everton.roberts@southwark.gov.uk	75257221
Fri	12								
Sat	13								
Sun	14								
Mon	15	Overview & Scrutiny Committee		1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350
Tue	16	Scrutiny Sub-committee 1		1900					
		Planning Committee		1900					
Wed	17	Dulwich Community Council - Planning		1900					
		Walworth Community Council - Planning		1900					
		Nunhead & Peckham Rye Community Council - Planning		1900					
Thur	18	Member Development							
Fri	19								
Sat	20								
Sun	21								
Mon	22	Borough and Bankside Community Council - Planning		1900					
		Rotherhithe Community Council - Planning		1900					
Tue	23	Executive		1900			Everton Roberts	everton.roberts@southwark.gov.uk	75257221
Wed	24	Bermondsey Community Council - Planning		1900					
		Camberwell Community Council - Planning		1900					
		Peckham Community Council - Planning		1900					
Thur	25	Audit and Governance Committee		1900					
Fri	26								
Sat	27								
Sun	28								
Mon	29	Scrutiny Sub-committee 2		1900					
		Scrutiny Sub-committee 3		1900					
Tue	30	Planning Committee		1900			Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
		Scrutiny Sub-committee 4		1900					
Dec-10	Wed 1	Scrutiny Sub-committee 5		1900					

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
Thur	2	Member Development							
Fri	3								
Sat	4								
Sun	5								
Mon	6	Overview & Scrutiny Committee		1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350
Tue	7	Planning Committee (Special - Tbc)		1900			Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
		Peckham Community Council		1900					
		Camdenwell Community Council		1900					
Wed	8	Rotherhithe Community Council		1900					
		Nunhead and Peckham Rye Community Council		1900					
Thur	9	Dulwich Community Council		1900					
		Bermondsey Community Council		1900					
Fri	10								
Sat	11								
Sun	12								
Mon	13	Watworth Community Council		1900					
		Borough and Bankside Community Council		1900					
Tue	14	Executive		1900			Paula Thornton	paula.thornton@southwark.gov.uk	75254395
Wed	15	Dulwich Community Council - Planning		1900					
		Watworth Community Council - Planning		1900					
		Nunhead & Peckham Rye Community Council - Planning		1900					
Thur	16	Borough and Bankside Community Council - Planning		1900					
		Bermondsey Community Council - Planning		1900					
		Camdenwell Community Council - Planning		1900					
Fri	17								
Sat	18								
Sun	19								
Mon	20	Rotherhithe Community Council - Planning		1900					
		Peckham Community Council - Planning		1900					
Tue	21	Planning Committee		1900			Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
Wed	22								
Thur	23								
Fri	24								
Sat	25								
Sun	26								
Mon	27								
Tue	28								
Wed	29	Licensing Sub-Committee (TENS) - Tbc							
Thur	30								
Fri	31								
Jan 11	1								
Sun	2								
Mon	3								
Tue	4								
Wed	5								
Thur	6								
Fri	7								
Sat	8								
Sun	9								
Mon	10	Overview & Scrutiny Committee		1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350
Tue	11	Licensing Committee		1900					
Wed	12	Nunhead & Peckham Rye Community Council - Planning		1900					
		Scrutiny Sub-committee 1		1900					
		Scrutiny Sub-committee 2		1900					
Thur	13	Rotherhithe Community Council - Planning		1900					
		Dulwich Community Council - Planning		1900					

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
		Walworth Community Council - Planning		1900					
Fri	14								
Sat	15								
Sun	16	Liberal Democrat Group							
Mon	17	Labour Group							
		Conservative Group							
Tue	18	Planning Committee		1900					
		Scrutiny Sub-committee 3		1900					
Wed	19	Peckham Community Council - Planning		1900					
		Camberwell Community Council - Planning		1900					
		Borough and Barking Community Council - Planning		1900					
Thur	20	Rotherhithe Community Council		1900					
		Nurhead & Peckham Rye Community Council		1900					
		Bermundsey Community Council - Planning		1900					
Fri	21								
Sat	22								
Sun	23								
Mon	24	Dulwich Community Council		1900					
		Bermundsey Community Council		1900					
		Peckham Community Council		1900					
Tue	25	Executive		1900			Everton Roberts	everton.roberts@southwark.gov.uk	75257221
Wed	26	Council Assembly (Ordinary Meeting)		1900	CC		Lesley John		
Thur	27	Walworth Community Council		1900					
		Borough and Barking Community Council		1900					
Fri	28								
Sat	29								
Sun	30								
Mon	31								
Feb-11	Tue 1	Planning Committee		1900					
		Scrutiny Sub-committee 4		1900					
Wed	2	Scrutiny Sub-committee 5		1900					
		Camberwell Community Council		1900					
Thur	3	Audit and Governance Committee		1900					
Fri	4								
Sat	5								
Sun	6								
Mon	7	Standards Committee		1900					
Tue	8	Overview & Scrutiny Committee		1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350
		Executive		1900			Paula Thornton	paula.thornton@southwark.gov.uk	75254395
Wed	9	Dulwich Community Council - Planning		1900					
		Walworth Community Council - Planning		1900					
Thur	10								
Fri	11								
Sat	12								
Sun	13								
Mon	14	Liberal Democrat Group							
		Labour Group							
		Conservative Group							
Tue	15	Nurhead & Peckham Rye Community Council - Planning		1900					
		Borough and Barking Community Council - Planning		1900					
		Peckham Community Council - Planning		1900					
Wed	16	Corporate Parenting Committee		1300					

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
		Camberwell Community Council - Planning		1900					
		Bermondsey Community Council - Planning		1900					
Thur	17	Rotherhithe Community Council - Planning Heath and Social Care Board		1830					
Fri	18								
Sat	19								
Sun	20								
Mon	21								
Tue	22	Council Assembly (Budget Setting)	HALF TERM	1900	CC		Lesley John		
Wed	23								
Thur	24								
Fri	25								
Sat	26								
Sun	27								
Mon	28								
Mar-11	Tue 1	Planning Committee Scrutiny Sub-committee 1 Constitutional Steering Panel		1900 1900 1900			Lesley John		
Wed	2	Peckham Community Council Camberwell Community Council		1900 1900					
Thur	3	Rotherhithe Community Council Nunhead and Peckham Rye Community Council		1900 1900					
Fri	4								
Sat	5								
Sun	6								
Mon	7	Standards Committee		1900					
Tue	8	Dulwich Community Council Bermondsey Community Council		1900 1900					
Wed	9	Walworth Community Council Borough and Bankside Community Council		1900 1900					
Thur	10	Scrutiny Sub-committee 2 Scrutiny Sub-committee 3							
Fri	11								
Sat	12								
Sun	13								
Mon	14	Overview & Scrutiny Committee		1900 1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350
Tue	15	Borough and Bankside Community Council - Planning Dulwich Community Council - Planning Walworth Community Council - Planning		1900 1900 1900					
Wed	16	Rotherhithe Community Council - Planning Camberwell Community Council - Planning Bermondsey Community Council - Planning		1900 1900 1900					
Thur	17	Licensing Committee Peckham Community Council - Planning Nunhead & Peckham Rye Community Council - Planning		1900 1900 1900					
Fri	18								
Sat	19								
Sun	20								
Mon	21	Scrutiny Sub-committee 4 Scrutiny Sub-committee 5		1900 1900					

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
Tue	22	Planning Committee Executive		1900 1900			Everton Roberts	everton.roberts@southwark.gov.uk	75257221
Wed	23								
Thur	24								
Fri	25								
Sat	26								
Sun	27								
Mon	28	Liberal Democrat Group Labour Group Conservative Group							
Tue	29								
Wed	30	Audit and Governance Committee		1900					
Thur	31								
Apr-11	Fri								
	Sat								
	Sun								
	Mon	Scrutiny Sub-committee 1		1900					
	Tue			1900					
Wed	6	Council Assembly (Ordinary Meeting)		1900	CC		Lesley John		
Thur	7	Walworth Community Council - Planning Rotherhithe Community Council - Planning							
	Fri								
	Sat								
	Sun								
	Mon	Overview & Scrutiny Committee Planning Committee		1900 1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350
	Tue								
Wed	13	Dulwich Community Council - Planning Bermondsey Community Council - Planning Peckham Community Council - Planning	School Break	1900 1900 1900					
Thur	14	Borough and Bankside Community Council - Planning Nunhead & Peckham Rye Community Council - Planning Gamberwell Community Council - Planning		1900 1900 1900					
	Fri								
	Sat								
	Sun								
	Mon	Scrutiny Sub-committee 2 Scrutiny Sub-committee 3							
	Tue								
Wed	19	Executive		1900					
Wed	20	Peckham Community Council Gamberwell Community Council		1900 1900					
Thur	21	Audit and Governance Committee		1900					
Fri	22		GOOD FRIDAY						
Sat	23								
Sun	24								
Mon	25		EASTER MONDAY						
Tue	26	Corporate Parenting Committee Planning Committee		1300 1900					
Wed	27	Rotherhithe Community Council Nunhead and Peckham Rye Community Council		1900 1900					
Thur	28	Dulwich Community Council Bermondsey Community Council		1900 1900					
Fri	29								

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
Sat	30								
May-11 Sun	1								
Mon	2		BANK HOLIDAY						
Tue	3	Walworth Community Council		1900					
		Borough and Bankside Community Council		1900					
Wed	4	Scrutiny Sub-committee 4							
		Scrutiny Sub-committee 5							
Thur	5	Walworth Community Council - Planning		1900					
		Rotherhithe Community Council - Planning		1900					
		Bermondsey Community Council - Planning		1900					
Fri	6								
Sat	7								
Sun	8								
Mon	9	Liberal Democrat Group		1900			Peter Roberts	peter.roberts@southwark.gov.uk	75254350
		Labour Group							
		Conservative Group							
Tue	10	Planning Committee		1900					
		Overview & Scrutiny Committee		1900					
Wed	11	Dulwich Community Council - Planning		1900					
		Borough and Bankside Community Council - Planning		1900					
Thur	12	Gamberwell Community Council - Planning		1900					
		Nunhead & Peckham Rye Community Council - Planning		1900					
		Peckham Community Council - Planning		1900					
Fri	13								
Sat	14								
Sun	15								
Mon	16	Liberal Democrat Group							
		Labour Group							
		Conservative Group							
Tue	17	Executive		1900					
Wed	18	Council Assembly (Annual Meeting)		1900	CC		Lesley John		
Thur	19								
Fri	20								
Sat	21								
Sun	22								
Mon	23								
Tue	24								
Wed	25								
Thur	26								
Fri	27								
Sat	28								
Sun	29								
Mon	30		BANK HOLIDAY						
Tue	31	Planning Committee		1900					
Wed	1		Half Term Break						
Thur	2								
Fri	3								
Sat	4								
Sun	5								
Mon	6								
Tue	7								

Item No. 6.	Classification: Open	Date: 19 May 2010	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Introduction of a Petitions Scheme	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

RECOMMENDATIONS

1. That the council assembly approve the petition scheme attached in Appendix 1
2. That the council assembly approve the constitutional changes attached in Appendix 2
3. That the Strategic Director of Communities, Law & Governance make preparations for the implementation of an e-petitioning facility.

BACKGROUND INFORMATION

4. The Local Democracy Economic Development and Construction Act 2009 ["the Act"] imposes a new statutory petition scheme duty on local authorities to have a scheme for handling petitions which must be approved by Full Council and published on the Council's website.
5. The Act requires local authorities to make, publicise and comply with a scheme for handling petitions (including electronically through their websites). Schemes will set out the requirements for petitions in order for them to be dealt with, including the number of signatures required. Signatures will need to be from people who live, work or study in the authority's area.
6. To come within the scheme, the petition must relate either to a function of the authority or to an improvement in the economic, social or environmental well-being of their area to which any of their partner authorities, such as the NHS could contribute. The scheme should make it clear that planning and licensing decisions are to be excluded, as are matters where there is another appeal (e.g. Council tax banding). However these matters will not be excluded if the petition relates to a systematic failure in service provision.
7. Schemes will also need to set out how the authority will acknowledge the petition and in what time scale. The acknowledgement must give information about what the authority has done or proposes to do in response to the petition. Authorities are required to take steps in response to the petition and to inform the petition organiser and the public about what steps will be taken.
8. The Act indicates a number of steps that councils may consider taking as a result of a petition. These include:
 - giving effect to the request in the petition;

- considering the petition at a meeting of the authority;
 - holding an inquiry;
 - holding a public meeting;
 - commissioning research;
 - giving a written response to the petition organiser setting out the authority's views about the request in the petition;
 - referring the petition to an overview and scrutiny committee of the authority;
 - referring the petition to an overview and scrutiny committee or subcommittee
9. Petitions above a certain size must be debated by the full council, although the proposed scheme will allow the petition organiser to state who they want to receive the petition. These 'local' issues can go to the relevant community council and there is a lower threshold. In addition petitions could be sent to the Executive or to a committee. A petition organiser is able to refer a petition to the council's overview and scrutiny committee if dissatisfied with the process adopted.
10. It will also be possible for a petition to require an officer to be 'called to account' at a meeting of an overview and scrutiny committee or subcommittee.
11. These provisions will come into force as follows:
- **Petition scheme 15th June 2010**
 - **E-petitions 15th December 2010**

KEY ISSUES FOR CONSIDERATION

12. The Act requires local authorities to make, publicise and comply with a scheme for handling petitions (including electronically). The Act requires two types of petition, those which require council assembly to debate and those to call officers to account. However, the proposed scheme gives the petitioner the ability to submit a petition for these and in addition to other decision makers including cabinet and community councils.
13. The maximum number of signatures is 5%; however the recommended scheme sets the limit lower, at approximately 2% for a petition to be debated by council assembly.

Community impact statement

14. The petition scheme will have direct impact on local people as adoption of the scheme will allow local people to bring matters of concern before the council in a wider variety of ways than at present.

Legal implications

15. The Act requires local authorities to make, publicise and comply with a scheme for handling petitions (including electronically). Schemes must set out the requirements for petitions in order for them to be dealt with, including the number of signatures required. Signatures will need to be from people who live, work or study in the authority's area.
16. The Local Authorities (Petitions) (England) Order 2010 specifies the maximum number of signatures that authorities may include in their petition schemes as

being required to trigger a debate of the full council. That figure is 5% of the local population as estimated by the Office of National Statistics. The thresholds in the scheme in Appendix 1 are smaller than this so the requirement is satisfied.

17. Article 1 (1.5) (a) of Southwark's constitution states that any changes to the constitution which can only be approved by council assembly will require the prior consideration of the proposal by the constitutional steering panel.
18. Council assembly may approve any amendment to the constitution where the issue in general has previously been considered by the constitutional steering panel.

Resource implications

19. The budget for 2010-11 was set on 23 February 2010 and any changes to the constitution must be contained within the budget.
20. The constitution is produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. In addition, there will be some additional officer time required to set up the e-petition scheme and to manage any petitions coming through under the scheme. However, it is not anticipated that this will be so extensive as to require additional officer resource. Therefore, it is anticipated that the cost can be contained within existing budgets.

REASONS FOR LATENESS

21. The proposals in the report contain proposed changes to the constitution to implement the petitions scheme. The constitution states that any changes to the constitution which can only be approved by council assembly will require the prior consideration of the proposal by the constitutional steering panel. The statutory guidance was published on 30 March 2010 and there was no constitutional steering panel held between this date and the election.

REASONS FOR URGENCY

22. The provisions relating to petition schemes come into force on 15th June 2010. The scheme must be approved by council assembly by virtue of section 11 (2) of the Act. There is no other meeting before the prescribed date.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark's Constitution.	Southwark Council, 160 Tooley Street, London SE1 2TZ	Lesley John 020 7525 7228
-Petitions Guidance.	Southwark Council, 160 Tooley Street, London SE1 2TZ	Norman Coombe 020 7525 7678

APPENDICES

Appendix No.	Title
Appendix 1	Proposed Petition Scheme
Appendix 2	Proposed Constitutional changes

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Authors	Norman Coombe	
Version	Final	
Dated	13 May 2010	
Key Decision?	No	
Consultation with other officers / directorates / executive member		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Incorporated
Finance Director	Yes	Incorporated
Executive Member	No	No
Date final report sent to Constitutional Team	13 May 2010	

LONDON BOROUGH OF SOUTHWARK PETITION SCHEME

Introduction

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 clear working days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to:-

The Monitoring Officer
Democratic Services,
PO Box 64529
London
SE1P 5LX

A petition can be submitted by a person of any age who lives, works or studies in Southwark.

This scheme allows different categories of petition and each has a different requirement for the number of signatures:

Who can receive a petition

Type of Petition	Threshold (Signatories)	Decision Maker
Petitions to debate	3000	Council Assembly
Petition to hold an officer to give evidence	500	Select Overview & Scrutiny Committee
Petitions to executive	500	Executive
Petitions to community councils (Local issues)	250	Relevant community council
Statutory petition	See appropriate legislation	As directed by legislation

If your petition has received the required number of signatures or more it will be debated by the relevant decision maker, or the officer will be called before the appropriate overview and scrutiny committee or scrutiny subcommittee. If this is so we will let you know whether this will happen at the same meeting or at a later meeting of the council

Petitions can also be presented to some meetings of council assembly, to other council committees and to community councils. The meetings at which petitions can be presented take place four times a year. Dates and times can be found here
[insert link]

If you would like to present your petition to council assembly, or would like your councillor to present it on your behalf, please contact Ian Millichap, Constitutional

Manager on 020 7525 7225 or email constitutional.team@southwark.gov.uk at least 10 clear working days before the meeting and a council officer will talk you through the process.

What is a petition?

Petitions submitted to the council must include:

- A clear and concise statement covering the subject of the petition and on each page of the petition
- It should state what action the petitioners would like the council to take
- State who should debate the petition or name the officer to be called to be held to account
- The name, address and signature of any person supporting the petition.
- “Petitions to debate” must be reported to and debated by council assembly;
- “Petitions to Executive” must be reported to and debated by the executive;
- “Petitions to hold an officer to account” trigger a meeting of an overview and scrutiny committee* or scrutiny subcommittee at which the named officer will report and be questioned on their actions;
- “Petitions to debate by community council” must be reported to and debated by the relevant community council;
- “Statutory petition” is a petition which is covered by another statute, for example requesting a referendum on having an elected mayor or for an allotment.

*Overview & scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council’s decision makers to account.

Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the council’s website. If the petition does not identify a petition organiser, we will contact the first named person on the petition.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

Scope of petitions

Petitions must relate to matters in which the council has powers or duties or which affects Southwark*. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

*A matter affects Southwark where it does not relate to a power or duty but relates to an improvement in the economic, social or environmental well-being of Southwark to which any of our local partner could contribute. So if your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners [link to list of LAA partners] and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible here [insert link].

If the petition applies to any of the following matters the monitoring officer may reject it:

- a planning or licensing application,
- a statutory petition (for example requesting a referendum on having an elected mayor),
- a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.

Further information on all these procedures and how you can express your views is available here [insert links]

We will not take action on any petition, which we consider falls outside the scope for petitions and will explain the reasons for this in our acknowledgement of the petition.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Calling senior officers to account

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 500 signatures, the relevant senior officer will give evidence at a public meeting of the council's overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found here [insert link]. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting the relevant scrutiny committee officer up to three clear working days before the meeting.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 clear working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a debate at the council meeting you have requested, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive the details of all petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal data will be removed).

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition
- Considering the petition at a council assembly meeting
- Considering the petition at a meeting of the executive
- Considering the petition at a community council meeting if requested
- Holding an inquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Holding a consultation
- Holding a meeting with petitioners
- Writing to the petition organiser setting out our views about the request in the petition
- referring the petition for consideration by the council's overview & scrutiny committee
- writing to the petition organiser setting out our views about the request in the petition

Process at the meeting

If a petition contains the required number of signatures, and you have requested that it is debated by a particular body such as council assembly or a community council; the issue raised in the petition will be discussed at a meeting which relevant councillors can attend. The council will endeavour to consider the petition at the next available meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

At the meeting the petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.

The councillors will decide how to respond to the petition at this meeting. They may decide to

- take the action the petition requests,
- not to take the action requested for reasons put forward in the debate, or
- to commission further investigation into the matter, for example by a relevant committee.

Where the issue is one on which the council executive are required to make the final decision, the councillors will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council's executive and arranging for the matter to be considered at a meeting of the council assembly.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

CONSTITUTIONAL CHANGES ON PETITIONS

Changes to the constitution are shown as follows:

- Additions (shown as underlined);
- Deletions (shown with a ~~striketrough~~).

Council Assembly Procedure Rule

Amend existing clause:

2.4 PETITIONS TO COUNCIL ASSEMBLY

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public or councillors ~~Members of the council~~ will be entitled to present petitions with 3,000 or more signatures to the Mayor at each council assembly meeting except the annual meeting or the council tax setting meeting.

Deadline

2. The petition ~~Members in receipt of petitions~~ must be submitted to inform the monitoring officer ~~of their intention to lodge a petition~~ at least 10 ~~one~~ clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.

Scope

3. Petitions must relate to matters in which the council has powers or duties or which affects Southwark. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

Procedure at meeting

4. The Mayor will call on the spokesperson ~~members~~ to present petitions in the order in which they were notified to the monitoring officer.
5. The spokesperson ~~member~~ presenting the petition may speak for up to five ~~three~~ minutes on the subject matter and number of signatories contained within the petition. Council assembly will ~~not~~ debate the petition for a period of up to 15 minutes. Council assembly may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer 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.
6. The time during which petitions shall be considered shall not exceed 40 minutes.

7. The processes and procedures are set out in the council's petition scheme.

Committee Procedure Rule

Insert new clause:

PETITIONS TO COMMITTEES

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public will be entitled to present petitions with 500 or more signatures to the chair at each committee meeting.

Deadline

2. The petition must be submitted to the monitoring officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.

Scope

3. Petitions must relate to matters in which the committee has powers or duties or which affects Southwark. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

Procedure at meeting

4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the monitoring officer.
5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The committee will debate the petition for a period of up to 15 minutes. The committee may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer 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.
6. The time during which petitions shall be considered shall not exceed 40 minutes.
7. The processes and procedures are set out in the council's petition scheme.

Community Council Procedure Rule

Insert new clause:

PETITIONS TO COMMUNITY COUNCILS

This rule cannot be suspended.

Which meetings consider petitions?

8. Members of the public will be entitled to present petitions with 250 or more signatures to the chair at community council meetings.

Deadline

9. The petition must be submitted to the monitoring officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.

Scope

10. Petitions must relate to matters in which the community council has powers or duties or which affects the area of the community council. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

Procedure at meeting

11. The chair will call on the spokesperson to present petitions in the order in which they were notified to the monitoring officer.
12. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The community council will debate the petition for a period of up to 15 minutes. The community council may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer 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.
13. The time during which petitions shall be considered shall not exceed 40 minutes.
14. The processes and procedures are set out in the council's petition scheme.

Executive Procedure Rule

Insert new clause:

PETITIONS TO EXECUTIVE

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public will be entitled to present petitions with 500 or more signatures to the chair at each meeting.

Deadline

2. The petition must be submitted to the monitoring officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.

Scope

3. Petitions must relate to matters in which the council has powers or duties or which affects Southwark. Petitions shall not concern approval or

otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

Procedure at meeting

4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the monitoring officer.
5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The executive will debate the petition for a period of up to 15 minutes. The executive may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer 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.
6. The time during which petitions shall be considered shall not exceed 40 minutes.
7. The processes and procedures are set out in the council's petition scheme.

Overview and Scrutiny Procedure Rule

Amend existing rule 17:

17. Members and officers giving account

17.1 Overview and scrutiny committee or a sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. In fulfilling the scrutiny role, a committee may require any member of the executive, the head of paid service and/or any senior officer to attend before it to explain, in relation to matters within their remit:

- a) any particular decision or series of decisions
- b) the extent to which the actions taken implement council policy
- c) their performance.

and it is the duty of those persons to attend if so required.

17.2 In response to the receipt of a petition (with 500 or more signatures) requesting that an officer be held to account at a meeting of an overview and scrutiny committee or sub-committee, a meeting may require a named officer to report and be questioned on their actions (as set out in the council's petition scheme). It is the duty of those persons to attend if so required.

17.3 Where any member or officer is required to attend a scrutiny committee/sub-committee under this provision, the chair of the committee/sub-committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least five clear working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on

which he/she is required to attend to give account, the specific area of inquiry and whether any papers are required to be produced for the committee/sub-committee.

- 17.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the proper officer in consultation with the committee/sub-committee and the member or officer shall arrange an alternative date for attendance.

**COUNCIL ASSEMBLY AGENDA DISTRIBUTION LIST (OPEN)
(SUPPLEMENTAL AGENDA)
MUNICIPAL YEAR 2010-11**

NOTE: Original held by Constitutional Team; all amendments/queries to
Lesley John Tel: 020 7525 7228/7236

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