

# Council Assembly

Wednesday 20 October 2010

7.00 pm

Town Hall, Peckham Road, London SE5 8UB

## Supplemental Agenda No.2

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Date: 15 October 2010

# Agenda Item 6.1

<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 20 October 2010	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Report of Stage 1 of the Democracy Commission	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## RECOMMENDATIONS

1. That Council Assembly notes the report of the Democracy Commission.
2. That Council Assembly notes the report of the cabinet.
3. That Council Assembly agrees the recommendations of the Democracy Commission.
4. That Council Assembly tasks the cabinet with producing an implementation plan that fully considers the resource implications of the commissions recommendations

## BACKGROUND INFORMATION

5. The Council Assembly at its meeting on 19 May 2010 agreed that the cabinet be tasked with establishing a democracy commission with the following aims:
  - To consider the avenues of democratic engagement with the council for local residents.
  - Specifically to fully review how council assembly can be changed to increase democratic engagement with local people.
6. On 15 June 2010 the cabinet agreed to establish a democracy commission with the following key recommendations :
  - Consider changes to the council's constitution to make the council's democratic functions more open and engaging.
  - Be focused and task-based to increase its ability to deliver recommendations for substantive change and so that it can be delivered within existing budgets.
  - That the first task should be to consider reforms to Council Assembly,
7. After considering the evidence the main areas that the commission has made recommendations on are:
  - The content and format of council assembly meetings to ensure that they are more relevant to residents concerns; more clearly demonstrate the council's

community leadership role and strengthen the role of members and residents in holding the Administration to account.

- The establishment of a Council Assembly Business Panel to improve how agendas are planned.
  - How the residents, the community and members can more easily bring topical issues to assembly meetings by making it easier to bring deputations and petitions and through strengthening links with community councils.
  - The concept of themed meetings and debates to inform plans, priorities and strategies at an early stage.
  - Plans to involve the community and residents in themed debate by holding early discussions in community councils and other fora prior to council assembly.
  - Making better use of new technology and established communication channels, including local media, to engage and communicate with residents and illicit opinion and questions on debates held at Council Assembly on themes and plans.
  - Improving how outcomes of debates and decisions at council assembly are communicated to residents and other stakeholders.
  - The location and timing of meetings.
8. Cabinet on 19 October 2010 is due to consider the report of the Democracy Commission. The cabinet is invited to agree the recommendations of the Democracy Commission set out at appendix 4 of this report. The decision of cabinet will be reported to council assembly.

## **KEY ISSUES FOR CONSIDERATION**

### **Policy implications**

9. A number of constitutional changes may arise from these recommendations and will require changes to the council's constitution which will need to be considered by the Constitutional Steering Panel and agreed by council assembly. The key changes proposed are set out in appendix 4: *Democracy Commission recommendations*. Appendix 3 *The Legal Framework* and paragraphs 26 – 34 note the legal advice and constitutional implications of agreeing the recommendations of the commission.
10. A key part of the recommendations are that the council assembly adopts themed debate and that there is public engagement prior to the assembly meeting in a variety of fora on these themes. Themed debates will be related to plans, strategies and policies that the council is developing (or refreshing existing one) and will be chosen to ensure that the council would find feedback, engagement and debate particularly useful. Engagement and debate would be led by the relevant cabinet member. The principles for choosing themed debate are set out under paragraph 8 of the democracy commission recommendations attached in appendix 4.

## Community impact statement

11. The work of the democracy commission has received significant feedback from the community which was engaged with the aim of increasing public involvement with the council and enhancing the community leadership role of the council. The work of the commission has included extensive public consultation and involvement as detailed in paragraph 16 of this report.
12. The commission carried out specific work to consider the different access and equality needs across the six strands of the council's equality agenda: age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Officers contacted members of the LGBT Forum, the Multi-faith Forum and BME groups to invite members to participate to in focus groups, complete questionnaires and attend events. At the conference there were focused cafe conversations seeking the communities views on 'involving older people'; 'increasing access for disabled people' & 'involving new & BME communities'. The Chairs of the Disability and Pensioners Forum were invited to attend and help facilitate these conversations. Each strand of the consultation work was monitored to measure which equality groups participated most in each engagement activity to help interpret the result, inform further work and gap analysis.
13. There will be an Equality Impact Statement carried out on the proposed recommendations, as well as the impact of keeping the status quo - with specific reference to the present council assembly venue and facilities.

## Resource implications

14. Officers will need to report back on resource implications once recommendations have been agreed by the Council Assembly. Some of the recommendations will be able to be implemented within existing resources; for example some of the constitutional changes; for others it is apparent the resource issue will be complex - officer time, changeable venues and significant Communications involvement. As noted below under paragraph 38 (reasons for lateness) this report informs the Office Accommodation Strategy. The resource impacts of ensuring appropriate provision of council meeting spaces will be considered holistically in this report.

## Consultation

15. The Commission started its work on 6 July with a meeting of commission members. This was followed by six meetings open to the public.
16. Alongside formal meetings and conferences the commission and supporting staff have:
  - Published information on the council website ([www.southwark.gov.uk/democracy](http://www.southwark.gov.uk/democracy)) and encouraged people to fill out an online questionnaire.
  - Sent information by post and email to around 2,000 people that invited them to complete a paper questionnaire.
  - Analyzed the 262 questionnaires returned.
  - Held two focus groups with members of the public on Council Assembly. Members of the public viewed the 14 July Assembly meeting and then gave their comments on how public participation could be improved via two recorded discussions and written questionnaires.
  - Conducted a questionnaire with Members and held two focus groups with

Members in August.

- Held a focus group with community leaders from the voluntary sector.
- Recorded vox pops of the public out and about in Southwark. Around 100 voices of elected members, residents, and community leaders have been recorded so far (including recorded focus groups).
- Held a conference attended by around 120 people with speakers from the Young Foundation and Birmingham University, a panel discussion, workshops and 'cafe conversations'.

17. Residents and the community will receive a copy of the final report.
18. The cabinet member for equalities and community engagement, Councillor Abdul Mohamed, made the following comments in the cabinet report:
19. "I believe the state of democracy in our borough has been getting increasingly stale and ineffective from a combination of changes by the previous administration and general sidelining of the full council meetings as decision making body by the Local Government Act 2000.
20. "We pledged to set up a democracy commission to make a change and invigorate the state and relevance of the council for local people.
21. "We start from this pledge of bringing the council closer to its residents, making it more accountable to them and more connected with their concerns. This report which has been the culmination of several months work by the democracy commission outlines the recommendations as proposed unanimously by the commission. These recommendations if implemented as proposed will bring the council closer to this aim.
22. "The cabinet would require that the council receives maximum benefit from the expenditure on Council Assembly by having better and effective debates and better decision making on behalf of the citizens of our borough. And these proposals have these objectives as an aim which will be subject to review on their effectiveness once implemented.
23. "The cabinet is also concerned that these changes are as cost effective as possible, and therefore I recommend that an implementation plan and recourses implications are brought to a future cabinet meeting for consideration.
24. "This report recommends that the officers working on the current accommodation strategy explore suitable alternative venues for housing Council Assembly through out the borough and report these back to cabinet with costing for all alternatives including the current council chamber.
25. "These proposals are far reaching and move us closer to our goal of having more participation and relevance to local people's concerns."

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance**

26. The Local Government Act 1972 ('the 1972 Act') established the system whereby councillors directed the business of a local authority through the council itself and through committees and sub-committees. The Local Government Act 2000 ('the

2000 Act') significantly changed how a principal authority conducts its business by requiring (with a small number of exceptions) all such authorities to adopt "executive arrangements" in one of three forms:

- Mayor and Cabinet Executive
- Leader and Cabinet Executive
- Mayor and Cabinet Manager (no longer an option)

In conjunction with local government executives the 2000 Act also established Overview and Scrutiny Committees ('OSC') which provide a check on the role of the executive.

27. The Local Government and Public Involvement in Health Act 2007 made further changes to "executive arrangements" with the move to the Strong Leader Model. This is the model which Southwark currently has in place whereby the Leader appoints the members of the executive (Cabinet) and allocates decision-making powers to the Cabinet and individual Cabinet Members.
28. Part II of the 2000 Act provides for the discharge of a local authority's functions by an executive of the authority, unless those functions are specified as functions that are not to be the responsibility of the authority's executive. Under section 13 (3) of the 2000 Act the Secretary of State was empowered to make provision for those functions that are not to be the responsibility of the authority's executive. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ('the 2000 Regulations') were the detailed regulations made under section 13 and they divide functions into three categories:
  - Functions which are not to be the responsibility of an authority's executive (i.e. functions which the executive can not exercise). These functions are for the most part exercised either by council assembly or one of the regulatory committees such as the planning and licensing committees.
  - Functions which may be the responsibility of an authority's executive (i.e. functions which can, but do not need to be exercised by it).
  - Functions which are not to be the sole responsibility of an authority's executive (i.e. functions which may be exercised by the executive subject to the limitations set out in the regulations).
29. Section 13(2) of the 2000 Act makes it clear that any function which is not specified in the regulations (which are the majority of functions) are the responsibility of the executive.
30. The effect of both the 2000 Act and the 2000 Regulations is that the majority of functions are the responsibility of the Cabinet and those functions can not be devolved to Council Assembly. This means that Council Assembly cannot make decisions on "executive functions" (such as housing, social services, regeneration, environment and education). Only the Leader, or the Cabinet, a member of the Cabinet, a community council or an officer exercising delegated authority from the Leader can take these decisions. If Council Assembly considers an "executive function" any decision it takes must be referred as a recommendation to the Cabinet. Equally the legislative provisions mean that certain decisions (e.g. setting the level of council tax) must be taken by council assembly. Any recommendations by the Democracy Commission in relation to changes in the decision making body for a particular decision/function must comply with the requirements in the 2000 Act and 2000 Regulations and the Commission has been provided with

appropriate advice. A plain English version of this advice is attached as Appendix 3 to this report: The Legal Framework. This document is an extract and summary of advice given to the commission during the course of its deliberations.

31. The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework. The policy framework will include the approval of strategies as defined in the constitution, like the corporate plan and the development plan documents. These are set out in part 3A, paragraph 9 of the constitution. Any additional plans, policies or strategies to be considered by council assembly would require an amendment to the relevant parts of the constitution and would have to comply with the 2000 Act and 2000 Regulations.
32. Changes to the petition threshold, increasing the number of deputations and the establishment of a Council Assembly Business Panel ('CABP') will require amendments to the council's petition scheme as well as the council assembly procedure rules and Part 3 of the Constitution respectively. With regard to recommendations 4.2 and 4.3 members are reminded that if OSC or the CABP recommend that additional plans, policies or strategies be considered by Council Assembly as part of the policy framework this will require a constitutional amendment which will first need to be considered by the Constitutional Steering Panel ('CSP') as confirmed below.
33. It will need to be ensured that the proposed relaxation of recording/reporting of Council Assembly proceedings complies with the requirements set out in section 100A of the 1972 Act which states:

*100A. — Admission to meetings of principal councils.*

*(7) Nothing in this section shall require a principal council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.*

This raises the issue of how and to what extent the Mayor will give consent to the recording/reporting of proceedings as well as whether the consent of members of the public who speak at council assembly ought to be sought. A full legal briefing on the implications will need to be provided once proposals have been finalised.

34. CSP is comprised of the political group whips of each party represented on the council together with one further nominated member of the administration. Part 30 of the constitution sets out the functions of the CSP as follows:
  1. To oversee, review and recommend amendments to the constitution.
  2. To make recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Alderman.
  3. To recommend changes to the members' allowances scheme.

Any such recommendations must be referred to council assembly for consideration.

In the circumstances all Democracy Commission recommendations which require an amendment to the constitution will need to be overseen and reviewed by CSP. In

addition any subsequent recommendation made by CSP must then be referred to council assembly for consideration.

### **Finance Director**

35. This report presents a number of recommendations for changes to the functioning of the Council Assembly and how the public interact with the decision-making body. Several proposed options have resource implications which have yet to be quantified so prior to such options being agreed a full evaluation process will be required, particularly relating to the locations and the timings of meetings.
36. This evaluation process should be performed within the context of the council's overall budgetary situation and paragraph 14 notes the need to present a report to Cabinet on these specific resourcing issues. This future report should form the basis for any decision-making where additional resources are required.

### **REASONS FOR URGENCY**

37. It was not possible to circulate this report five clear days in advance of the meeting. The decision cannot wait until the next meeting of cabinet due to take place on 2 November. The cabinet is due to consider a report on the councils' future accommodation strategy in November and this item will need to be informed by decisions made by the democracy commission that have a bearing on future accommodation requirements.

### **REASONS FOR LATENESS**

38. The last meeting of the commission could not take place until 8 October 2010 and followed an extremely tight deadline, assimilating evidence from a variety of external sources meaning that it has not been possible to circulate this report five clear days in advance of the meeting.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Cabinet report and minutes	Tooley Street, London SE1 2TZ	Paula Thornton 020 7525 4395
Democracy Commission reports and agenda	Tooley Street, London SE1 2TZ	Julie Timbrell 020 7525 0514

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Terms of reference of the Democracy Commission
Appendix 2	Southwark Democracy Commission draft report: considering the evidence.
Appendix 3	The Legal Framework
Appendix 4	Democracy Commission Recommendations



**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Stephen Douglass, Head of Community Engagement	
<b>Version</b>	Final	
<b>Dated</b>	14 October 2010	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		14 October 2010

## APPENDIX 1

### **Democracy Commission introduction and terms of reference**

Southwark Council has set up a **Democracy Commission**, with the aim of bringing the council closer to its residents, making it more accountable to them and more connected with their concerns.

For its first task the Democracy Commission will look at the **Council Assembly**. This is a public meeting of all 63 elected councillors sitting on the council, and is chaired by the Mayor of Southwark. It meets seven times a year in The Council Chamber, Southwark Town Hall, Peckham Road, to debate local issues and make decisions.

Members of the public can attend in the public gallery, make deputations, present petitions and ask questions.

The Democracy Commission will look at what works well at these meetings and what the Council needs to keep. It will also explore better ways for the Council Assembly to operate and new ways for the community to take part. It will seek to make it easier for the public to get their views heard, raise concerns and hold councillors to account.

The Commission consists of 7 Councillors representing all three political groups; Labour, Liberal Democrats and Conservative. The Commission will involve residents, community leaders, academics & council officers; conducting questionnaires, holding public meetings, focus groups, and arranging events to gather peoples' views. Alongside this the commission will look at good practice by other councils and public bodies and take evidence from experts.

Once it has completed its consultations it will produce a report and make recommendations to the October 2010 Council Assembly. It will then move onto the second stage of the Commission.

### **Terms of Reference for the Democracy Commission**

#### **1. Aims**

The aim of the Democracy Commission is to bring the Council closer to its residents, make it more accountable to them and more connected with their concerns.

#### **2. Membership**

The Commission consists of 7 Councillors representing all 3 political groups : 4 Labour members, 2 Liberal Democrats and 1 Conservative member

### **3. First task and approach**

It will review why, how, when and where the Council has its full meetings (Council Assembly) and ways of making these meetings more open and accessible to residents.

Powers and attributes that are necessary for the proper functioning of the Council Assembly, legally required, valued by Councillors or have potential to attract more public interest in the meetings will be preserved.

The Commission will consider the formal legal and constitutional framework currently in place as well as any proposed changes to local government arrangements.

The Commission will also explore informal engagement activities that will complement the formal Council Assembly meeting

### **4. Ways of working**

It will operate in a way that models good community engagement by involving members of the public and members of the Council Assembly as effectively as possible.

The Commission will involve residents, community leaders, academics, experts and other people who are active in Southwark, such as business leaders who have a stake in the Borough.

Evidence will include public and expert opinion as well as examples of approaches and activities that have successfully increased public engagement with Southwark Council or with the equivalent meetings of other authorities .

The Commission will make recommendations based on evidence collected by its members and presented at its hearings.

All the reports and recommendations the Commission produces will be in Plain English and easily accessible.

### **5. Reporting**

The Commission will produce a description of the current situation and historical context, a statement of what should be kept and what should be changed.

The Commission will be able to recommend changes to the rules set out in its constitution as well as changes to the way it operates more generally.

The Commission will produce a report with recommendations for the October Council assembly meeting

The Commission will carry out an initial review of its first task as soon as it is completed and will suggest how to assess its impact in the longer term.

## **6. Further work**

Once this first stage has been completed the Commission will review how it has been set up and make recommendations for carrying out further work as it moves into the second stage of the Democracy Commission.

Supporting officers will ensure that evidence and findings that have a broader or different focus than the Council Assembly are fed into the design of subsequent stages of the Commission's work

## APPENDIX 2

### **Southwark Democracy Commission draft report: considering the evidence.**

#### **Prologue**

This report presents a summary of the evidence gathered by the Commission, together with the ideas and suggestions that those that have given evidence have put forward.

The reports purpose is to enable the Democracy Commission to review the evidence and consider appropriate recommendations to achieve the aims and objectives of the Commission. It is for the Democracy Commission to ultimately decide these.

The report does not contain legal and finance concurrents. Officer advice will be provided on any recommendations that the Democracy Commission adopts.

#### **Introduction**

Southwark Council has set up a **Democracy Commission** with the aim of bringing the council closer to its residents, making it more accountable to them and more connected with their concerns.

The Democracy Commission has chosen the Council Assembly as its first task to remodel and improve participation because it is the Council's main public meeting where all the 63 local elected Councillors come together 7 times a year to debate local issues and make decisions. Presently the public can attend in the public gallery, make deputations and ask questions.

The Commission's mission is to look at what works well and what the Council needs to keep, while exploring better ways for the Council Assembly to communicate and new ways for the community to participate. The aim is to seek to make it easier for the public to get their views heard, raise concerns and hold councillors to account. The Commission is spending around 6 months reviewing the Council Assembly and this report gathers together the evidence and discusses recommendations for improvements.

The Democracy Commission consists of 7 Councillors representing all 3 political groups that is 4 Labour members, 2 Liberal Democrats and 1 Conservative member:

Councilor Abdul Mohamed (Chair)  
Councillor Anood Al-Samerai  
Councillor Columba Blango,

Councillor Mark Glover  
Councillor Helen Morrissey,  
Councillor Michael Mitchell  
Councillor Cleo Soanes

The Commission involved residents, community leaders, academics & council officers; conducting questionnaires, holding public meetings, focus groups, and arranging a conference to gather people's views. Alongside this the commission looked at reports produced by other councils on improving Council Assembly and took evidence from experts and the community.

This report will go to Cabinet and then Council Assembly on the 19 & 20 October respectively.

## **Methodology**

The Commission started its formal work on 12 July 2010 and held its second meeting on 5 August 2010, which was open to the public. One further commission meeting was held on 7 September and the last one will be on 23 September.

Alongside formal meetings and conferences the Commission and supporting staff have:

- Put information on the website ([www.southwark.gov.uk/democracy](http://www.southwark.gov.uk/democracy)) including encouraging people to fill out an online questionnaire.
- Sent information by post and email to around 2,000 people that invited them to complete a questionnaire. 262 were returned.
- Held two focus groups with members of the public on Council Assembly. Members of the public viewed the 14 July Assembly meeting and then gave their comments on how public participation could be improved via two recorded discussions and written questionnaires.
- Conducted a questionnaire with Members and held two focus groups with Members in August.
- Held a focus group with community leaders from the voluntary sector.
- Recorded vox pops of the public out and about in Southwark. Around 100 voices of elected members, residents, and community leaders have been recorded so far (including recorded focus groups).
- Held a conference attended by around 120 people with speakers from the Young Foundation and Birmingham University, a panel discussion, workshops and 'cafe conversations'.

## **PURPOSE**

### **The need for a shared purpose?**

The first consideration for the Democracy Commission is what the purpose of the Council Assembly is. Members have noted that for the assembly to bring members and the public together there should be common understanding of what the meeting is for that will be engaging and useful for both elected members, the community and public.

Members of the focus groups called for a clear purpose and assembly "brand" to be communicated that was attractive to the public.

Questionnaire respondents asked for a purpose, aim and objectives.

It has been proposed that Council Assembly has three principal purposes. Firstly, to take those decisions which are currently reserved to Council Assembly only. Secondly, for the Administration to be held to account by the opposition and back-bench councillors, and thirdly, to demonstrate to the public that the council is a democratically accountable body which discusses issues of relevance to them. There seems to be satisfaction that the Assembly achieves its first aim and suggestions that further consideration needs to be given to improving the second aim. However it has been strongly suggested that the Assembly in its current format does not demonstrate that we are an accountable body to the wider public. There is a lack of public engagement and involvement with Council Assembly which needs to be urgently addressed.

Other reports on Council Assembly have started with identifying a purpose and aim for their Assembly : for example Bath and North East Somerset review of their Full Council decided the Council officially recognize its three roles

- a) Considering and deciding on policy
- b) Monitoring actions taken by the Executive [Cabinet] on behalf of the Council; as well as their ongoing performance
- c) Demonstrating community leadership [the report decided to particularly strengthen this role]

## **THE LEGAL FRAMEWORK**

### The local Government Act 2000

The Local Government Act 2000 ('the Act') radically changed the nature of government by introducing the system of a powerful Cabinet with a statutory remit that means it takes the majority of decisions. Further amendments by the Local Government and Public Involvement in Health Act 2007 extended these powers; it is now the Leader who appoints the Cabinet and decides who makes executive decisions.

The Act abolished the old committee system which formally brought elected members of both the ruling party (or coalition) and opposition parties together. These Committees would then bring reports to full Council Assembly for agreement.

The new Act introduced a Cabinet of up to ten members and also established arrangements for Overview and Scrutiny. Scrutiny committees involve backbench members from all parties and their role is to hold the Cabinet to account and contribute to policy making. (Southwark has a 'parent' overview and scrutiny committee and five sub committees covering set policy areas). Scrutiny reports to Cabinet which has to consider its recommendation, but does not have to adopt them.

This fundamentally changed the role of the Assembly from a body taking decisions on executive functions to one that sets an overall policy framework that the cabinet and wider executive works within. The Assembly decision making powers given to it under the Act are now, principally, to set the policy framework within which the Leader & Cabinet act and agree the budget. The Assembly also retains overall responsibility for non-executive matters (essentially regulatory activities covered by Committees such as the Planning Committee, Licensing Committee and Standards Committee), appoints members to committees, elects the Mayor, ratifies the appointment of the Leader and Cabinet, and agrees changes to the constitution

#### The impact of change

The changes the Act introduced have led many local authorities to look again at full council (in Southwark full council is called 'Council Assembly'). These reports have not usually focused on public participation so much as considering the role of Council Assembly, particularly for backbench councillors who are not members of Cabinet. National research has indicated that many non – cabinet members feel disengaged from the full council. ('The Role of Members and of the Full Council' scrutiny report, Birmingham City Council 2005)

#### Opportunities for variation under the Act.

The Act does allow Cabinet to delegate additional roles and functions to other bodies, including Council Assembly. As noted below, in practice what can be delegated to the Assembly is limited by the legislation which prevents the Cabinet from delegating executive functions to the Council Assembly. For Council Assembly this is restricted to such matters as plans and strategies which could be added to the policy framework and therefore become its responsibility. It is possible to recommend Council Assembly debate and make *recommendations* that would ultimately go to the Cabinet (or in some cases the Leader) for decision or it could recommend the assembly both debate and make *decisions* on a wider range of plans and strategies.

The Act also gave provision for decisions to be devolved down to a local level and Southwark introduced local based decision making bodies; which evolved into the Community Councils several years ago. It is possible for further executive functions to be delegated down to Community Councils, while taking into account the need for good governance.



The Commission has considered the Act, as well as local rules as laid out in Southwark's Constitution. The constitution can be changed by members and the Commission's terms of references allow it to make recommendations for change.

All recommendations need to consider the need for good governance including how to best strike a balance between the need for effective and timely decision making and the benefits of wider consultation by both more members and the wider public.

These are some of the principles that underpin Cabinet decision making:

- Efficiency – in that a small cabinet can act quickly;
- Transparency – the Cabinet arrangements enable the public to ascertain from the outset who is making decisions; and
- Accountability – the Cabinet can be judged by whether it has implemented the policies on which it was elected.

This is what Council Assembly has to do by law

- Appoint the Mayor
- Receive the Leader's report on the delegation of executive functions at the annual meeting
- Establish committees and appoint chairs and vice chairs, except chair of standards committee
- Agree the constitution
- Agree the budget and sets the council tax
- Agree the Policy Framework plans and strategies, most of these are statutory requirements ( see below for details)
- Agree licensing and gambling statements of policy
- Confirm appointment of head of paid service i.e. chief executive
- Make, amend, revoke, re-enact or adopt by-laws or oppose making local legislation
- Adopt the local authority's code of conduct
- Agree members' allowances scheme
- Confer title of Honorary Alderman or Freedom of the Borough
- Agree any application to the Secretary of State in respect of any housing land transfer
- To consider petitions submitted under the Council's petition scheme
- Take decisions in respect of functions which are the responsibility of the cabinet which are not in accordance with the policy framework or budget agreed by council assembly
- Take decisions in respect of functions which are not the responsibility of the executive and which have not been delegated by council assembly to committees, community councils, sub-committees or officers

These are the policy framework documents it has to receive:

The 'policy framework' means the following plans and strategies

- Children and young persons plan
- Corporate plan
- Development plan documents (which form part of the development plan framework)
- Policy on community councils
- Sustainable community strategy
- Treasury management strategy (including prudential borrowing arrangements)
- Youth justice plan

Council Assembly is also responsible for agreeing the following policies:

- Licensing statement
- Gambling statement

This is what the council assembly does but could decide to change:

- Receive reports for decisions and information from Cabinet
- Provide an opportunity councilors to ask questions to Cabinet (members' questions)
  - holds cabinet to account
  - A significant opportunity for the Opposition to get information
  - Maximum of 30 minutes allowed
- Debate members' motions:
  - Motions can be made on any subject for which the council has powers or duties or that affects Southwark
  - Principal means for members to raise issues
  - Generally 45 minutes to 1 hour per meeting dedicated to debating motions
  - While it would be in order for council assembly to discuss a motion, if agreed the issue must be referred to the cabinet if it relates to consideration of any of the following:
    - to change or develop a new or existing policy
    - to instruct officers to implement new procedures
    - To allocate resources.
- Takes public questions
  - Anyone who lives or is a business ratepayer in the borough can ask a question
  - On average 1 question per meeting or less

- Questions can be on any subject for which the council has powers or duties or that affects Southwark
- Maximum of 15 minutes allowed
- Questions often directed to Cabinet if there is not a council assembly meeting due
- Local issues raised at community councils

#### This is what the Council Assembly cannot do

Council assembly cannot make decisions on executive functions (e.g. on housing, social services, regeneration, environment, education etc) – only the Cabinet or a member of the executive or community council exercising delegated authority from the cabinet or an officer can take these decisions. If Council Assembly agrees on something that is an “executive function” the decision has to be referred as a recommendation to Cabinet.

#### These are plans and strategies the cabinet has responsibility for and it could ask the Assembly to decide or debate

This list includes some of the plans and strategies that are currently the responsibility of the cabinet. These include:

- Asset management plan
- Employment strategy
- Enterprise strategy
- Food law enforcement plan
- Green travel plan
- Housing investment programme
- Housing renewal policy
- Housing strategy
- Local area agreement (LAA)
- Medium term resources strategy (including the housing revenue account)
- Renewal areas strategies
- Road safety plan
- Schemes for financing schools
- Special education needs action plan
- Statement of community involvement
- Supplementary planning documents
- Waste strategy
- Youth strategy.

#### Community Councils

The Act enabled functions to be discharged by an area committee. An area committee is defined as a ‘committee or sub-committee of the authority’. Area committees have to meet certain conditions

In Southwark ‘area committees’ are known as community councils. At present decisions on the following have been delegated in part to community councils;

- local planning applications,
- the cleaner, greener, safer capital programme,
- the community fund programme,
- traffic management,
- appointment of local education authority governors to local nursery and primary schools
- and community project banks.

Community councils therefore take decisions which affect a relatively small area and the Cabinet could delegate more executive functions to Community Councils.

## **PLANNED CHANGES TO LOCAL GOVERNMENT**

The new government's Decentralisation and Localism Bill plans to 'free local government from central and regional control' and give 'councils a general power of competence'. Details on these proposals are sketchy at time of writing; however it could mean that many of the plans and strategies in the present policy framework that the Assembly has to decide would no longer be a statutory duty. There is little doubt that the Corporate plan would remain as this is tied to the budget, but others may become a matter of local choice. The current timetable for the Bill is for it to be published towards the end of 2010 and for it to be passed by November 2011 after the Democracy Commission reports.

The Government also plans to give Council the right to use the Committee system once again, 'return decision-making powers on housing and planning to local councils' and allow local people to instigate a referendum on local issues, including council tax rises.

The Government also proposed to 'new powers to help save local facilities and services threatened with closure, and give communities the right to bid to take over local state-run services'.

## **SUMMARY OF PUBLIC EVIDENCE ON COUNCIL ASSEMBLY**

The Commission asked around twenty residents to attend the Council Assembly meeting on 14 July and then held two focus groups to get people's views and asked participants to fill in a questionnaire. 262 people also filled in an online questionnaire or postal questionnaire. Around 80 local people gave oral evidence via 'vox pops' and extended interviews.

### **Public knowledge and perception of Council Assembly**

#### **Survey respondents**

Public knowledge of local democracy is very variable and some people have little understanding of local democracy and the existing options for getting involved while

others are fully conversant. The Commission attempted to particularly engage active citizens but to also gather a cross-section of views from people who had little or no knowledge of local democracy via vox pops and invitations to participate in focus groups. The Commission also attempted to ensure that it heard from a representative sample of Southwark residents.

Respondents to the questionnaires do not represent 'average' local people as people were directed to the questionnaire through targeted promotion to active citizens who attend community councils or other council engagement structures; traffic via articles on Southwark website and through articles in local and national press coverage. Therefore they would be expected to have a higher than average knowledge and participation in local democracy and this is borne out by the statistic; over 70 % had attended a local community groups meeting and nearly 60 % attended a Community Council. Nevertheless 29 % did not know that Council Assembly existed and only 15.9% had a good understanding of its work (this is despite 28% attending a Council Assembly meeting). An overwhelming majority, 90% agreed or agreed strongly, with the statement we should do more to promote Council Assembly.

Knowledge on the current ways of getting involved in Council Assembly via attending a meeting, formally asking a question, presenting a petition or making a deputation varied, but most people wanted more information. Most survey respondents didn't know if the Assembly format worked well. A large majority of respondents said they would consider attending an Assembly meeting in the future; 85%. This demonstrates a high level of interest in the sample in being more informed and involved.

### **Focus groups who attended Council assembly on 14 July 2010**

#### Understanding and interest in the Assembly meeting

This varied according to their understanding and interest in the issues being debated and their ability to tolerate the barriers to engagement.

Many people found the meeting difficult because the paperwork was unavailable or difficult to navigate, the language unfamiliar and there was no explanation of how the assembly worked or anybody on hand to help. When they started to understand more what was going on it became easier – for example the names of speakers flashing up and the countdown in the Assembly Council Chamber.

One of the biggest barriers was the layout of the room; people could not see most of the backbench councillors when they spoke. The layout of the gallery and pillars obstructed the view and the focus groups complained that not being able to work out who was speaking or read the body language was a big barrier. They were also concerned about excluding wheelchair users or other people with disabilities. The prominence of the mayor, clerk and chief executive in huge chairs was also questioned. Many participants sent a clear message that the current layout of the council chamber is not conducive to greater public engagement.

*We left after half an hour. We couldn't see what was going on. Our attention started going downhill.*

### Content and subject of debates

On the whole the debate on Elephant and Castle regeneration elicited the most positive responses; participants often knew something about the plans and some were directly affected and they appreciated hearing the breadth and depth of debate and the impact on local people's lives.

*"I liked hearing the debate and the arguments from both sides. I really liked getting that rich perspective rather than just reading about it in Southwark News."*

The discussion on budget elicited the least favorable responses; particularly because it tended to focused on national politics:

*"The bit about Elephant & Castle was interesting because we know about the regeneration stuff. Apart from that ... was it about finance or something? "*

*"I thought it was just a replication of national party politics, with people just taking their party position rather than focusing on the issues that might affect people."*

The Democracy Commission debate where members voted collectively to support the motions supporting the work of the Commission was welcomed as it was perceived as a rare moment where members came together.

### Style of debate

Members of both focus group discussed the style of debate at length; both the perception that decisions had already been taken; 'pre ordained' and the staged nature of the debate. The other big issues for both focus groups was how differing views were expressed and the political nature of the debates

*Everybody wanted to say how good they were. And wanted to ridicule the other instead of being constructive and thinking about the people, not their jobs. They were just thinking about spinning and this is what I saw really. I really didn't see dialogue.*

The focus group members drew a distinction between debate and what they perceived as 'politicking'.

*I think there's a difference between conflict and point-scoring. We can argue with each other here but I don't think we need to score cheap points and I'm afraid that's what a lot of councillors are trying to do. And so much time is wasted*

Members of the focus group, particularly those who know individual members noted that outside of this arena local politicians often behave very differently:

*But I wonder how much of that is really following the party line, because outside that room, in their own communities, they will engender change because they are genuinely passionate about their communities. There is a little bit of a performance going on. Behind the scenes they will work together.*

On the whole the members of the focus group wanted to see more genuine debate and dialogue, a greater focus on teamwork and a sense that the Assembly was working for good of the wider community.

#### Participative democracy

Members of the focus groups also noted that their perception was they were only there to watch and couldn't get involved and voice their own opinions. One resident commented 'if I wanted to participate, I couldn't. So there was no democracy. There was no outlet for the population.' Another commented: 'I think it's important to make clear what the purpose of the assembly is. Because if it's about informing people and you can't speak, then that would be alright if I'm told that beforehand.'

#### **Suggestions for change from focus groups & survey respondents' open text responses**

There was a call for a clear purpose that is well communicated. One of the focus group participants called for something that will galvanise people to be participants in their community, to challenge and debate, and become stakeholders. It was noted how much potential for community dialogue there was at Council Assembly. Members of the focus groups suggested a brand such as 'meeting point'. Respondents to the questionnaire called for a clear aim and objectives.

Respondents to the survey and vox pops emphasised that public involvement has to make a difference. Councillors and officers must be open to change. Feedback and follow up to participants is very important, even if this is explaining why something can't be done.

It was suggested that Community Councils could be used to gather issues of concern. These could be taken by the Community Council to the Assembly if the issue needs a borough wide or full council response. It would empower councillors to know they were coming with the support of their constituents.

Some respondents felt that themed meetings on issues such as housing, schools and transport could be more relevant and appealing to local residents and the community but we have to make sure this leads to practical changes.

It was suggested that residents should be allowed to ask cabinet members questions.

Some focus group members proposed that Southwark hold a big event with a panel of politicians and organise it so it brings people together on a more equal footing and where residents have the ability to speak. People wanted more informal participative meetings as well as opportunities for people to mingle and socialise

Other suggestions that were supported by the group were:

Make council surgeries more interesting and community based.

Move the Assembly around the Borough and the change the times of Assembly meetings.

Broadcast Assembly meetings online or on radio with information in local traditional news outlets, and local online community websites; with reminder alerts.

Hold online debates.

Have online and participative voting.

Support deputations; if they can make a difference. Treat deputees with respect and ensure that feedback is given.

### **SUMMARY OF ELECTED MEMBERS EVIDENCE ON COUNCIL ASSEMBLY.**

Members were asked to fill out a questionnaire post assembly meeting on 14 July and to attend two focus groups. Each of the political groups gave evidence and Commission members deliberated at meetings.

#### More understanding of local councillors' role

Members expressed the view that there is a need to improve local knowledge of democracy: many people don't know what councilors do and that they are accountable for local services. There is a need for clear information about local structures, the role of councillors and how people can get involved; Southwark life could be used.

#### Improve the practical support at meetings

The paperwork available in the gallery should be more helpful. Basically it's a random number of whatever agenda, minutes, and questions etc left out on a table which is very hard to follow. Perhaps a simple leaflet explaining procedure, format and order would be good. A listing of councillors by name, party and responsibility would help. It would also be good if a member of constitutional staff could be in the gallery as people arrive to explain the paperwork and the process.

Council language and papers should be in plain English as far as possible.

Tickets for gallery are given out at 7pm meaning it is a rush and people miss the beginning of the meeting - they should be given out 10 minutes before.



### More decision making powers or influence on final decision

Many members identified the need for the Assembly debates to have more impact. It was commonly noted that many of the policies and strategies that members do take decisions on have gone through months, sometimes years of input and decision taking and at that point its often too late to open it up to serious change through debate; in effect the Assembly is often ratifying strategies that have been largely agreed. In some cases where policies are required to go to Council Assembly, for example the Core Strategy or the Children and Young People's Plan the statutory consultation rules limit member input. Doing more of this will not necessarily be very engaging for the public. Another issue is that following the Local Government Act of 2000 most decision making is now taken by Cabinet.

There were broadly two main suggestions for achieving an Assembly with more impact in relation to its decision-making function; the first is to restore some decision making powers to Council Assembly and the second is that the Cabinet take major reports to Council Assembly for debate before taking a decision. Reports would come for deliberation, debate and recommendations which would then go to Cabinet for final decision.

#### *Option one:*

Support for devolving decision making to the Assembly focus on the perception that an Assembly with real power will attract great engagement. Reservations expressed on the first options include restrictions from doing so under current legislation. It has been noted that the new Decentralisation & Localism Bill is due and also been suggested that representations could be made to central government on this issue. Another reservation is that moving decisions to Assembly could impact on good governance and the advantages of efficiency, accountability and transparency that Cabinet decision making give.

#### *Option two:*

Support for the second option focus on the benefits of a wider group informing decisions, and that an early debate could inform later decision making, so that the Assembly would not be debating a fait accompli, but be involved early enough to influence the final plan that would later be decided by either the Assembly or Cabinet or the Leader. The points made in debate would be recorded and motions making certain recommendations could be put to the floor and voted on, although it was noted that this would present very serious logistical challenges in making sure that the consensus of the meeting was reflected, particularly if the requirement for all amendments to be presented in paper form before the meeting was abandoned. This option does not necessarily provide for any greater engagement with residents, unless they are given some form of speaking rights. If the debates were on the basis of papers circulated beforehand, it would be similar to the process of considering some planning documents, which already come to Council at an earlier stage Consideration could be given to the notion that these pre decision debates would not necessarily be whipped and encouraging motions from backbenchers who might appeal across political groupings. Examples given for possible early debates were a pre-budget discussion in the meeting prior to the Assembly that agrees the budget; something similar on Housing and the

Capital Programme coming to the Assembly for debate in autumn to garner the views of all councilors. The Assembly could have impact through the quality of debate, at a time when it could still influence decisions, and the weight of recommendations potentially coming from 63 councilors. Against this is the risk of there being confusion as to what it was in fact deciding.

#### Motions, questions and political debate

Members expressed the view that much of the council assembly meeting is devoted to motions which are very political and often used to boost the morale of the member or their political group rather than devoted to debating local issues. Therefore Council Assemblies can become show cases for members' motions and this might not be very engaging for the public

It was suggested that time given to more participative democracy may be more constructive.

It was noted that the presence of the public at Community Council had a positive influence on members and reduced excessive politicking. However members commented that many local issues were not so 'political' but there may be some real ideological differences at a Borough wide level. The Commission should consider whether Community Councils are a more appropriate forum for some of the public engagement on policies and strategies.

Members suggested limiting petitions and motions to issues over which the council has control rather than just debating national or international issues.

It was suggested that Assembly retain or give more time for members' questions (1 hour instead of 30 minutes) with the possibility for 2 supplemental questions. Or we could have half an hour of public questions from the gallery.

Allow more urgent questions to the Leader from members so that more topical issues can be discussed.

Should there be a system for members written questions and answers and a separate ballot mechanism for asking oral questions similar to the Parliamentary approach, with the Leader of the Opposition permitted two follow-up questions?

Publicise public question time more widely (maybe push via CCs) and actively invite community groups/TRA/residents to come and ask questions. Particularly residents who aren't getting satisfaction through other council channels

#### Holding the Assembly in a more accessible location or improving the current one

Members identified problems with the gallery space; including they often can't see the public and the public have complained they can't see all the members.

Suggestions for improvement included introducing screens in the space downstairs so the public can see all the members, but it was noted this would not solve the problem of members seeing the audience. Moving the meeting around the Borough to different locations; this would also have the potential advantage of reaching different audiences. Sourcing a single new location (such as the GLA, Unicorn Theatre; one of the Schools or a council building) and holding meetings there would have the advantage of the public always knowing where the meeting would be held. Members suggested that Community Council experience is considered to weigh up the benefits of moving around or having a set venue. Some reservations were expressed over moving out of the Town Hall and the potential loss of a "Town Hall" civic identity and also the costs and feasibility of moving around the Borough. Remodeling the existing Town Hall was briefly suggested but dismissed as far too expensive. Building a New Town Hall was alluded to as a possibility in the longer term

#### Changing the times of meetings

Members thought this should be explored.

#### Web-broadcasting

This was a popular proposition with many members.

#### Changing the debating rules

It was proposed that Assembly considering changing the procedural rules so more spontaneous debate can take place, akin to parliamentary debate.

#### Order of proceedings

Place statutory reports and constitutional items at end of meetings to make sure the early part of the meeting is focused on the parts which the public find most interesting.

#### Adoption of themes

It was noted that the budget meeting is a themed meeting; other suggested themes include housing. A youth themed meeting with Southwark Youth Council was proposed and it was suggested letting them have a role in agenda setting. Other suggestions for themes included theming around Cabinet portfolios. Themed meetings could gather peoples' views and these could go to Scrutiny or cabinet or somewhere else for action or policy development.

#### Members proposed two types of Assembly meeting; formal and informal

Workshops and other participatory meeting formats were thought particularly suitable for themed meeting; but unsuitable for formal decision making.

Introducing participatory budgeting

This was suggested as an exciting idea worthy of further exploration

Lower the threshold for petitions

All groups suggested lowering the threshold and the Lib Dems proposed 500 as much more sensible than the current rules of 3000. A threshold of 100 was put forward for a ward issue.

Make it easier for groups to bring deputations.

Many members thought the assembly had lost the voice of the community when restrictions on petitions were introduced; formally meeting would have three or four petitions. Others thought that deputation had been used for 'political' or mischievous purposes. Most members welcome some relaxing of the rules. It was suggested that we consider allowing residents to present and ask questions of the cabinet members and Leader. It was noted that deputations need to be given sufficient time and it is important that we ensure that the issues raised are followed through by Cabinet member/scrutiny etc. It was proposed that the cabinet member be given responsibility for feeding back. There might need to be a process to consider deputations before coming to Assembly.

Involve the community, voluntary sector and business sectorBring scrutiny reports to Assembly

Assembly would then have an opportunity to debate and endorse, or reject, recommendations that would then go to the cabinet or Leader to agree and implement

**MEETING VENUE AND FORMAT – practical issues**

There are a number of suggestions for improving administrative support to the public which seems to have the support of everybody (early entrance to the town hall gallery, more paperwork, all paperwork online shortly after the meeting, Plain English where possible, a guide to the meeting and members roles, the support of a clerk etc)

The present meeting Assembly meeting space is far from ideal and there is consensus that this venue needs to change if we want to increase participative democracy. The gallery is very small, the sightlines are poor, the public cannot see many of the members and disabled people are ill catered for. Furthermore elected members and the public are physically removed and the layout emphasis hierarchies which appear outmoded. The seating arrangements with the political groups facing opposite each other encourage a confrontational approach which can be very off putting to the public.

It should be noted that some aspects of the Town hall do work well; specifically the sound system and acoustics. It also has a civic identity, although that has somewhat

diminished with the move to Tooley Street. Many residents see this as the new 'Town hall'.

Given the identified barriers to participation the Commission could recommend the present Council Assembly chamber is not fit for purpose and a new more suitable venue/s is found.

It could also request that the following options are considered as solutions or it could identify preferred options from the below (or think of others):

1) Introduce screens in the space downstairs so the public can see all the members (but this would not solve the problem of members seeing the audience or wheelchair users or the layout)

2) Moving the meeting around the Borough to different locations; this would also have the potential advantage of reaching different audiences and was a very popular option in the questionnaire .Would need some feasibility to work to identify venues which are large enough with sufficient access

3) Sourcing a new location (such as the GLA, Unicorn Theatre; one of the Schools or a council building) and holding meetings there; this would have the advantage of the public always knowing where the meeting would be held and would be the easiest to administer

*Some reservations were expressed over options 2 and 3 and the potential loss of a "Town Hall" civic identity and also the costs associated with option 2 in particular*

4) Remodeling the existing Town Hall (costs in the tens of millions would likely make this prohibitive).

5) Building a new Town Hall - in the longer term

## **COMMUNICATION**

There are several things that could be done relatively easily to improve communication of the assembly debates, some that might be relatively easily achieved ( but there would be resource implications) and others that might need more investigation as they might incur significant cost so there would be a need to decide if it was good value.

### Engaging with the Media

Suggestions include:

There used to be a briefing given to the media prior to the meeting by senior officers and cabinet members to give a background to the report and discussion. Other political groups could also give briefing on their view point. If this was reinstated there would need to be a clear distinction between officers role (focused on information) and

politicians (more focused on opinion and values). Updates, briefings and alerts could go out to all media and local online community websites

Prompt reporting of resolutions and decisions would be very helpful as it is often unclear to the audience what has been decided (this might be done through early release of a decision sheet)

Publishing all documents online before the meeting or swiftly after so media outlets have all the documentation at hand.

It is likely these options would increase the depth of reporting on the issues as media outlets would have a more thorough understanding of complexity of the issues, a clearer understanding of any political differences and clarity on decisions.

### Audio and radio broadcasts

The Council could consider relaxing the rules so media outlets could record audio. This could then be broadcast as audio clips by media outlets such as online forums to supplement other written material. This may well be more engaging.

The Council may also be able to record its own audio via the sound system fairly cheaply and this could be released as a podcast on the council website. Members and officers would need to manage the risks; however many assemblies and parliaments do broadcast routinely so there are precedents.

Radio may also be a possibility and there are local radio stations who might be interested in putting together a community radio programme featuring the Assembly with recorded audio and possibly debates and discussions.

### Facilitating twitter and other social networking coverage

Wireless access in the gallery would enable journalists, including "citizen journalists", to tweet and post online. This is a low cost approach that makes use of the success of social media that is seen in Southwark in the popularity of some of the local online forums in engaging with relatively large numbers of citizens.

### Using Southwark platforms and networks

An explanation of Council Assembly could appear in Southwark media (Southwark Life and on the web) including dates announced in advance, summaries of meeting and calls for questions. Updates, briefing and summaries and alerts could go out to community networks (Southwark Life, TRAs, Forums, social media sites, newspapers)

Text/Facebook/twitter /Assembly newsletter updates and invites could go to those residents signed up to Southwark platforms or there could be an option to join a specific list.

Targeted promotion for specific debates – i.e. regeneration of a particular area would lead to invitations to local groups and people; a debate on Housing would target TRAs etc.

#### Webcasting and TV broadcast

This is a popular idea but could incur more significant costs. These would need to be established and then a decision made on value for money. Community television organizations would be interested in this, but would need funds.

### **WHO SHOULD WE ENGAGE AT MEETING and WHAT ROLES SHOULD THEY PLAY**

Throughout the gathering of evidence the public, elected members and officers have from time to time considered the difference between residents, community leaders, elected members and officers' roles and responsibilities.

Many residents have said they want to get involved but some have said they don't feel qualified to make decisions. Most Members want to increase public involvement but note, whatever democracy's shortcomings; they have been elected to take decisions. Most participants have agreed that is a need to find the right balance between 'participative' and 'representative' democracy.

Community Councils have seemed to have adopted the practice of the public and community participating in debate but members taking decisions. The Commission might want to consider if this is a principle it wants to adopt for the Assembly.

It might also want to think about the role of community leaders who might have a recognized role in their community and often have a mandate from their constituent groups; for example elected members of Youth Council or the Chair of an older people's group. What roles might they have? Suggestions have included the Youth Council helping to set the agenda and co hosting a themed meeting on young people. Some of these constituent groups have robust process for electing representatives and large constituent groups, others less so. Thought would also need to be given to how widely representative these groups are and any additional support that might need to be put in place to ensure we don't hear only the voices of those who are already actively engaged.

There is also the role of community leaders from the voluntary sector who provide service; for example the settlements, youth clubs, older people activities etc. Many Full Councils have sought to actively involve these stakeholders in their deliberations and debates. Many Southwark stakeholders are already involved through the Southwark's Local Strategic Partnership structure.

Lastly there is the business community who were least engaged throughout the evidence gathering but is an important constituency that, again, other Assemblies have sought to involve. The government is proposing to introduce more provision for outside

bodies to run statutory services. There has been debate nationally about increasing the role of cooperative and mutuals where citizens have a greater role in running services they use. Lambeth has a Cooperative Commission and the coalition government has endorsed these developments nationwide and is seeking to promote them further.

The assembly must also seek to ensure it successfully brings together members in all their different roles; cabinet, scrutiny, community council, committee members etc.

## **WHAT should the Assembly hold debates so local people can get involved and Members can make better decisions?**

### **Content of meetings**

If the Assembly wishes to increase participation it will need free up space on the agenda or devote more time to assembly meetings; or both. Members and the public have also emphasized the need to make meeting more attractive to the public by increasing the impact its debates have on decision or by taking more decisions.

The public and members have advocated increasing opportunities for the public to bring issues to the meetings; either directly on behalf of community councils, endorsing a 'bottom up' approach.

Members and residents have identified the importance of an arena for debate that relate to local concerns that the public can identify with; regeneration schemes; housing, transport etc.

Many residents want a voice at meetings; either via their community council representative, online or at the meeting and they want less formal opportunities to engage. The three most popular suggestions for improving meetings were firstly to involve residents in the debates at meetings, secondly meet in different places around the borough, and thirdly to involve residents in debates online. Participation is highly valued.

### **Opportunities for freeing up agenda time**

Suggestions for freeing time have centred on spending less time on motions that are to do with national politics and concentrate on more on quality debates on issues of local concern at a time when it can make a difference.

Changes to local government obligations may mean it will not need to debate as many plans and strategies so the Commission might consider this an opportunity. However these plans and strategies make up the policy framework that it is one of the assembly's key roles to agree. They were also conceived to give an overarching structure to the cabinet decision making process. If these go will the Assembly lose another role? Or could it devise a new way to develop plans which are more engaging to local residents? Or concentrate on quality debates to inform plans and policies developed elsewhere?



**A bottom up approach**

Suggestions included:

Make it easier to bring deputations

Lower the threshold for petitions.

Empower community councils to gather issues of concern and bring items to Assembly which it cannot resolve at a local level and which would benefit from a Borough wide or full council response.

Greater use could be made of Community Councils and other Forums to help shape impending policy/budget decisions. The Leader of the Council and Cabinet have already started to visit Community Councils and community forums to discuss the impending budget cuts. He has also already stated that he would like to have some discussion in the Council Assembly on emerging budget issues prior to firm decisions having to be taken in January/February 2011. There may be potential for this Assembly discussion to be informed by issues coming through from the Community Councils and community forums. This principle of Community Councils & Forums being used as an early sounding board, and elected members taking the lead in gathering views, for later policy/budget decision, could then be developed further.

**Question time**

Increase the opportunities for asking questions and giving residents a voice by:

- i) enabling the public to post questions and comments online;
- ii) promoting the present opportunities for asking questions at the meeting.

**Debate scrutiny reports at Assembly and make recommendations**

Overview and Scrutiny is the opportunity for non-executive Councillors (i.e. all but the maximum of 10 in the Cabinet) to look at issues in some detail and make recommendations for improvements/changes. Scrutiny reports could come to the Council Assembly for debate and endorsement of the recommendations made. This would enhance scrutiny's role in shaping policy formulation. When a report has been prepared, together with partners, or particular community groups/interests (e.g. young people) those people should also have the opportunity to contribute to the debate. The intention would be both to raise the profile of the issue examined and to give those people who have contributed to the review the opportunity to express their views. Recommendations for action would still invariably lie with the Cabinet/Cabinet Member to take forward; the endorsement of the Council Assembly should be seen as providing the endorsement and commitment of the whole Council to take the matters forward. The implementation of the recommendations could then also be tracked with the Council Assembly being advised of any non-compliance

However it would probably be best for there to be a sifting process; not all scrutiny reports are that engaging and sometimes they can be very short pieces to respond to particular issues. A formulaic obligation to send all report to full councils could result in most reports being sent to the end of agenda or given little time. Therefore thought needs to be given to deciding which reports go; perhaps on the recommendation of OSC?

### **Green papers / pre debates on important decisions and policies**

Considering Policy/Budget Issues at "Green Paper" Stage.

"Green Papers" in Whitehall terms are consultation documents and the question for the Commission is therefore whether a full council debate is the best forum for consultation. The advantage of introducing this would be to enable discussion on emerging issues prior to final decisions having to be taken. A frequent criticism of the Local Government Act 2000 is that while it was intended to provide more transparency and accountability on who takes decisions, quite often it has worked in the opposite direction with only a few Members really involved in decision taking. However the size of the Council Assembly and the difficulty of recording clear decisions may make this proposal difficult to achieve. It may be that smaller committees such as the Scrutiny Committees combined with the existing mechanisms for consultation and community engagement on policy formulation would be a more effective forum for this purpose. Taking scrutiny reports to Council Assembly could also achieve this role.

Furthermore it might want to link the green papers proposal to outreach work with Community Councils and other meeting such as community forums and committees such as scrutiny; either by asking the same questions or by developing ideas based on outreach work so that the green paper is based on developing ideas and already resonates with residents.

If this approach was adopted considerable further thought would need to be given to how it would work in practice and what the resource and legal limitations could be as well as to the issues of what plans and policies would come to the Assembly and who would decide. The Cabinet? OSC? A set number of members? The public? Community Councils? An agenda planning committee? A combination of these?

### **Themed meetings**

Proposals for themed meeting encompass a variety of different ideas including an annual 'state of the Borough' debate and specific proposals for themed meeting in partnership with the Youth Council on young people. Other popular suggestions for themes include housing, transport, and issues of relevance to older people. Themed meeting overlap with the concept of green papers; for example pre decision debate on the budget could also be conceived as a themed meeting.

### **State of the Borough debate**

This is a popular proposal from the public and members alike. It could potentially also bring together other stake holders and build on similar events Southwark has historically

held, but with more public engagement. Proposal for its format include an 'annual report' by the Leader with an opportunity for public questioning of both the leader and other cabinet members. Suggestions have included involving local MPs as well as cabinet members. This could be complemented by other activities that bring elected representatives together with constituents and other stakeholders to exchange views and debate borough wide issues. Residents have emphasized the importance of hearing views, more opportunities for less formal debate and the importance of time to meet and mingle.

### **Thematic debates**

If the Commission wanted to recommend holding themed meeting it would need to think about how these would be chosen and then how these meetings would go on to influence the council's decision making process. Residents will expect outcomes. Themed meetings could relate to the council's plans, strategies and policies and help inform them and /or hold Members to account for the delivery of plan and strategies. Another suggestion from the Member focus group was to hold themed meetings and then ask cabinet, scrutiny, a community council or some other body (Community Action Southwark etc) to deliberate and come up with detailed recommendations for action.

Themed meeting would be a significant change from current arrangements and could be resource intensive. It would be advisable to consider the costs and value of this approach carefully and undertake some small pilots to test out early ideas. Thematic meeting would also throw up challenges for recording information, prioritising issues and making recommendations, and these issues would need to be carefully thought through. They are likely to need significant community engagement support to support.

These are some of the options for structuring thematic debates:

#### Plans and strategies

Themes could be chosen that relate to existing plans and strategies; for example the Children's and Young People Plan; the Green Travel Plan; the Housing strategy. However this may tricky as some plans are agreed years in advance, others may no longer have a statutory obligation to be published so Members would need to actively endorse their continuation.

#### Arranging them around cabinet portfolios

Cabinet members could be invited to meeting to present annual reports on their work and take questions from members and possibly the public. This could compliment the questioning that already takes place in scrutiny and has the added advantage of strengthening the role of the Assembly in holding the cabinet to account.

### Thematic groups

Themes could be chosen that fit around existing thematic groups for example the Local Strategic partnership thematic groups; Community Action Southwark thematic partnership groups; the five policy areas that Scrutiny covers.

### Constituent groups

It could identify constituent groups it particularly wants to engage with and groups it wants to work in partnership with, for example young people and the Youth Council.

### Combining the above

There is potentially overlap between many of these groupings; Young people have been proposed as a theme for an Assembly meeting plan in conjunction with the Youth Councils. There is a cabinet lead for children's services. The LSP has a children's and young people thematic group (Southwark Children's and Families Trust) and this is mirrored in a CAS thematic group 'Southwark Children, Young People and Families'. Scrutiny has a 'Children's services and education' committee. There is also a plan that underpins the work of the Children's Trust; the Children's and Young People Plan. This is a plan that the Youth Council has done a deputation on and has indicated that they are keen to continue monitoring its implementation.

Similarly there is an Independence and Wellbeing LSP thematic and that has two strategies that underpin it; the Health Improvement Strategy 2007-2012 and the Independent and Wellbeing for Life Strategy 2006-10. There is also CAS's 'Independence and wellbeing' groups. The Independence and wellbeing strategy was developed in partnership with Southwark Pensioners Forum and they undertook much of the involvement work, producing this at the same time as the Pensioners Manifesto (which they brought as a deputation to assembly). Pensioners' representatives sit on a steering group and monitor and assist with the Independence and Wellbeing plans implementation. This steering group is chaired by the cabinet lead for Adult health and social care.

There is some overlap for other themes; the LSP has a thematic partnership for both Housing and a Safer Southwark Partnership. These areas are covered by one Scrutiny committee and CAS has a thematic group; 'Southwark Space', which focuses on issues relating to the environment, housing, regeneration and safety.

### Freeing up space for topical and relevant issues

Alternatively the Commission could decide to leave the agenda free to respond to topical and relevant issues and devise some mechanism to do this; for example an Assembly agenda setting task group with representation.

### Agenda planning and meeting management

Improving agenda planning for the Council Assembly could bring significant benefits. In some authorities this is achieved through a small committee others have some input into the agenda from scrutiny committees. Similarly thematic debates would need advance planning to engage residents and stakeholders and ensure that the debates and deliberations were taken forward. They would be events that would likely work best as participative events that would inform policy and where meeting would identify key items for more detailed work to be done by other bodies; such as Scrutiny, thematic partnership groups, Cabinet etc. These bodies could then come back to Assembly or to other bodies (partnership groups) with proposals for final decisions making by more formal means; cabinet leader individual decision, Assembly approving the strategy etc.

### Outcomes

Thematic meetings such as these could be part of a process whereby residents are empowered to contribute to debates and participate in decision making. It would potentially bring together different constituent groups and a wider group of residents, some of whom would continue to be involved in developing policy and implementing services.

The alignment of thematic meeting with plans would enable there to be a level of accountability. If residents and elected members have the opportunity to ensure that these plans reflect the views of residents and that they are being implemented then there is more chance of concrete outcomes that residents will value and can be traced back to assembly meetings.

### **Engaging people in the Assembly's debates and decisions; different meeting formats.**

Members in focus groups were keen to draw a distinction between the formal business of the Assembly and the potential for more participative and informal debates. The Assembly has important responsibilities as detailed earlier and these need a formal structure. The Assembly would have very serious responsibilities in the event of a political crisis – for example a significant number of members crossing the floor to a different party – and would need to exhibit a very high standard of debate and decision making.

A number of members suggested promoting a more of a parliamentary style debate in the Chamber, (by allowing interjections) and the Mayor having a role in cutting short debates going no where (or which are becoming less relevant to local people) and prolonging interesting debates.

Members suggested that less structured meetings could be appropriate for more deliberative or participative meetings which did not have the same formal decision making responsibilities.

It is possible to conceive of meetings in different ways where they are most structured for formal decision making and least structured for informal discussions. Different meeting formats could be appropriate for different purposes.

- Formal debate and decision making - usual formal council assembly procedures but rules could be simplified or made more akin to parliamentary debate
- Deliberative debates leading to recommendations - but held in the same way as normal council assembly with motions prepared in advance. A record of debate and recommendations would go forward for decision making to Cabinet/Leader/later Assembly. The public could ask questions under the normal rules. These may be most suitable for pre decision debates/ green papers. There are significant practical issues with this approach that are noted above that may mean there are other forums that are better suited to this function for example scrutiny committees.
- More participative meetings using techniques such as workshops involving members and the public held under the auspices of Council Assembly but not taking 'decisions' could be used to inform policy making by other bodies. The issue here is how would the view of the majority be identified and taken forward. These could only ever be seen as one part wider public engagement.

Alongside this evidence has pointed to

- Conference style debates which might combine some of the above styles
- Online debates. A summary could be recorded and which could then feed into workshops or be used to directly make recommendations for further policy development work. Or the public could pose questions (in advance) for the Chamber to answer.

Members of the public put a high value on both participating in debates; both at the meeting and online (72% and 52 % respectively)

Other Local Authorities have recommended holding green paper style debates in committee style meetings

Participative meetings would be much more analogous to Community Council meetings and would be a major departure from present arrangements. The Commission would need to think carefully about how it records discussion and where it takes it. For people to be involved they would have to feel that their contribution had been recognised and understand what was done with it. It would be difficult for officers to record the decisions of more than a small group of people: for example Community Councils involve a wider group or residents in deliberations but decisions are taken by a smaller group of elected members, which are then recorded. Workshops in these formats are usually recorded as summaries that inform later decision making.

The Commission may want to think of how it could use other media to both formally and more informally record meetings to compliment the written record – for example vox pops, podcasts, webcasting, radio debates.

The Commission may want to consider how the political nature of assembly might be approached in different formats. For example political groups may want to whip very formal decision making meeting, but consider not whipping deliberative or participative debates.

## **OTHER ISSUES**

### **Devolved decision making**

The “Cleaner, Greener and Safer” agenda has demonstrated how the Cabinet has managed delegated decisions to Community Councils. From comments made at the Conference workshop these are, for local residents, the most worthwhile meetings to attend. The possibility of further delegation; from either Cabinet or Assembly could also be explored. Greater participatory budgeting at a local level could also be considered.

### **Returning to the Committee system**

A small number of respondents have suggested reverting to the Committee structure and ending Cabinet and scrutiny set up

### **Timing of meeting**

The public has suggested meeting at different times – for example day time meetings are better for older people – later meetings better for working people

## **ENABLING PARTICIPATION**

Evidence from the Active Citizens Hub following the workshop emphasised that *“the public are consistently more interested in the outcomes of their interactions with authorities, and the way these have left them feeling, than in particular mechanisms. Improving these interactions, feeding back outcomes to the public in appropriate ways...and linking this to ongoing involvement in decision making process will be vital. Feedback is very important to people.”*

### **Improving access**

There are also particular issues that need to be considered if different communities are going to be able to more easily access meetings; meetings during the daytime are preferred by older people, disabled people need accessible information and venues; young people are unlikely to be engaged in by very formal dry meetings; plain English is better for everybody, particularly for people who English is not the mother tongue.

### Community engagement

Building trust and maintaining relationships is very important in engagement work. We need to think about the support we put in place to enable residents to get involved. This is particularly important if we want to involve excluded and marginalized communities. Community engagement workers have an important role in facilitating conversations between residents and authorities.

### Community capacity to influence

There is a lack of understanding by the general public of how the local authority functions, the role of councillors and officers and the framework they operate within. Training for active citizens is very important; individuals require training to enable them to be effective and influential in local decision making; mentoring by councillors; citizenship training in schools and the community; and the Youth Council all have a role to play. The active citizen's hub uses a 'Voice' tool for community agencies and active citizens to measure their influence

### How open to being influenced are Councillors and officers of the Councils

It was noted by some witnesses that not all councillors or officers are adept at community engagement attitudes and techniques. In order for participation to be effective it requires officers and councillors to give up some power and allow them to be influenced; and to see the value in this. The Active Citizen Hub has an 'Echoes' tool for statutory agencies to examine how open they are to community influence.



## APPENDIX 3

### THE LEGAL FRAMEWORK

#### The local Government Act 2000

The Local Government Act 2000 ('the Act') radically changed the nature of government by introducing the system of a powerful Cabinet with a statutory remit that means it takes the majority of decisions. Further amendments by the Local Government and Public Involvement in Health Act 2007 extended these powers; it is now the Leader who appoints the Cabinet and decides who makes executive decisions.

The Act abolished the old committee system which formally brought elected members of both the ruling party (or coalition) and opposition parties together. These Committees would then bring reports to full Council Assembly for agreement.

The new Act introduced a Cabinet of up to ten members and also established arrangements for Overview and Scrutiny. Scrutiny committees involve backbench members from all parties and their role is to hold the Cabinet to account and contribute to policy making. (Southwark has a 'parent' overview and scrutiny committee and five sub committees covering set policy areas). Scrutiny reports to Cabinet which has to consider its recommendation, but does not have to adopt them.

This fundamentally changed the role of the Assembly from a body taking decisions on executive functions to one that sets an overall policy framework that the cabinet and wider executive works within. The Assembly decision making powers given to it under the Act are now, principally, to set the policy framework within which the Leader & Cabinet act and agree the budget. The Assembly also retains overall responsibility for non-executive matters (essentially regulatory activities covered by Committees such as the Planning Committee, Licensing Committee and Standards Committee), appoints members to committees, elects the Mayor, ratifies the appointment of the Leader and Cabinet, and agrees changes to the constitution.

#### The impact of change

The changes the Act introduced have led many local authorities to look again at full council (in Southwark full council is called 'Council Assembly'). These reports have not usually focused on public participation so much as considering the role of Council Assembly, particularly for backbench councillors who are not members of Cabinet. National research has indicated that many non – cabinet members feel disengaged from the full council. ('The Role of Members and of the Full Council' scrutiny report, Birmingham City Council 2005)

#### Opportunities for variation under the Act.

The Act does allow Cabinet to delegate additional roles and functions to other bodies, including Council Assembly. As noted below, in practice what can be delegated to the Assembly is limited by the legislation which prevents the Cabinet from delegating

executive functions to the Council Assembly. For Council Assembly this is restricted to such matters as plans and strategies which could be added to the policy framework and therefore become its responsibility. It is possible to recommend Council Assembly debate and make *recommendations* that would ultimately go to the Cabinet (or in some cases the Leader) for decision or it could recommend the assembly both debate and make *decisions* on a wider range of plans and strategies.

The Act also gave provision for decisions to be devolved down to a local level and Southwark introduced local based decision making bodies; which evolved into the Community Councils several years ago. It is possible for further executive functions to be delegated down to Community Councils, while taking into account the need for good governance.

The Commission has considered the Act, as well as local rules as laid out in Southwark's Constitution. The constitution can be changed by members and the Commission's terms of references allow it to make recommendations for change.

All recommendations need to consider the need for good governance including how to best strike a balance between the need for effective and timely decision making and the benefits of wider consultation by both more members and the wider public.

These are some of the principles that underpin Cabinet decision making:

- Efficiency – in that a small cabinet can act quickly;
- Transparency – the Cabinet arrangements enable the public to ascertain from the outset who is making decisions; and
- Accountability – the Cabinet can be judged by whether it has implemented the policies on which it was elected.

This is what Council Assembly has to do by law

- Appoint the Mayor
- Receive the Leader's report on the delegation of executive functions at the annual meeting
- Establish committees and appoint chairs and vice chairs, except chair of standards committee
- Agree the constitution
- Agree the budget and sets the council tax
- Agree the Policy Framework plans and strategies, most of these are statutory requirements ( see below for details)
- Agree licensing and gambling statements of policy
- Confirm appointment of head of paid service i.e. chief executive
- Make, amend, revoke, re-enact or adopt by-laws or oppose making local legislation
- Adopt the local authority's code of conduct
- Agree members' allowances scheme

- Confer title of Honorary Alderman or Freedom of the Borough
- Agree any application to the Secretary of State in respect of any housing land transfer
- To consider petitions submitted under the Council's petition scheme
- Take decisions in respect of functions which are the responsibility of the cabinet which are not in accordance with the policy framework or budget agreed by council assembly
- Take decisions in respect of functions which are not the responsibility of the executive and which have not been delegated by council assembly to committees, community councils, sub-committees or officers

These are the policy framework documents it has to receive:

The 'policy framework' means the following plans and strategies

- Children and young persons plan
- Corporate plan
- Development plan documents (which form part of the development plan framework)
- Policy on community councils
- Sustainable community strategy
- Treasury management strategy (including prudential borrowing arrangements)
- Youth justice plan

Council Assembly is also responsible for agreeing the following policies:

- Licensing statement
- Gambling statement

This is what the council assembly does but could decide to change:

- Receive reports for decisions and information from Cabinet
- Provide an opportunity councilors to ask questions to Cabinet (members' questions)
  - holds cabinet to account
  - A significant opportunity for the Opposition to get information
  - Maximum of 30 minutes allowed
- Debate members' motions:
  - Motions can be made on any subject for which the council has powers or duties or that affects Southwark
  - Principal means for members to raise issues
  - Generally 45 minutes to 1 hour per meeting dedicated to debating motions

- While it would be in order for council assembly to discuss a motion, if agreed the issue must be referred to the cabinet if it relates to consideration of any of the following:
  - to change or develop a new or existing policy
  - to instruct officers to implement new procedures
  - To allocate resources.
- Takes public questions
  - Anyone who lives or is a business ratepayer in the borough can ask a question
  - On average 1 question per meeting or less
  - Questions can be on any subject for which the council has powers or duties or that affects Southwark
  - Maximum of 15 minutes allowed
  - Questions often directed to Cabinet if there is not a council assembly meeting due
  - Local issues raised at community councils

This is what the Council Assembly cannot do

Council assembly cannot make decisions on executive functions (e.g. on housing, social services, regeneration, environment, education etc) – only the Cabinet or a member of the executive or community council exercising delegated authority from the cabinet or an officer can take these decisions. If Council Assembly agrees on something that is an “executive function” the decision has to be referred as a recommendation to Cabinet.

These are plans and strategies the cabinet has responsibility for and it could ask the Assembly to decide or debate

This list includes some of the plans and strategies that are currently the responsibility of the cabinet. These include:

- Asset management plan
- Employment strategy
- Enterprise strategy
- Food law enforcement plan
- Green travel plan
- Housing investment programme
- Housing renewal policy
- Housing strategy
- Local area agreement (LAA)
- Medium term resources strategy (including the housing revenue account)
- Renewal areas strategies
- Road safety plan
- Schemes for financing schools
- Special education needs action plan
- Statement of community involvement
- Supplementary planning documents
- Waste strategy

- Youth strategy.

### Community Councils

The Act enabled functions to be discharged by an area committee. An area committee is defined as a 'committee or sub-committee of the authority'. Area committees have to meet certain conditions

In Southwark 'area committees' are known as community councils.

At present decisions on the following have been delegated in part to community councils;

- local planning applications,
- the cleaner, greener, safer capital programme,
- the community fund programme,
- traffic management,
- appointment of local education authority governors to local nursery and primary schools
- and community project banks.

Community councils therefore take decisions which affect a relatively small area and the Cabinet could delegate more executive functions to Community Councils.

## Southwark Democracy Commission

### Recommendations

#### 1. Introduction

- 1.1 The commission recommendations should be considered as a whole Package. Whilst they can be implemented individually the commission believes that as a whole they represent a comprehensive solution for Council Assembly.
- 1.2 The commission notes that some of the recommendations set out here will require Constitutional changes. These need to be considered by the Constitutional Steering Panel and a report brought to Council Assembly that sets out the alterations that are required to the constitution for these recommendations to be implemented at the earliest opportunity.
- 1.3 The commission notes that a number of recommendations set out here are likely to have resource implications and these need to be examined by officers. The Commission is mindful of the need to minimise cost for these recommendations to be achievable within existing resources. For most recommendations the changes proposed should have minimal cost. One of the driving factors for these changes is to ensure the maximum benefit for the cost of Council Assembly.

#### 2. The need for change

- 2.1 That the Commission accepts the need for change and acknowledges that doing nothing is not an option based on the strong body of evidence accompanying this review.
- 2.2 That the Commission recommendations should be considered together as a whole package to obtain the maximum positive effect.
- 2.3 That the Commission recommends these changes on the basis of maximising the benefits of the Council Assembly by:
  - Increasing the involvement and participation of local people.
  - Increasing accountability to local people.
  - Discussion of issues relevant to local people.
  - Better scrutiny of decision making for the people of the borough.
  - Improving the quality of decisions made in the Council Assembly.
  - Holding the Administration to Account.

### **3. Purpose: the role of the Council Assembly**

3.1 The Commission has found a need to set out a clear and easily understood role for the Council Assembly. The commission therefore recommends that the role of the Council Assembly is to:

- Decide on policy framework, strategies plans and policies.
- Debate and inform council plans, priorities and strategies.
- Debate and consider issues of relevance to residents and members.
- Hold the Cabinet to Account.
- Demonstrate community leadership.

3.2 The Commission recommends that the Council actively seeks to:

- Develop its role as a community leader by better community engagement and involvement.
- Strengthen the ability of residents and Elected Members to influence and hold the cabinet to account.
- Enable residents to more easily bring issues of relevance to the Council Assembly.
- Enable the public and members to participate in decision making early enough to influence change; both before and at the Assembly meeting.

#### **The Commission recommends that:**

#### **4. In deliberating and deciding policy, plans and strategies,**

4.1 The Council Assembly considers those plans and strategies that the Government through the legal framework makes mandatory with the rest of these being considered by the Cabinet.

4.2 The Overview and Scrutiny Committee (OSC) can recommend more plans or strategies to the Council Assembly for debate and recommendation.

4.3 The Council Business Panel will be asked to consider which additional plans, policies or strategies should be considered by the Council Assembly.

4.4 The Council Assembly adopts the use of themes, either related to Cabinet portfolios or to early debate on plans, policies and strategies. These will be presented by the relevant Cabinet member.

4.5 There will need to be flexibility to allow Council Assembly to debate urgent issues.

#### **5. In debating and considering issues of relevance to residents and Members,**

5.1 Council Assembly may take a petition according to the rules set out by Government. At present 2,500 signatures are needed to trigger a debate at Council Assembly. The evidence supported lowering this, and the Constitutional Steering Panel should advise on

an appropriate number as soon as possible for decision by the Council Assembly. We recommend 1,000 be this trigger.

- 5.2 It is made easier to take a deputation to Council Assembly. Up to three deputations are allowed per meeting on a first come first served basis. Furthermore, more time is given to deputations, deputees are to be allowed to present directly for 3 minutes and ask a question of the Cabinet member/Leader. The relevant Cabinet Members will take responsibility for any follow up work and feedback.
- 5.3 The existing arrangements will continue to apply for taking and discussing Motions at the meetings. The Council Assembly Business Panel is to advise the Mayor and his officers according to the principles outlined in 8.4
- 5.4 The Council Assembly Business Panel should make allowances for a balanced business agenda and the need to make meetings more engaging. A draft of the Council Assembly agenda shall be available to political groups well in advance of the despatch/publishing date.

## **6. Monitoring executive functions of the Cabinet as well as its performance**

- 6.1 The existing rules for public questions will continue to apply.
- 6.2 Councillors will continue to submit members' questions in the existing manner; these must be topical and relevant. One member from each Community Council will be able to submit a question on behalf of their Community Council. The leader of the opposition will be allowed two supplementary questions. The minority opposition leader will be permitted one supplementary question. The time limit for members' questions will be 30 minutes.
- 6.3 In the themed Council Assembly meetings Cabinet Members will present for up to 10 minutes on the theme or plan, policy or strategy being debated. This will be followed by 15 minutes of public questions which must relate to the theme of the meeting. The opportunity for residents to ask questions on the theme will be actively promoted
- 6.4 Themed debates will be linked to plans, strategies and policies and this will be clearly signposted to residents and Members so they are able to connect debate to plans and monitor their implementation.
- 6.5 Scrutiny's role will be enhanced with space on the Assembly agenda to bring reports and recommendations to Assembly for endorsement (final decision on scrutiny recommendations will continue to rest with the original decision maker e.g. Cabinet, Cabinet Member or Chief Officer).

## **7. Demonstrating community leadership**

- 7.1 The Assembly will seek to involve the wider community in planning debates, to build and strengthen its community leadership role. Alongside this it will provide more opportunities for the community to influence and participate in debate and decisions at an opportune time.



## 8. Themed meetings

8.1 In order to achieve the above aims the Commission recommends that each year the seven Council Assembly meetings may have a themed aspect as follows:

- Annual State of the Borough meeting.
- Constitutional and Mayor-making.
- Budget meeting.

Four further themed meetings focused on a Cabinet member's portfolio following certain principles (detailed later) but can vary:

Example of themes might be:

- Finances and resources - to inform the annual Budget setting meeting.
- Young people, children's and families meeting (held with Southwark Youth Council).
- Adult Social Care.
- Housing.
- Regeneration.

8.2 Cabinet Members will involve residents at Community Council and other forums (such as Scrutiny) sometime before they come to Council assembly on the set themes. Participatory formats such as workshops and committee discussion will be used on these occasions. An example is the current consultation on the budgetary process in preparation (for a themed debate in January on Budget, Finances and Resources) for final decision in February.

8.3 A Council Assembly Business Panel will be established (see below).

8.4 Themes will be chosen bearing in mind the following principles:

**a) Accountable** led by Cabinet member and directly related to their portfolio. This is the first and most important principle.

**b) Relevant and local** to the public and able to resonate with them - not too specific and technical and not too broad so the meeting is unfocused.

**c) Suitable** for Community Council themed meetings or other participatory events leading up to and informing the Assembly meeting.

**d) Useful** - an issue that the Cabinet wants feedback and involvement on.

**e) Related to plans and strategies** - choosing ones that the Council is already devising and consulting on or refreshing existing ones( Enterprise and Employment / Independence and Wellbeing / Children's and Young Peoples plan for example).

**f) Partnership** that outside community leaders/ active citizens/ experts / relevant officers are invited to attend Council Business Panel meetings in an advisory role to plan debates on coming themes. (Organisations that have a representative structure or are constituted groups that have representation on Scrutiny Committees would be prioritised– i.e. Southwark Youth Council, Tenant Management Council etc).

**g) Involvement and participation.** That relevant partnership groups / constituency groups are invited to Council Assembly. Groups may be invited to actively participate before, during and after by assisting with consultation, presenting information and doing follow up work; There would be a flexible and creative approached so, for example, the Youth Council may want to do a presentation or a Pensioners group show a film, a Scrutiny Committee may want to do detailed policy work on issues raised.

**h) Measurable with Feedback and Follow-up** That following on from the Assembly meeting on a theme the residents and the community would be signposted to the plans, strategies and policies that the debates had impacted on. They would also be made aware of the ongoing partnership groups that take these policies forward, representatives that sit on these bodies ( elected Members, constituency representative, community representative) and how they can continue to influence and monitor these plans .

**i) The choice of themes** should be subject to proportionality allocated among political parties.

8.5 The Council Assembly should receive a single annual report covering the work of the Community Councils to highlight issues that are of borough wide concern.

## **9. Format of the Council Assembly meeting**

9.1 That each Council Assembly starts with an informal session, this to be up to an hour before the formal start of the meeting. The informal session will be an opportunity for information on the theme or debate to be presented in creative ways and for residents to mix with Members and the community in an informal setting.

9.2 During these informal sessions officers provide sufficient information papers about the meeting in plain English outlining the agenda of the meeting and the way the meeting is conducted. Also to make available sheets explaining how the Council and Council Assembly works and the role of the Councillors.

9.3 That an officer from the constitutional team is present in the informal session to explain the process and the paper work. The information screens in the Assembly Meeting should provide better information such as the speakers name, the ward they represent, political group and position if Cabinet member.

9.4 That the outcome of the meeting should be available in Plain English and accessible format and published on the Councils' website. And this should form the basis of any feedback to the residents at the following Council Assembly.

9.5 See appendix 1 for the suggested outline of a Council assembly meeting format

## **10. Council Assembly Business Panel**

10.1 The Commission recommends that a Council Assembly Business Panel be set up. The Council Assembly Business Panel is to be responsible for planning the Council Assembly's agenda as an advisory panel to the Mayor **and will meet twice per year**. The Panel

will plan the annual agenda for up to a year of programmes for policy, budgetary framework development, themes, community leadership items and the content of informal sessions. These themed meetings to have a minimum of two months notice.

- 10.2 The mayor has the ultimate responsibility for deciding on the Council Assembly business and will be advised by the Council Assembly Business Panel.
- 10.3 The Council Assembly Business Panel to be chaired by the Mayor. The composition of the Panel should be one representative from each political group on the Council. It will have the ability to seek advice from community leaders/ active citizens/ experts / relevant officers as required who will act in an advisory role to plan debates on coming themes.
- 10.4 The Council Assembly Business Panel will take into account a balance between items of business promoting participative democracy (community engagement) and representative democracy (getting more out of elected members).

## **11. Meeting Content**

- 11.1 At themed Council Assembly meetings Cabinet lead Members are to be called to present annual reports on their work and their vision, priorities and plans for the future, for adoption. They will already have conducted engagement activities involving residents intended to inform policy development on their theme at Community Councils and in other fora. Residents will have the right to ask pre-submitted questions to this item on the agenda.
- 11.2 The Mayor to have more discretionary power in debate and allow interjections during discussions if there is a relevant point to be added to the discussions. Debating rules will be simplified. This item to be kept under review by the Council Assembly Business Panel and to offer changes if it does not elicit good behaviour.

## **12. Times and venues for Council Assembly**

- 12.1 The Commission recommends that the times of the Council Assembly be altered from previous times for the different themed meetings to cater for a meeting held for young people in partnership with the Youth Council, or for a slightly earlier or daytime themed meeting on Adult Social Care which could particularly appeal to older people.
- 12.2 That the budgetary meeting in (January or February) may be held on a Saturday afternoon to enable a larger cross-section of residents to attend.
- 12.3 The commission recommends that future Council Assembly Meetings be alternated between suitable venues throughout Southwark. The suitability of a venue and the facilities available will be screened including with an appropriate Equality and Community Impact Assessment. Venues will be assessed to ensure that they are appropriate to the status of the Council Assembly. This assessment will also include reviewing the current Town Hall Council Chamber. The criteria for a suitable venue to include maximum participation and involvement by the community.

12.4 That the officers working on the current accommodation strategy explore this recommendation and the special requirements outlined in this report and present suitable alternative venues. The officers work out the costs of the various options available for the complete cycle of Council Assembly meetings including the cost of the current Council Chamber.

### **13. Communication and using new technology**

13.1 The Commission recommends engaging the media by providing media briefings before the meetings. These should be briefings by officers on the information role only and the Members on the opinion and values. Updates, briefings and alerts could go out to all media and local online community websites.

13.2 That all documents are published online before the meeting or soon after (with a summary decision sheet) so media outlets have all the documents on hand.

13.3 That the rules on the recording of audio are relaxed and all audio recording of the proceedings in Council Assembly be allowed.

13.4 That podcasts be released on the Council's website from recordings of the sound system.

13.5 That wireless access is enabled in any meeting venue that houses Council Assembly to enable tweeting and posting online.

13.6 That better use of the Council's existing communication platforms and networks is undertaken. A better explanation of the Council Assembly should appear on Southwark media; Southwark Life and on the web including dates and announced in advance, summaries of the meeting, and the calls for questions. Updates, briefings and summaries and alerts should go out to community networks (Southwark Life, TRAs, Forums, social media Sites, newspapers).

13.7 Text / Facebook / Twitter /Assembly newsletter updates and invites should go to those residents signed up to Southwark platforms or there could be an option to join a specific list. Cost effective posting of important debates and decisions could have limited 'clips.'

13.8 Targeted promotion for specific debates should be considered when at all practical – i.e. regeneration of a particular area would lead to invitations to local groups and people; a debate on Housing would target local TRAs etc.

13.9 It is recommended that the costs for webcasting and TV broadcasting are looked into alongside the opportunities for using venues with built in facilities (e.g. the London Assembly debating chamber at the GLA).

### **14. Community Education**

14.1 That there should be better information through the existing channels for better awareness and understanding of the Council Assembly, the workings of the Council in general, and the role of the Councillors in particular for the residents of the

borough. Training, mentoring and citizenships class should all be promoted so residents have the skills, knowledge and support to get involved.

## **15. Equalities issues**

- 15.1 The Democracy Commission has been set up with the aim of bringing the Council closer to its residents, making it more accountable to them and more connected with their concerns. And these recommendations are primarily aimed at achieving that aim. Any implementation plan should include a full Equality and Community Impact Assessment.
- 15.2 The Council Assembly Business Panel will need to think carefully about how it works with existing equalities groups to enable wider participation
- 15.3 Consideration should be given to training for officers and members in community engagement and how to ensure openness to community influence.

## **16. Next Steps**

- 16.1 Following the acceptance of these recommendations, the Chair of the Democracy Commission to report back to the next meeting of the Council Assembly with a full implementation plan including any resource implications.
- 16.2 Also the Council Assembly requests that a report is brought to the next Council Assembly to outline how the Council Constitution will be altered to enable these changes to be implemented.
- 16.3 The Democracy commission oversees and assists the development of the implementation plan.
- 16.4 That the Democracy Commission reviews the implementation of the agreed recommendations after 12 months after these changes have been fully implemented and to work to for further improvements.

## Appendix 1

### INDICATIVE MEETING FORMAT

This is an outline guide to timings; it is recommended this is given to the CSP for more work. This meeting format emphasises topical and themed debated. The agenda timings will need to be carefully thought through; an Assembly meeting is 3 hours and it would not be possible for all the planned agenda items to have the maximum time available at each meeting. There would need to be some mechanism for creating a workable and balanced agenda.

### Preparation

Prior to the themed debate taking place outreach would take place by Cabinet Members visiting Community Councils and other community forums on set themes in the weeks prior to the event. There may also be other engagement work to support this

### Meeting

#### Informal start

30 minute to one hour informal 'meet the Assembly session' prior to the meeting start.

This would informally present the information gathered from Community Councils etc and report on the Members vision, by for, example displays There may be a presentation by a community group – for example the Youth Council. This space would emphasis creative and informal ways of communicating.

It would give an opportunity for the public to informally discuss issues with Members and the wider community. It would not be obligatory for members to attend.

#### Formal meeting

The Council Business Panel would most likely need to adjust the timings by deciding the priority of each meeting. The meeting will last for no longer than three hours (subject to guillotine on debating formal reports for decision).

#### **1 Introduction, announcements, declarations of interest and agreement of minutes.**

- 5 minutes.

#### **2 Time for residents to bring topical and pertinent issues to Assembly – would need to find a balance between quality over quantity & accessibility:**

- Max of three Deputations
- Petitions from the public (currently petitions have proscribed time of 40minutes)
- Public questions (max 15 minutes).

#### **3 Themed debate centred on Cabinet member's portfolios or plans, policies and strategies presented by a Cabinet member** Cabinet lead to present vision, priorities and plan for the year (max 10 minutes).

#### **1 hour – or less where other business is at or near the maximum time indicated for**

- Cabinet member presentation on theme or debate
- Public pre-submitted questions on the theme of the meeting (max 15 minutes).
- Member's motions and questions on the Cabinet theme using present principles to allow sufficient political balance and political parties to hold Cabinet to account (max 30 minutes).

#### **4 Time for Members to bring topical and pertinent issues to Assembly**

- Members to bring topical motions (timings to be decided).
- Members' questions (max 30 minutes).

**5 Consideration of scrutiny reports (10 – 30 minutes).** This slot would be reserved for occasional engaging and appropriate reports (e.g. freedom passes food strategy)

**6 Formal constitutional business** ( Variable – can take 10 minutes but the whole meeting in case of deciding the budget – *note in some instances this currently takes as little as 10 minutes but could require up to 30 minutes in which case time allowed for themed debate and scrutiny reports would be less*). This may be able to be reduced further if some reports are removed but would expand if Members wanted Council Assembly to consider additional policies for decisions – bearing in mind legal constraints may make this difficult.

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(SUPPLEMENTAL AGENDA)  
MUNICIPAL YEAR 2010-11**

**NOTE:** Original held by Constitutional Team; all amendments/queries to  
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