

## Council Assembly Ordinary Meeting

Wednesday May 20 2009  
7.00 pm  
Town Hall, Peckham Road, London SE5 8UB

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Councillors are summoned to attend a meeting of the Council to consider the business contained herein



Annie Sheppard  
Chief Executive

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### **Contact**

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Date: May 11 2009



# Council Assembly

Wednesday May 20 2009  
7.00 pm  
Town Hall, Peckham Road, London SE5 8UB

## Order of Business

Item No.	Title	Page No.
1.	<b>ELECTION OF MAYOR</b>	
	To elect a new Mayor for the municipal year 2009-10.	
	The new Mayor then appoint a Deputy Mayor.	
	<i>Note: Following the conclusion of this item there will be a five minute adjournment.</i>	
2.	<b>PRELIMINARY BUSINESS</b>	
	<b>2.1. ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE EXECUTIVE OR CHIEF EXECUTIVE</b>	
	<b>2.2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT</b>	
	<b>2.3. DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	<b>2.4. APOLOGIES FOR ABSENCE</b>	
3.	<b>MINUTES</b>	
	To approve as a correct record the Open minutes of the council assembly meeting held on (circulated separately).	
4.	<b>APPOINTMENT OF LEADER AND EXECUTIVE, ESTABLISHMENT OF COMMITTEE AND OTHER CONSTITUTIONAL ISSUES</b>	1 - 42
5.	<b>NOMINATIONS TO LONDON COUNCILS COMMITTEES AND FORUMS 2009-10</b>	43 - 50
6.	<b>CONSTITUTIONAL REVIEW REPORT</b>	51 - 54

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
	<b>6.3. FINANCIAL STANDING ORDERS</b>	55 - 84
	<b>6.4. COMMUNITY COUNCILS PROTOCOL</b>	85 - 86
	<b>6.5. CONSTITUTIONAL CHANGE ON TREE PRESERVATION ORDERS</b>	87 - 92
	<b>6.6. SCHEDULE OF OTHER CONSTITUTIONAL CHANGES - REPORT</b>	93 - 108
<b>7.</b>	<b>CHANGES TO EXECUTIVE ARRANGEMENTS UNDER LG AND PIHA 2007</b>	109 - 114
<b>8.</b>	<b>APPOINTMENT OF INDEPENDENT MEMBERS TO STANDARDS COMMITTEE</b>	115 - 118

**EXCLUSION MOTION (IF NECESSARY)**

The following motion should be moved, seconded and approved if the council wishes to exclude the press and public to deal with reports revealing exempt information:

“That under the access to information procedure rules of the Southwark constitution, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in section(s) 1 – 7 of paragraph 10.4 of the procedure rules.”

**ANY CLOSED ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING**

**FULL DISTRIBUTION LIST - 2009.05**

Date: May 11 2009

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# Agenda Item 4

<b>Item No.</b> 4.	<b>Classification:</b> Open	<b>Date:</b> May 20 2009	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Appointment of Leader and Executive, Establishment of Committees and Other Constitutional Issues - 2009-10	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Legal and Democratic Services	

## RECOMMENDATIONS

1. That council assembly consider the following constitutional issues for the coming municipal year 2009-10:
  - Appointment of leader
  - Appointment of executive portfolio members
  - Establishment and appointment of executive committee (Major Project Board)
  - Proportionality/size and composition of committees
  - Appointment of chairs and vice chairs
  - Appointment of councillor members on standards committee
  - Appointment of councillor members on licensing committee
  - Establishing the voluntary bodies appointment panel
  - Establishing the constitutional steering panel
  - Agreeing dates of council assembly meetings for 2009-10
  - Appointments to local government association general assembly.
2. That council assembly notes the appointment of political group leaders, deputies and whips (details of appointments to be circulated prior to the meeting).

### Appointment of Leader of the Council and the Executive

3. That council assembly elects a leader of the council.

*Note: Following the appointment of the leader, council assembly will receive a report by the leader on nominations for appointment to the executive and on individual portfolios. The leader can nominate between 2 and 9 members to form an executive. The leader can also report on any further delegations of executive functions (see paragraphs 25-29), subject to the approval of council assembly.*

4. That council assembly appoints members of the executive and agrees the determination and allocation of their executive functions.

### Establishment and appointment of executive committee (Major Project Board)

5. That council assembly appoints members to executive committees.

*Note: Currently the only executive committee is the Major Project Board. The membership of which is set out in paragraph 27. The leader to nominate executive members to serve on the committee.*

## Proportionality/Size and Composition of Council Committees

6. That the size and composition of the council's regulatory and other committees be established and appointed as follows:

Committee	Total	Liberal Democrats	Labour	Conservative
<b>Committee 1</b> (in 2008-09 - Appointments Committee)	<b>7</b>	<b>3</b>	<b>3</b>	<b>1</b>
<b>Committee 2</b> (in 2008-09 - Planning Committee)	<b>7</b>	<b>3</b>	<b>3</b>	<b>1</b>
<b>Committee 3</b> (in 2008-09 – Disciplinary Appeals Committee)	<b>8</b>	<b>4</b>	<b>4</b>	<b>0</b>
<b>Committee 4</b> (In 2008-09 - Audit and Governance Committee)	<b>5</b>	<b>2</b>	<b>2</b>	<b>1</b>
<b>Committee 5</b> (In 2008-09 Corporate Parenting Committee)	<b>8</b>	<b>3</b>	<b>4</b>	<b>1</b>
<b>Total</b>	<b>35</b>	<b>15</b>	<b>16</b>	<b>4</b>

- Notes:
- The size and composition of the council's regulatory and other committees known as "ordinary committees" is set out above. This is based on a total number of **35** seats and includes the committees established in the 2008-09 municipal year. The proportionality is based on the total number of seats compared to the overall allocation of seats each political group has on the council (see Appendix E).*
  - It is for council assembly to agree the total number of seats and allocate the appointments, planning, disciplinary appeals, audit and governance and corporate parenting committees to committees numbered 1 to 5 in the table above.*
  - At least one member of the executive shall serve on the appointments committee.*
  - Only one member of the executive and only one member of the overview and scrutiny committee shall serve on the audit and governance committee.*
  - No more than one member of the executive may be a member of the audit and governance committee and no executive member may chair the committee. No more than one member of the overview and scrutiny committee may be a member of the audit and governance committee and no member of the overview and scrutiny committee may chair the committee.*

## Community Councils

7. That community councils be established as set out in Appendix B.

## Overview and Scrutiny Committee

8. That the size and composition of the overview and scrutiny committee, as set out below, be approved:

Committee	Total	Liberal Democrats	Labour	Conservative
Overview & Scrutiny Committee	9	4	4	1

- Notes:
1. *The current overview and scrutiny procedure rules provide that the overview and scrutiny committee will consist of the chair, vice chair and the chairs of the scrutiny sub committees provided that the proportionality rules are not compromised. Each political group is permitted to nominate one non-executive member should this be necessary to maintain proportionality, for example, where there are fewer chairs of scrutiny sub committees than places on the overview and scrutiny committee.*
  2. *The overview and scrutiny committee and any sub committee which scrutinises the council's education functions will contain in its membership four voting co-opted members comprising one Church of England, one Roman Catholic Church and two parent governor representatives.*
  3. *No member of the executive shall serve on any scrutiny committee.*
  4. *In 2008-09 the overview and scrutiny committee comprised 9 members. The political composition of the committee was Liberal Democrats 4; Labour 4; and Conservative 1. There are no changes recommended from 2008-09.*

## Scrutiny Sub Committees

9. That in accordance with overview and scrutiny procedure rules, the scrutiny sub committees be appointed by overview and scrutiny committee.

## Appointment of Chairs and Vice Chairs

10. That council assembly appoints the chair and vice chair of the overview and scrutiny committee.
11. That council assembly considers whether it wishes to appoint chairs and vice chairs for the following committees:
  - Planning committee
  - Licensing committee
  - Appointments committee
  - Disciplinary appeal committee
  - Audit and governance committee
  - Corporate parenting committee\*

*Note: \*The executive member for children's services and education will chair this committee. Council assembly is asked to formally approve this appointment.*

- (i) Community councils
- Borough and Bankside
  - Bermondsey
  - Rotherhithe
  - Walworth
  - Peckham
  - Camberwell
  - Nunhead and Peckham Rye
  - Dulwich

*Note: All outstanding appointments will be referred to the first meeting of the respective committee or community council in the 2008-09 municipal year.*

### **Standards Committee**

12. That council assembly appoints seven councillors to serve on the standards committee. The seats to be allocated to political groups based on political proportionality giving an allocation as follows:
- Liberal Democrats 3 places;
  - Labour 3 places;
  - Conservatives 1 place.
13. Political groups will be entitled to nominate reserves on the following basis:
- The number of reserves is equivalent to the number of places on the committee.
14. That in accordance with the constitution, the election of chair and vice chair takes place at the first meeting of the standards committee in the 2008-09 municipal year.

### **Licensing Committee**

15. That council assembly appoints 15 councillors to serve on the licensing committee with the following allocation of seats: 7 Liberal Democrat, 7 Labour and 1 Conservative.

*Notes: 1. In 2008-09 council assembly agreed to establish the committee on a proportionate basis.*

*2. For 2009-10 the proportionate allocation would remain the same.*

### **Licensing Sub Committee**

16. That council assembly appoints a licensing sub committee with delegated authority to hear all license applications including personal and premises licenses, reviews of licenses and temporary event notices. The sub committee to include all members of the licensing committee with a quorum of three members.



## **Urgency Committee**

17. That council assembly agrees to reconstitute the urgency committee (and sub-committees) to function during an interim period between a municipal election and council assembly with the terms of reference and membership as set out in Appendix B.

## **Establishment of Voluntary Bodies Appointment Panel**

18. That council assembly establishes and determines the composition of the voluntary bodies appointment panel (VBAP) which will be responsible for recommending the appointment of charity trustees to specific Southwark charities and recommending appointments to the position of school governor on local education authority secondary and special school governing bodies.

*Note: In 2008-09 the panel, which was established by council assembly, comprised 2 Liberal Democrat, 2 Labour and 1 Conservative member.*

## **Establishment of the Constitutional Steering Panel**

19. That council assembly agrees to establish a constitutional steering panel comprised of the whips of each political group represented on the council, with the terms of reference set out in paragraphs 58 and 59.

## **Calendar**

20. That council assembly agrees to the following dates for meetings of council assembly and that these dates be fixed in the council calendar for the municipal year 2009-10:
  - July 8 2009
  - November 4 2009
  - January 27 2010
  - February 23 2010
  - March 24 2010
  - May 19 2010

*Note: The draft calendar of meetings is attached as Appendix C*

## **Appointments to Local Government Association General Assembly**

21. That council assembly appoint three representatives and allocate five votes to the representatives to the LGA General Assembly. (see Appendix D).

## **Other Appointments to Joint Committees/Outside Bodies**

22. That council assembly notes the executive and other committees will make appointments to all other outside committees and bodies for the municipal year 2009-10, as required by part 3S of the constitution.

## **BACKGROUND INFORMATION**

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

## KEY ISSUES FOR CONSIDERATION

### Appointment of Leader of the Council and Appointment of the Executive

24. The council is required to appoint a leader of the council.
25. The leader will present a report on how the executive functions of the council will be exercised, subject to the approval of council assembly. The elected leader must then proceed to nominate his/her executive for appointment by council assembly. In accordance with the constitution this can consist of a minimum of 2 and up to a maximum of 9 nominated members, whose portfolios are determined and allocated by the leader.
26. In 2008-09 the leader appointed nine executive members and allocated the following portfolios:
  - Leader (including responsibility for setting strategic direction and key priorities, overseeing the development of financial strategies, customer relationships policy, and representing the council in the community and in negotiations with regional and national organisations)
  - Deputy Leader (responsible for housing and the executive's relationship with the scrutiny committee)
  - Community Safety
  - Health And Adult Care
  - Environment
  - Children's Services and Education
  - Citizenship, Equalities and Communities
  - Resources
  - Culture, Leisure and Sport
  - Regeneration
27. The leader will be invited to report on delegations and nominate the memberships to any executive committees. Currently the only executive committee is the major projects board. The membership in 2008-09 is set out below:
  - Leader
  - Deputy Leader and Executive Member for Housing
  - Children's Services and Education
  - Resources
  - Regeneration
28. The leader can report on any further delegations including:
  - The extent of any authority delegated to executive members individually, including details of the limitation on their authority;
  - The terms of reference and constitution of executive committees;
  - The nature and extent of any delegation of executive functions to community councils, any other authority or joint arrangement; and
  - The nature and extent of any delegation to officers with details of any limitation on that delegation.
29. Any such delegations are then put to council assembly for approval.

## Proportionality – The Legal Position

30. The Local Government and Housing Act 1989 covers the allocation of seats to political groups, it makes no provision for single independent members so they do not form part of the proportionality considerations.
31. Seats on committees and sub committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as is reasonably practicable:

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

*Note: As no one group has an overall majority on the council, this principle is not relevant.*

- (iii) Subject to (1) and (2) above, it must be ensured that the proportion of each political group's seats of the total number of seats on "ordinary committees" reflects, as closely as possible, their proportion of seats on full council; and,

*Notes: 1. The ordinary committees are appointments, planning, disciplinary appeals, audit and governance and corporate parenting. The total number of seats on these 5 committees must be allocated as proportionately as is reasonably practicable.*

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

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

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

## Regulatory and Other Committees.

32. The regulatory and other committees are the "ordinary committees" of the council which in 2008-09 were:
- Appointments committee
  - Planning committee
  - Disciplinary appeals committee
  - Audit and governance committee
  - Corporate parenting committee

33. The total number of seats on the five ordinary committees is allocated and then divided between the five committees to give each committee as proportionate an allocation as is possible within the overall limit.

#### Overview and Scrutiny Committee

34. The overview and scrutiny committee and its sub committees are not “ordinary” committees and each is considered separately for the purposes of proportionality.

#### Overview and Scrutiny Sub committees

35. In accordance with the overview and scrutiny procedure rules, the overview and scrutiny committee appoints scrutiny sub committees. The constitution specifies that the appointment and composition of scrutiny committees/sub committees be considered at the first meeting of the overview and scrutiny committee.
36. In previous years the overview and scrutiny committee has agreed to vary the size and numbers on each sub committee to provide for greater cross-party representation (otherwise there would have been no Conservative members on any scrutiny sub committees). Overall this produced a disproportionate result.
37. In addition, consideration should be given to individual councillors who do not form a political group on the council. There is one such member now sitting on council. Although not included in proportionality rules, the overview and scrutiny committee may wish to consider allocating a place on a scrutiny sub committee to enable the member concerned to play a part in the scrutiny functions in their capacity as a non-executive member.
38. Sub committees are not “ordinary” committees and, as such, are considered individually for the purposes of proportionality. So far as it is reasonably practicable, the allocation of seats on each sub committee should accord with the proportional allocation of seats on the parent committee.
39. The most proportionate allocation of seats will depend on the size of the committee. The table below shows the most proportionate arrangements for individual committees.

<b>Committee Size</b>	<b>Liberal Democrat</b>	<b>Labour</b>	<b>Conservative</b>
Nine Members	<b>4</b>	<b>4</b>	<b>1</b>
Seven	<b>3</b>	<b>3</b>	<b>1</b>
Six	<b>3</b>	<b>3</b>	<b>0</b>
Five	<b>2</b>	<b>2</b>	<b>1</b>
Four	<b>2</b>	<b>2</b>	<b>0</b>

40. Overview and scrutiny committee can agree an allocation that is disproportionate, provided no member votes against this.

#### Appointments to Seats

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

wish, including to a member of another group, or an individual councillor or councillors sitting on the council.

### **Appointment of Chairs and Vice chairs**

43. With the exception of the standards committee, chairs and vice chairs may be appointed directly by council assembly, or the appointments may be delegated to the first meeting of the relevant committee.
44. In the case of the corporate parenting committee, it is proposed that the executive member with responsibility for children's services be appointed chair.

### **Standards Committee**

45. It is recommended that the standards committee comprise seven councillors, including at least one member from each political group as defined by the Local Government and Housing Act 1989. Section 53(10) of the Local Government Act 2000 provides that the duty to allocate seats to political groups does not apply to a standards committee. The power to appoint members of the committee vests in council assembly and, in practice, council assembly has appointed members on the basis of the number of seats allocated to each political group. Not more than one executive member may serve on the standards committee.
46. At least 25% of the committee's membership must be independent. Council assembly has previously agreed that the term of office for independent members be three years (although elsewhere on the agenda consideration is given to extending the term to four years). Independent members serve a maximum of two terms.
47. The following independent members will continue to serve on the standards committee after annual council:
  - Chris Gurney (until annual council May 2011)
  - Peter Bibby (until annual council May 2011)
  - Wendy Golding (until annual council May 2011).
48. The appointment of two other independent members is subject to a report on the closed agenda which will be circulated separately prior to the meeting.
49. The chair and vice chair are appointed at the first meeting of the committee in the new municipal year. The chair is elected from the independent members of the committee.

### **Licensing Committee**

50. Section 6 of the Licensing Act 2003 requires a licensing committee of 10 to 15 members. Council agreed in December 2004 that the licensing committee should comprise 15 members in order to achieve maximum flexibility. The power to appoint the committee vests in council assembly.
51. There is no requirement in the Licensing Act 2003 that the licensing committee should be proportionate. Council assembly agreed in December 2004 to establish the current committee on a proportionate basis. Council assembly, in 2008-09, agreed the following allocation of seats: 7 Liberal Democrat, 7 Labour and 1 Conservative. This remains the most proportionate allocation.
52. The Licensing Act 2003 makes no provision to appoint reserve members.

## **Reserve Members**

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

## **Establishment of Voluntary Bodies Appointment Panel**

57. Council assembly will consider the establishment and composition of the voluntary bodies appointment panel, which will be responsible for making recommendations on appointments to specific Southwark charities and for recommending appointments to secondary and special school governing bodies.

## **Establishment of the Constitutional Steering Panel**

58. The constitutional steering panel is responsible for reviewing and recommending amendments to the constitution. It is also responsible for making recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Aldermen and to recommend changes to the members' allowances scheme.
59. Membership of the panel comprises the group whips of each political party represented on the council.

## **Council Calendar**

60. A calendar of council meetings for the 2009-10 municipal year has been prepared and is shown at appendix C.
61. The calendar is broadly based on a 6-week cycle, however the allocation of dates necessarily includes a number of deviations from the 6-week cycle to allow for school holidays, party conferences and other committed dates. Due to the demands of the service certain meetings will meet more frequently e.g. executive and planning. Executive procedure rule 2.1 requires that the executive should meet at least ten times per year, therefore executive meetings are scheduled in line with this requirement. Scrutiny sub committees are indicated by a number in the draft calendar, pending their establishment by the overview and scrutiny committee.
62. The dates proposed for council assembly meetings are included in the calendar and council assembly is asked formally to agree these, in accordance with the relevant statutory provision.

63. In respect of meetings other than council assembly, this calendar is subject to amendments, additions and cancellations. Revised details of meetings are available on the website.

### **Members Allowances**

64. On May 23 2007 constitutional council agreed a members allowances scheme to cover the period 2007-08 to 2010-11. No changes to the scheme are proposed for the forthcoming year.

### **Appointments to Local Government Association (LGA) General Assembly**

65. Council assembly may appoint up to four representatives to the LGA, however due to increased financial constraints council assembly is asked to appoint three representatives to the Local Government Association (LGA) General Assembly and allocate 5 votes amongst the three representatives. The LGA encourages local authorities with 3 or 4 representatives to allocate at least one position and vote to a minority group leader.

### **Appointments to Outside Bodies & Joint Committees**

66. Government guidance states that appointments to outside bodies and joint committees are “local choice” functions. As such, the executive should make appointments that correspond to functions for which the executive has responsibility (e.g. housing, education, social services, regeneration, etc.). Council assembly agreed in 2003 that appointments to outside bodies, where they are not a function of the executive or delegated to any other body, should be the responsibility of standards committee or other delegated body.
67. The nomination of representatives to serve on the various London Councils committees and is normally the responsibility of the executive, as a local choice function. However, as the deadline for nominations is June 1 2009, council assembly is asked to agree the nominations for the year 2009-10 (see separate report).

### **Appointments to Panels, Boards and Forums**

68. The executive will consider appointments to panels, boards and forums where the function falls within the responsibility of the executive (e.g. housing, education, social services, regeneration, etc.).

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Appointment of Leader and Executive, Establishment of Committees and Other Constitutional Issues 2008-09 Council Assembly May 2008 report	Town Hall Peckham Road London SE5 8UB.	Ian Millichap 020 7525 7225

## APPENDICES

Appendix	Title
Appendix A	Political Group Leaders, Deputies and Whips <i>(To be circulated separately)</i>
Appendix B	Regulatory and Other Committees Appointments 2009-10
Appendix C	Draft Calendar 2009-10
Appendix D	Appointments to LGA General Assembly
Appendix E	Proportionality – Ordinary Committees

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Legal and Democratic Services	
<b>Report Author</b>	Lesley John, Constitutional Officer Ian Millichap, Constitutional Team Manager	
<b>Version</b>	Final	
<b>Dated</b>	May 8 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Strategic Director of Legal and Democratic Services	Yes	Yes (included in body of report)
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional Support Services</b>	May 8 2009	



REGULATORY AND OTHER COMMITTEE APPOINTMENTS 2009-10

APPOINTMENTS COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To determine appointments to posts of chief officers, chief finance officer and monitoring officer.	Committee	7 Councillors	Ad hoc	Yes (Statutory)
Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10	
Liberal Democrats: 3 (2) Labour: 3 (2) Conservatives: 1 (1)	No change	Chair Vice chair		

## DISCIPLINARY APPEALS COMMITTEE

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

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
Liberal Democrats: 4 (3) Labour: 4 (3) Conservatives: 0 (0)	No change	Chair Vice chair	

## PLANNING COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
<ul style="list-style-type: none"> <li>• To comment on local development framework documents in respect of all significant planning matters and make recommendations to the executive.</li> <li>• To consider and determine all the following applications:               <ul style="list-style-type: none"> <li>• strategic and major planning applications</li> <li>• designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance</li> <li>• any other planning responsibilities of the authority created by statute (and delegated to the committee).</li> </ul> </li> <li>• To consider expenditure of Section 106 monies.</li> <li>• To comment on national and regional consultation documents proposing significant changes to strategic planning policies and make recommendations to the executive.</li> </ul>	Regulatory committee (Article 8)	7 Councillors	Monthly	Yes (Statutory)
Allocation 2008-09 (No. of Reserves in brackets) Liberal Democrats: 3 (2) Labour: 3 (3) Conservatives: 1 (1)	Proposed Allocation 2009-10 (No. of Reserves in brackets) No change	Appointments to Committees  Chair Vice chair	Nominations Received 2009-10	

## AUDIT AND GOVERNANCE COMMITTEE

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

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
Liberal Democrats: 2 (1) Labour: 2 (1) Conservatives: 1 (1)	No change	Chair Vice chair	

## CORPORATE PARENTING COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To review and monitor the council's role as a corporate parent.	Committee	5 Councillors	5 to 6 day time meetings	Yes (Statutory)
<b>Allocation 2008-09</b>	<b>Proposed Allocation 2009-10 (No. of Reserves in brackets)</b>	<b>Appointments to Committees</b>	<b>Nominations Received 2009-10</b>	
Liberal Democrats: 3 (2) Labour: 4 (3) Conservatives: 1 (1)	No change	Chair: executive member for children's services Vice chair		

## URGENCY COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
<ul style="list-style-type: none"> <li>To exercise all the function of the council, that are not reserved by law to council assembly for decision in cases where, in the opinion of the chief executive it is necessary to act urgently.</li> </ul>	Committee	2 Councillors Leaders of the two largest political groups of the council.	Ad hoc in an interim period between a full municipal election and annual meeting.	Yes (Local agreement)
<ul style="list-style-type: none"> <li>To consider planning and licensing applications and standards local filter issues through sub-committees.</li> </ul>	Sub-committee	<p><b>Licensing</b> Re-elected members of the licensing committee who served prior to the elections.</p> <p><b>Planning</b> 3 Labour, 3 Liberal Democrat and 1 Conservative who have received necessary training.</p> <p><b>Standards</b> Re-elected councillors of the standards committee together with independent members.</p>	Ad hoc.	Specific arrangements as applicable to each sub-committee.

## OVERVIEW & SCRUTINY COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
<p>Overview and scrutiny committee (OSC) is the coordinating scrutiny body and appoints five scrutiny sub committees. It questions executive members and can "call-in" decisions taken by the executive.</p> <p>OSC co-ordinates councillor calls for action and scrutiny of crime and disorder, considers requests for scrutiny reviews and approves scrutiny work programmes. It comments on scrutiny reports that propose policy change or that have resource implications, reviews overview and scrutiny procedures and reports annually to council assembly.</p> <p>OSC can appoint joint committees with other local authorities. In addition it can scrutinise matters in respect of the policy and budget framework, human resources, customer access issues and the council's equalities and diversity programmes.</p>	Scrutiny committee	9 councillors - a chair and vice- chair appointed by council assembly, the chairs of the five scrutiny committees (provided that the proportionality rules are not compromised and that each group is permitted to nominate additional members to maintain proportionality) and education representatives as set out at paragraph 4.1 of the overview and scrutiny procedure rules.	Monthly	Yes (Local agreement)

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committee	Nominations Received 2009-10
Liberal Democrats: 4 (4) Labour: 4 (4) Conservatives: 1 (1)	No change	Chair Vice chair	

## STANDARDS COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To ensure the promotion and maintenance of high standards of conduct by councillors, co-opted members and church representatives in order to observe the members' code of conduct. Overview of whistle-blowing, complaints, policy and reviewing consultations.	Statutory committee	7 Councillors (Including at least one member of each political group, 6 Independent voting members).	Quarterly	Yes (Local agreement)

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
Liberal Democrats: 3 (3) Labour: 3 (3) Conservatives: 1 (1) Independent (voting) members: 6	No change	Chair (independent member) and Vice Chair appointed at first meeting.	



## LICENSING COMMITTEE

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
<ul style="list-style-type: none"> <li>To approve the council's policies in respect of all licensing and registration matters except the licensing and gambling statements of policy.</li> <li>To consider the designation of new sites for street trading</li> <li>To determine and consider licensing and gambling applications for the grant, renewal, or transfer of licenses and registration of premises and other licensing responsibilities as delegated to the committee.</li> </ul> <p>3 members plus 1 reserve sit on sub-committees as and when required..</p>	Regulatory committee (Article 8)	15 Councillors	Committee – 4-6 annually Sub-Committees – as required	Yes (Local Agreement)
<p><b>Allocation 2008-09 (No. of Reserves in brackets)</b></p> <p>Liberal Democrats: 7 Labour: 7 Conservatives: 1</p>	<p><b>Proposed Allocation 2009-10 (No. of Reserves in brackets)</b></p> <p>No change <b>Note:</b> There are no reserve members on this committee.</p>	<p><b>Appointments to Committee</b></p> <p>Chair Vice chair</p>	<p><b>Nominations Received 2009-10</b></p>	

**COMMUNITY COUNCIL No.1 - BOROUGH & BANKSIDE**

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To bring decision making nearer to local people. To increase public participation in shaping service delivery and policy choices and deliver democratic renewal and provide a forum where the views of all its constituents, partners and stakeholders can be heard.	Committee (Exercises some executive and regulatory functions)	Councillors	6 weekly	No

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
All councillors from Cathedral and Chaucer Wards:	Unchanged	Chair Vice chair	

**COMMUNITY COUNCIL No.2 - BERMONDSEY**

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To bring decision making nearer to local people. To increase public participation in shaping service delivery and policy choices and deliver democratic renewal and provide a forum where the views of all its constituents, partners and stakeholders can be heard.	Committee (Exercises some executive and regulatory functions)	Councillors	6 weekly	No

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
All councillors from Grange, Riverside and South Bermondsey Wards	Unchanged	Chair Vice chair	

**COMMUNITY COUNCIL No.3 - ROTHERHITHE**

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To bring decision making nearer to local people. To increase public participation in shaping service delivery and policy choices and deliver democratic renewal and provide a forum where the views of all its constituents, partners and stakeholders can be heard.	Committee (Exercises some executive and regulatory functions)	Councillors	6 weekly	No

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
All councillors from Rotherhithe and Surrey Docks Wards (voting) and Livesey Ward (non voting, except for planning matters)	Unchanged	Chair Vice chair	

**COMMUNITY COUNCIL No.4 - WALWORTH**

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To bring decision making nearer to local people. To increase public participation in shaping service delivery and policy choices and deliver democratic renewal and provide a forum where the views of all its constituents, partners and stakeholders can be heard.	Committee (Exercises some executive and regulatory functions)	Councillors	6 weekly	No

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
All councillors from Faraday, East Walworth and Newington Wards	Unchanged	Chair Vice chair	

**COMMUNITY COUNCIL No.5 - PECKHAM**

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To bring decision making nearer to local people. To increase public participation in shaping service delivery and policy choices and deliver democratic renewal and provide a forum where the views of all its constituents, partners and stakeholders can be heard.	Committee (Exercises some executive and regulatory functions)	Councillors	6 weekly	No

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
All councillors from Peckham and Livesey Wards	Unchanged	Chair Vice chair	

**COMMUNITY COUNCIL No.6 - CAMBERWELL**

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To bring decision making nearer to local people. To increase public participation in shaping service delivery and policy choices and deliver democratic renewal and provide a forum where the views of all its constituents, partners and stakeholders can be heard.	Committee (Exercises some executive and regulatory functions)	Councillors	6 weekly	No

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
All councillors from Brunswick Park, Camberwell Green and South Camberwell Wards	Unchanged	Chair Vice chair	

**COMMUNITY COUNCIL No.7 - NUNHEAD AND PECKHAM RYE**

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To bring decision making nearer to local people. To increase public participation in shaping service delivery and policy choices and deliver democratic renewal and provide a forum where the views of all its constituents, partners and stakeholders can be heard.	Committee (Exercises some executive and regulatory functions)	Councillors	6 weekly	No

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
All councillors from Nunhead, Peckham Rye and The Lane Wards	Unchanged	Chair Vice chair	



**COMMUNITY COUNCIL No.8 - DULWICH**

Summary of Functions	Status	Membership	How often it Meets	Politically Proportionate
To bring decision making nearer to local people. To increase public participation in shaping service delivery and policy choices and deliver democratic renewal and provide a forum where the views of all its constituents, partners and stakeholders can be heard.	Committee (Exercises some executive and regulatory functions)	Councillors	6 weekly	No

Allocation 2008-09 (No. of Reserves in brackets)	Proposed Allocation 2009-10 (No. of Reserves in brackets)	Appointments to Committees	Nominations Received 2009-10
All councillors from College, East Dulwich and Village Wards:	Unchanged	Chair Vice chair	

**DRAFT CALENDAR 2009-10**

**DRAFT COUNCIL CALENDAR 2009-2010**

Meetings in **bold and italics** have been added since the last publication.  
 Meetings with ~~strikethrough~~ have been postponed or cancelled since the last publication.

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
May-09	Wed	20	Liberal Democrat Group Labour Group Council Assembly (Annual Meeting) Overview & Scrutiny Committee		1800 1800 1900 1900			Lesley John Peter Roberts	lesley.john@southwark.gov.uk peter.roberts@southwark.gov.uk	75257228 75254350
	Thur	21								
	Fri	22								
	Sat	23								
	Sun	24								
	Mon	25	Peckham Area Housing Forum	<b>BANK HOLIDAY</b>	1900	BGCC		Dennis Fabrizi	dennis.fabrizi@southwark.gov.uk	75251453
	Tue	26								
	Wed	27		<b>SCHOOL BREAK</b>						
	Thur	28	Walworth Community Council - Planning Peckham Community Council - Planning		1900 1900	ADC STC		Caroline Chalkin Gerald Gohler	caroline.chalkin@southwark.gov.uk gerald.gohler@southwark.gov.uk	75257385 75257420
	Fri	29								
	Sat	30								
	Sun	31								
Jun-09	Mon	1	Overview & Scrutiny Committee (Special)		1900	A2		Peter Roberts	peter.roberts@southwark.gov.uk	75254350
	Tue	2	Planning Committee		1900	A2/3		Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
	Wed	3	Licensing Sub-Committee Peckham Community Council Dulwich Community Council		1000 1900 1900	PETH TBC CCH		Gerald Gohler Beverley Olamijulo	gerald.gohler@southwark.gov.uk beverley.olamijulo@southwark.gov.uk	75257420 75257234
	Thur	4								
	Fri	5								
	Sat	6								
	Sun	7								
	Mon	8	Liberal Democrat Group							
	Tue	9	Borough and Bankside Community Council Rotherhithe Community Council							
	Wed	10	Nunhead and Peckham Rye Community Council Walworth Community Council							
	Thur	11	Borough and Bankside Community Council - Planning Camberwell Community Council - Planning Bermondsey Community Council - Planning							
	Fri	12								
	Sat	13								
	Sun	14								
	Mon	15	Overview & Scrutiny Committee		1900	A2		Peter Roberts	peter.roberts@southwark.gov.uk	75254350
	Tue	16	Bermondsey Community Council Camberwell Community Council Dulwich Community Council - Planning		1900 1900 1900					
	Wed	17	Scrutiny Sub-committee 1 Scrutiny Sub-committee 2		1900 1900					
	Thur	18	Member Development Major Projects Board							
	Fri	19								
	Sat	20								
	Sun	21								
	Mon	22	Camberwell East Area Housing Forum Scrutiny Sub-committee 3		1900			Kevin Skinner	kevin.skinner@southwark.gov.uk	75254748
	Tue	23	Executive Licensing Committee		1900 1900	A2/A3		Everton Roberts	everton.roberts@southwark.gov.uk	75257221

DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
Wed	24	Scrutiny Sub-committee 4 Nunhead & Peckham Rye Community Council - Planning Rotherhithe Community Council - Planning		1900 1900 1900					
Thur	25	Audit and Governance Committee Corporate Parenting Committee							
Fri	26								
Sat	27								
Sun	28								
Mon	29	Group Meetings							
Tue	30	Planning Committee Camberwell West Area Housing Forum		1900			Jean Uzoma	jean.uzoma@southwark.gov.uk	75254747
Jul-09 Wed	1	Standards Committee Scrutiny Sub-committee 5							
Thur	2	Health and Social Care Board Walworth Community Council - Planning Peckham Community Council - Planning		1830 1900 1900			Everton Roberts	everton.roberts@southwark.gov.uk	75257221
Fri	3								
Sat	4								
Sun	5								
Mon	6	Liberal Democrat Group							
Tue	7	Peckham Community Council Dulwich Community Council		1900 1900	A2/A3		Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
Wed	8	Council Assembly		1900					
Thur	9	Bermondsey Community Council - Planning Dulwich Community Council - Planning		1900 1900					
Fri	10								
Sat	11								
Sun	12								
Mon	13	Overview & Scrutiny Committee		1900	A2		Peter Roberts	peter.roberts@southwark.gov.uk	75254350
Tue	14	Nunhead & Peckham Rye Community Council Walworth Community Council		1900 1900					
Wed	15	Borough and Bankside Community Council Rotherhithe Community Council		1900 1900					
Thur	16	Member Development Heath and Social Care Board Major Projects Board		1830					
Fri	17								
Sat	18								
Sun	19								
Mon	20	Peckham Area Housing Forum Scrutiny Sub-committee 1 Scrutiny Sub-committee 2		1900	BGCC		Dennis Fabrizi	dennis.fabrizi@southwark.gov.uk	75251453
Tue	21	Executive		1900	A2/A3		Paula Thornton	paula.thornton@southwark.gov.uk	75254395
Wed	22								
Thur	23	Borough & Bankside Community Council - Planning Camberwell Community Council - Planning Rotherhithe Community Council - Planning		1900 1900 1900					
Fri	24								
Sat	25								
Sun	26								
Mon	27	Bermondsey Community Council Camberwell Community Council		1900 1900					

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
	Tue	28	Planning Committee Scrutiny Sub-committee 3		1900	A2/A3		Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
	Wed	29	Scrutiny Sub-committee 4 Scrutiny Sub-committee 5		1900 1900					
	Thur	30	Walworth Community Council - Planning Peckham Community Council - Planning Nunhead & Peckham Rye Community Council - Planning		1900 1900 1900					
	Fri	31								
Aug-09	Sat	1								
	Sun	2								
	Mon	3	Camberwell East Area Housing Forum		1900			Kevin Skinner	kevin.skinner@southwark.gov.uk	75254748
	Tue	4								
	Wed	5								
	Thur	6								
	Fri	7								
	Sat	8								
	Sun	9								
	Mon	10		SCHOOL BREAK						
	Tue	11	Camberwell West Area Housing Forum		1900			Jean Uzoma	jean.uzoma@southwark.gov.uk	75254747
	Wed	12								
	Thur	13								
	Fri	14								
	Sat	15								
	Sun	16								
	Mon	17								
	Tue	18								
	Wed	19								
	Thur	20								
	Fri	21								
	Sat	22								
	Sun	23								
	Mon	24								
	Tue	25								
	Wed	26								
	Thur	27								
	Fri	28								
	Sat	29								
	Sun	30								
	Mon	31		BANK HOLIDAY						
Sep-09	Tue	1								
	Wed	2								
	Thur	3	Walworth Community Council - Planning Peckham Community Council - Planning		1900 1900					
	Fri	4								
	Sat	5								
	Sun	6								
	Mon	7	Bermondsey Community Council - Planning Dulwich Community Council - Planning		1900 1900					
	Tue	8	Planning Committee		1900	A2/A3		Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
	Wed	9	Nunhead and Peckham Rye Community Council Walworth Community Council		1900 1900					
	Thur	10	Member Development							
	Fri	11								
	Sat	12								
	Sun	13								
	Mon	14	Overview & Scrutiny Committee		1900					
	Tue	15	Borough and Bankside Community Council Rotherhithe Community Council		1900 1900					
	Wed	16	Bermondsey Community Council Camberwell Community Council		1900 1900					
	Thur	17	Borough & Bankside Community Council - Planning Rotherhithe Community Council - Planning Major Projects Board		1900 1900					

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
	Fri	18								
	Sat	19		<b>Liberal Democrat Party Conference</b>						
	Sun	20								
	Mon	21	Camberwell East Area Housing Forum		1900			Kevin Skinner	kevin.skinner@southwark.gov.uk	75254748
	Tue	22	Peckham Community Council		1900					
			Dulwich Community Council		1900					
			Camberwell West Area Housing Forum		1900			Jean Uzoma	jean.uzoma@southwark.gov.uk	75254747
	Wed	23	Camberwell Community Council - Planning		1900					
			Nunhead & Peckham Rye Community Council - Planning		1900					
	Thur	24	Audit and Governance Committee		1900					
			Corporate Parenting Committee		1900					
	Fri	25								
	Sat	26								
	Sun	27		<b>Labour Party Conference</b>						
	Mon	28								
	Tue	29	Executive					Everton Roberts	everton.roberts@southwark.gov.uk	75257221
	Wed	30	Audit & Governance Committee		1900					
	Oct-09	Thur	1	Bermondsey Community Council - Planning	1900					
				Dulwich Community Council - Planning	1900					
	Fri	2								
	Sat	3								
	Sun	4								
	Mon	5	Scrutiny Sub-committee 1	<b>Conservative Party Conference</b>	1900					
	Tue	6	Planning Committee		1900	A2/A3		Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
			Scrutiny Sub-committee 2							
	Wed	7	Scrutiny Sub-committee 3		1900					
	Thur	8	Walworth Community Council - Planning		1900					
			Peckham Community Council - Planning		1900					
	Fri	9								
	Sat	10								
	Sun	11								
	Mon	12	Overview & Scrutiny Committee							
	Tue	13	Scrutiny Sub-committee 4							
			Constitutional Steering Panel							
	Wed	14	Standards Committee							
			Scrutiny Sub-committee 5							
	Thur	15	Borough & Bankside Community Council - Planning							
			Rotherhithe Community Council - Planning							
			Major Projects Board							
	Fri	16								
	Sat	17								
	Sun	18								
	Mon	19	Borough and Bankside Community Council							
			Rotherhithe Community Council							
	Tue	20	Executive		1900			Paula Thornton	paula.thornton@southwark.gov.uk	75254395
			Licensing Committee							
	Wed	21	Bermondsey Community Council							
			Camberwell Community Council							
	Thur	22	Member Development							
	Fri	23								
	Sat	24								
	Sun	25								
	Mon	26	Group Meetings							

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
	Tue	27	Nunhead and Peckham Rye Community Council Walworth Community Council	<b>HALF TERM</b>						
	Wed	28	Peckham Community Council Dulwich Community Council							
	Thur	29	Camberwell Community Council - Planning Nunhead & Peckham Rye Community Council - Planning							
	Fri	30								
	Sat	31								
Nov-09	Sun	1								
	Mon	2	Camberwell East Area Housing Forum (AGM)		1900			Kevin Skinner	kevin.skinner@southwark.gov.uk	75254748
	Tue	3	Planning Committee Camberwell West Area Housing Forum		1900 1900	A2/A3		Kenny Uzodike Jean Uzoma	kenny.uzodike@southwark.gov.uk jean.uzoma@southwark.gov.uk	75257236 75254747
	Wed	4	Council Assembly							
	Thur	5								
	Fri	6								
	Sat	7								
	Sun	8								
	Mon	9	Scrutiny Sub-committee 1							
	Tue	10	Walworth Community Council - Planning Peckham Community Council - Planning Dulwich Community Council - Planning							
	Wed	11	Scrutiny Sub-committee 2							
	Thur	12	Heath and Social Care Board		1830			Everton Roberts	everton.roberts@southwark.gov.uk	75257221
	Fri	13								
	Sat	14								
	Sun	15								
	Mon	16	Overview & Scrutiny Committee							
	Tue	17	Scrutiny Sub-committee 3 Bermondsey Community Council - Planning Planning Committee							
	Wed	18								
	Thur	19	Member Development							
	Fri	20								
	Sat	21								
	Sun	22								
	Mon	23	Borough & Bankside Community Council - Planning Rotherhithe Community Council - Planning							
	Tue	24	Executive		1900			Everton Roberts	everton.roberts@southwark.gov.uk	75257221
	Wed	25	Camberwell Community Council - Planning Nunhead & Peckham Rye Community Council - Planning							
	Thur	26	Audit and Governance Committee Corporate Parenting Committee							
	Fri	27								
	Sat	28								
	Sun	29								
	Mon	30	Scrutiny Sub-committee 4							
Dec-09	Tue	1	Planning Committee Walworth Community Council - Planning		1900	A2/A3		Kenny Uzodike	kenny.uzodike@southwark.gov.uk	75257236
	Wed	2	Borough and Bankside Community Council Rotherhithe Community Council							
	Thur	3	Peckham Community Council - Planning Dulwich Community Council - Planning							
	Fri	4								
	Sat	5								
	Sun	6								
	Mon	7	Overview & Scrutiny Committee							

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
	Tue	8	Bermondsey Community Council Camberwell Community Council							
	Wed	9	Nunhead and Peckham Rye Community Council Walworth Community Council Rotherhithe Community Council - Planning							
	Thur	10	Member Development Major Projects Board							
	Fri	11								
	Sat	12								
	Sun	13								
	Mon	14	Peckham Community Council Dulwich Community Council Bermondsey Community Council - Planning							
	Tue	15	Executive					Paula Thornton	paula.thornton@southwark.gov.uk	75254395
	Wed	16	Scrutiny Sub-committee 5							
	Thur	17	Camberwell Community Council - Planning Nunhead & Peckham Rye Community Council - Planning Borough & Bankside Community Council - Planning							
	Fri	18								
	Sat	19								
	Sun	20								
	Mon	21								
	Tue	22								
	Wed	23								
	Thur	24								
	Fri	25		CHRISTMAS DAY HOLIDAY						
	Sat	26		BOXING DAY HOLIDAY						
	Sun	27								
	Mon	28		BANK HOLIDAY						
	Tue	29								
	Wed	30								
	Thur	31								
Jan-10	Fri	1		NEW YEAR'S DAY HOLIDAY						
	Sat	2								
	Sun	3								
	Mon	4								
	Tue	5								
	Wed	6								
	Thur	7								
	Fri	8								
	Sat	9								
	Sun	10								
	Mon	11	Overview & Scrutiny Committee							
	Tue	12	Walworth Community Council - Planning Peckham Community Council - Planning Licensing Committee							
	Wed	13	Bermondsey Community Council - Planning Dulwich Community Council - Planning Camberwell Community Council - Planning							
	Thur	14	Borough & Bankside Community Council - Planning Rotherhithe Community Council - Planning Nunhead & Peckham Rye Community Council - Planning							
	Fri	15								
	Sat	16								
	Sun	17								
	Mon	18								
			Liberal Democrat Group							
			Labour Group							
			Conserative Group							
	Tue	19	Planning Committee Scrutiny Sub-committee 1							



	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
	Wed	20	Scrutiny Sub-committee 2 Scrutiny Sub-committee 3							
	Thur	21	Major Projects Board Borough and Bankside Community Council Rotherhithe Community Council							
	Fri	22								
	Sat	23								
	Sun	24								
	Mon	25	Bermondsey Community Council Camberwell Community Council							
	Tue	26	Executive		1900			Everton Roberts	everton.roberts@southwark.gov.uk	75257221
	Wed	27	Council Assembly							
	Thur	28								
	Fri	29								
	Sat	30								
	Sun	31								
Feb-10	Mon	1	Overview & Scrutiny Committee							
	Tue	2	Planning Committee Scrutiny Sub-committee 4							
	Wed	3	Peckham Community Council Dulwich Community Council							
	Thur	4	Audit and Governance Committee							
	Fri	5								
	Sat	6								
	Sun	7								
	Mon	8	Nunhead and Peckham Rye Community Council Walworth Community Council Corporate Parenting Committee							
	Tue	9	Executive		1900			Paula Thornton	paula.thornton@southwark.gov.uk	75254395
	Wed	10	Standards Committee Scrutiny Sub-committee 5							
	Thur	11								
	Fri	12								
	Sat	13								
	Sun	14								
	Mon	15	Liberal Democrat Group Labour Group Conserative Group							
	Tue	16	Walworth Community Council - Planning Peckham Community Council - Planning	<b>HALF TERM</b>						
	Wed	17								
	Thur	18	Major Projects Board Heath and Social Care Board		1830					
	Fri	19								
	Sat	20								
	Sun	21								
	Mon	22	Bermondsey Community Council - Planning Dulwich Community Council - Planning Camberwell Community Council - Planning							
	Tue	23	Council Assembly (Budget Setting)							
	Wed	24								
	Thur	25	Borough & Bankside Community Council - Planning Rotherhithe Community Council - Planning Nunhead & Peckham Rye Community Council - Planning							

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
	Fri	26								
	Sat	27								
	Sun	28								
Mar-10	Mon	1	Borough and Bankside Community Council Rotherhithe Community Council							
	Tue	2	Planning Committee Scrutiny Sub-committee 1 Constitutional Steering Panel							
	Wed	3	Bermondsey Community Council Camberwell Community Council							
	Thur	4								
	Fri	5								
	Sat	6								
	Sun	7								
	Mon	8	Overview & Scrutiny Committee							
	Tue	9	Scrutiny Sub-committee 2 Licensing Committee							
	Wed	10	Standards Committee Scrutiny Sub-committee 3							
	Thur	11								
	Fri	12								
	Sat	13								
	Sun	14								
	Mon	15	Liberal Democrat Group Labour Group Conserative Group							
	Tue	16								
	Wed	17	Scrutiny Sub-committee 4 Scrutiny Sub-committee 5							
	Thur	18	Major Projects Board Walworth Community Council - Planning Peckham Community Council - Planning Dulwich Community Council - Planning							
	Fri	19								
	Sat	20								
	Sun	21								
	Mon	22	Camberwell Community Council - Planning Borough & Bankside Community Council - Planning Bermondsey Community Council - Planning							
	Tue	23	Planning Committee Executive		1900			Everton Roberts	everton.roberts@southwark.gov.uk	75257221
	Wed	24	Council Assembly							
	Thur	25	Peckham Community Council Dulwich Community Council Nunhead & Peckham Rye Community Council - Planning							
	Fri	26								
	Sat	27								
	Sun	28								
	Mon	29	Overview & Scrutiny Committee							
	Tue	30	Nunhead and Peckham Rye Community Council Walworth Community Council Rotherhithe Community Council - Planning							
	Wed	31	Audit and Governance Committee							
Apr-10	Thur	1								
	Fri	2								
	Sat	3								
	Sun	4								
	Mon	5								
	Tue	6	Executive		1900			Everton Roberts	everton.roberts@southwark.gov.uk	75257221

	DAY	DATE	DETAILS OF MEETING	OTHER EVENTS	TIME	VENUE	INVITE ONLY	CONTACT	EMAIL	PHONE
	Wed	7								
	Thur	8								
	Fri	9								
	Sat	10								
	Sun	11								
	Mon	12								
	Tue	13	Planning Committee		1900					
	Wed	14	Corporate Parenting Committee Major Projects Board							
	Thur	15		<b>Purdah</b>						
	Fri	16								
	Sat	17								
	Sun	18								
	Mon	19								
	Tue	20								
	Wed	21								
	Thur	22								
	Fri	23								
	Sat	24								
	Sun	25								
	Mon	26								
	Tue	27	Planning Committee							
	Wed	28								
	Thur	29								
	Fri	30								
May-10	Sat	1								
	Sun	2								
	Mon	3								
	Tue	4								
	Wed	5								
	Thur	6	Council Elections							
	Fri	7								
	Sat	8								
	Sun	9								
	Mon	10	Liberal Democrat Group Labour Group Conserative Group							
	Tue	11								
	Wed	12								
	Thur	13								
	Fri	14								
	Sat	15								
	Sun	16								
	Mon	17								
	Tue	18								
	Wed	19	Council Assembly (Annual Meeting)		1900					
	Thur	20								
	Fri	21								
	Sat	22								
	Sun	23								
	Mon	24								
	Tue	25								
	Wed	26								

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**APPENDIX D**

**APPOINTMENT TO LGA GENERAL ASSEMBLY**

Name	Purpose	Member Status	How often it Meets	Date of Meeting	No. of Places to be filled	Notes
<b>LGA General Assembly</b>	To consider strategic policy of national significance to local government	Council representative	Once a year	30 June / 1 & 2 July 2009 (annual conference)	Three representatives with an allocation of 5 votes.  (2008-09 representatives: - Councillors Nick Stanton (2 votes) Peter John (1 vote) Fiona Colley (1 vote) and Toby Eckersley (1 vote).	The Local Government Association advises that votes can be allocated amongst the representatives as the local authority sees fit.  The Local Government Association encourages local authorities with 3 or 4 representatives on the General Assembly to allocate one of the positions to minority group leaders.  Council assembly can agree any combination of representatives and votes.

## PROPORTIONALITY - ORDINARY COMMITTEES

### Proportionality

	<i>No. of Seats</i>	<i>%</i>
Lib Dem	<b>27</b>	42.86
Lab	<b>29</b>	46.03
Cons	<b>6</b>	9.52
Green	<b>1</b>	1.59
Ind	<b>0</b>	0.00
	<b>63</b>	<b>100</b>

Note: The Local Government and Housing Act 1989 covers the allocation of seats to political groups, it makes no provision for single independent members so they do not form part of the proportionality allocations for ordinary committees.

### Ideal Number of Ordinary Committee Places

<b>Total Places</b>	<b>Lib Dem</b>	<b>Lab</b>	<b>Con</b>
<b>35</b>	15.00	16.11	3.33

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

### Proposed allocation of seats based on 2008-09 ordinary committees

	<b>Lib Dem</b>	<b>Lab</b>	<b>Cons</b>	<b>Total</b>	<b>Total Discrepancy</b>
Committee 1 (Appointments Cttee)	3	3	1		
Committee 2 (Planning Cttee)	3	3	1		
Committee 3 (DA Cttee)	4	4	0		
Committee 4 (Audit Cttee)	2	2	1		
Committee 5 (Corp Parent Cttee)	3	4	1		
Total no. of seats	15	16	4	35	
Discrepancy	0.00	0.11	-0.67		0.78

# Agenda Item 5

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> May 20 2009	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Nominations to London Councils Committees and Forums 2009-10	
<b>Ward(s) or groups affected:</b>		None	
<b>From:</b>		Strategic Director of Legal and Democratic Services	

## RECOMMENDATION

1. That council assembly consider and make nominations to the London Councils committees and forums listed in appendix A of the report.

## BACKGROUND INFORMATION

2. The council nominates representatives to serve on the London Councils committees and forums on an annual basis. The nomination of representatives to the London Councils committees and forums fall within the terms of reference of the executive. However because the deadline for nominations to the London Councils is June 1 2009, and there is no executive meeting between the annual meeting and June 1, council assembly is being asked to agree the nominations for 2009-10 in order to meet the deadline set by the London Councils.

## KEY ISSUES FOR CONSIDERATION

3. The Local Government Act 2000 and regulations enables local authorities to make use of joint arrangements with other authorities. Under these arrangements, a "joint committee" can be established in agreement with other local authorities to promote the economic, social or environmental well being of the area.
4. In this report the council is invited to make nominations to the following joint committees:
  - Leaders' Committee (s101 Joint Committee)
  - London Councils Transport and Environment Committee (Associated Joint Committee)
  - London Councils Grants Committee (Associated Joint Committee)
5. Council assembly may only nominate executive members as representatives to the above joint committees. The nominations need not reflect the political composition of the local authority as a whole. This is set out in article 9 on joint arrangements in the council's constitution.
6. The remaining bodies/forums referred to in appendix A do not have the status of a "joint committee", council assembly may therefore appoint any member to serve on these bodies.
7. In considering the nominations, council assembly should be mindful of the advice from the London Councils that boroughs should usually nominate the relevant lead member as its representative.

8. The details relating to the nominations are set out in appendix A of the report.
9. London Councils committee and forum meetings are held during the day.

### Legal Implications

10. There are no specific legal implications.

### Consultation

11. The group whips have been provided with a copy of the London Councils circular relating to the nominations.

### Community Impact Statement

12. The council is being invited to make nominations to the London Councils committees and forums. The nominations process has no direct impact on the community.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Correspondence from the London Councils	Town Hall, Peckham Road, London SE5 8UB	Everton Roberts 020 7525 7221

### APPENDICES

No.	Title
Appendix A	Nominations to London Councils Committees and Forums – Committee and Forum remit and places to be filled

### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Legal and Democratic Services	
<b>Report Author</b>	Everton Roberts, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	May 8 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Legal and Democratic Services	No	No
Finance Director	No	No
<b>Date final report sent to Constitutional Team</b>	May 8 2009	



**NOMINATIONS TO LONDON COUNCILS COMMITTEES AND FORUMS – COMMITTEE AND FORUM  
REMIT AND PLACES TO BE FILLED**

Name	Remit	Member Status	No. of Places to be filled	Notes
<p><b>London Councils Leaders' Committee</b> (S101 Joint Committee)</p>	<p>The London Councils main decision-making forum. It sets policy and takes decisions on the latest developments affecting London local government. The leaders committee also ratifies decision taken by the London Councils committees and forums.</p>	<p>Council Representative</p>	<p>1 representative and up to 2 deputies</p>	<p>Representative usually Leader of the Council, but another member can be nominated.</p>
<p><b>London Councils Transport and Environment Committee</b> (Associated S101 Joint Committee)</p>	<ul style="list-style-type: none"> <li>• Oversight of operational services including: Freedom Pass, taxicard, lorry control, parking enforcement</li> <li>• Oversight of administrative support to parking, traffic and congestion charging adjudicators</li> <li>• Appointment of parking and traffic adjudicators</li> <li>• Setting parking, traffic and other penalties</li> <li>• Policy and borough support in                             <ul style="list-style-type: none"> <li>- transport</li> <li>- environment</li> <li>- public protection</li> <li>- trading standards</li> </ul> </li> </ul>	<p>Council Representative</p>	<p>1 representative and up to 4 deputies</p>	<p>Representative usually lead member for transport or environment issues.</p>
<p><b>London Councils Grants Committee</b> (Associated Joint Committee)</p>	<p>The London Councils distributes £28 million of grants each to voluntary and not-for-profit organisations working in two or more London boroughs. Section 48 of the Local Government Finance Act 1992 governs the operation of the grants scheme. The London Councils Grants committee:</p> <ul style="list-style-type: none"> <li>• Takes decisions on officer recommendations for grants</li> </ul>	<p>Council Representative</p>	<p>1 representative and up to 4 deputies</p>	<p>Representative preferably lead member for partnerships and the voluntary sector.</p>

**APPENDIX A**

Name	Remit	Member Status	No. of Places to be filled	Notes
	<ul style="list-style-type: none"> <li>• Considers and recommends an annual budget for the grants schemes and recommends this to the London Councils Leaders' Committee</li> <li>• Keeps the needs of London under review and in light of these, develops and recommends detailed criteria and priorities for grant giving to the London Councils Leaders' committee.</li> </ul>			Representative and deputies must be members of the executive.
<p><b>London Councils Children and Young People Forum</b></p>	<ul style="list-style-type: none"> <li>• Safeguarding children</li> <li>• Youth Crime</li> <li>• Child Poverty including childcare and children's life chances</li> <li>• 14 – 19 education and training</li> <li>• Support for children in care.</li> </ul>	Council Representative	1 representative and 1 deputy	Representative usually lead member for children's services.
<p><b>London Councils Crime and Public Protection Forum</b></p>	<ul style="list-style-type: none"> <li>• To lead on the relationship with the Metropolitan Police, London Fire and Emergency Planning Authority, the London Community Safety Partnership and criminal justice agencies</li> <li>• To lead on London Resilience policy and strategy</li> <li>• To support boroughs with crime reduction and community safety policy and implementation, including sharing best practice</li> <li>• To assist boroughs in representing concerns about the implementation of London wide crime and community safety programmes.</li> </ul>	Council Representative	1 representative and 1 deputy	Representative usually lead member for community safety.
<p><b>London Councils Culture, Tourism and 2012 Forum</b></p>	<ul style="list-style-type: none"> <li>• Culture and local area agreements</li> <li>• Joint purchasing schemes</li> <li>• Mayor's Cultural Strategy and the London Cultural Consortium</li> <li>• Regional commentaries in culture</li> <li>• Culture and developing sustainable communities</li> <li>• Major events i.e. London Olympic bid</li> </ul>	Council Representative	1 representative and 1 deputy	Representative usually lead member for culture, sport or 2012.

**APPENDIX A**

Name	Remit	Member Status	No. of Places to be filled	Notes
	<ul style="list-style-type: none"> <li>• Development of tourism in London</li> <li>• London-wide borough participation in and benefits from the London 2012 Olympic and Paralympic Games, focusing on:               <ul style="list-style-type: none"> <li>Volunteering</li> <li>Culture</li> <li>Inclusion of disabled people</li> <li>Community sport</li> </ul> </li> <li>• London Councils and boroughs' role in delivering aspects of the Games</li> <li>• Community engagement strategy for the Games.</li> </ul>			
<p><b>London Councils Economic Development Forum</b></p>	<p>Represents the views of London boroughs on:</p> <ul style="list-style-type: none"> <li>• Economic development and regeneration as part of the comprehensive spending review (CSR)</li> <li>• The review of the Mayor's Economic Development Strategy during 2009</li> <li>• Welfare reform proposals</li> </ul> <p>Work with London boroughs on:</p> <ul style="list-style-type: none"> <li>• Reduce worklessness in London and improve the skills of Londoners</li> <li>• Lobbying and preparing for devolution to the local and sub-regional levels around economic development and skills and employment</li> <li>• Mitigating the effects of the recession on businesses and residents</li> </ul> <p>Influencing European policy and funding as it affects economic development and regeneration.</p>	Council Representative	1 representative and 1 deputy	Representative usually lead member for regeneration / economic development.

**APPENDIX A**

Name	Remit	Member Status	No. of Places to be filled	Notes
<p><b>London Councils Health and Adult Services Forum</b></p>	<ul style="list-style-type: none"> <li>• Health and social care services for vulnerable people and their dependents</li> <li>• Health and social care services for vulnerable people and their dependents</li> <li>• Supporting People</li> <li>• Commissioning social care</li> <li>• Joint assessment teams for benefits and social care</li> <li>• The health service in London</li> <li>• Promoting the health of Londoners</li> <li>• Mental health services</li> </ul>	<p>Council Representative</p>	<p>1 representative and 1 deputy</p>	<p>Representative usually lead member for health / social services.</p>
<p><b>London Councils Housing Forum</b></p>	<ul style="list-style-type: none"> <li>• Housing revenue and capital finance to meet housing need in London, and innovation and flexible financial arrangements to deliver better housing</li> <li>• Mayor’s housing strategy and borough housing interests relating to planning issues</li> <li>• Boroughs’ strategic housing role</li> <li>• Homes that are affordable and facilitate return to work</li> <li>• Link better housing and cross-cutting issues such as supporting people, child poverty, health and regeneration</li> <li>• The future of housing for London, particularly mixed and sustainable communities.</li> <li>• The work of boroughs in tackling homelessness</li> <li>• Housing benefit, the local housing allowance, worklessness and benefit dependency.</li> </ul>	<p>Council Representative</p>	<p>1 representative and 1 deputy</p>	<p>Representative usually lead member for housing.</p>

**APPENDIX A**

Name	Remit	Member Status	No. of Places to be filled	Notes
<p><b>Greater London Employment Forum</b></p>	<p>The Employers' side of the Greater London Employer Forum (GLEF) acts as the regional employer for London for those staff employed under the National Joint Council for Local Government Services, for all the boroughs which choose to be party to it. The full GLEF is made up of employers and trade union representatives.</p> <p>The GLEF may consider and debate any employment, development, efficiency, performance and improvement related matter affecting the employees of the London authorities which could include:</p> <ul style="list-style-type: none"> <li>• Pay and conditions of employment including equal pay and the achievement of single status employment.</li> <li>• Measures to improve recruitment and retention.</li> <li>• Productivity and performance management.</li> <li>• Measures to improve efficiency, effectiveness and value for money.</li> <li>• Measures to increase the skills and capacity of the workforce.</li> <li>• Equality and diversity in the workplace.</li> </ul>	<p>Council Representative</p>	<p>1 representative and 1 deputy</p>	<p>Representative usually lead member for human resources issues.</p>

**APPENDIX A**

Name	Remit	Member Status	No. of Places to be filled	Notes
<p><b>London Councils Limited</b></p>	<p>Each borough is required to appoint a representative to the Company, London Councils Limited.</p>	<p>Council Representative</p>	<p>1 nomination</p>	<p>The borough's representative on the Leaders Committee is normally appointed and will be unless a borough specifically indicates otherwise.</p>

# Agenda Item 6

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> May 20 2009	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Constitutional Review	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Legal and Democratic Services	

## RECOMMENDATIONS

1. That the recommendations of the constitutional steering panel set out in the items referred to within this report on changes to the constitution be considered:
  - a) That the recommendations in relation to the member and officer protocol set out in item 6.1 be agreed.
  - b) That the recommendations in relation to the communication protocol set out in item 6.2 be agreed.
  - c) That the recommendations in relation to contract standing orders and financial standing orders set out in item 6.3 be agreed
  - d) That the recommendations in relation to the community councils protocol set out in item 6.4 be agreed.
  - e) That the recommendations in relation to tree preservation orders set out in item 6.5 be agreed.
  - f) That council assembly agree all the other changes to the constitution as set out in item 6.6.
  - g) That officers be authorised to undertake any consequential and cross referencing changes arising from the review of the constitution.

## BACKGROUND INFORMATION

### Comprehensive Constitutional Review 2009-10 - objectives

1. This report constitutes the annual report on the constitution. All constitutional issues listed within the recommendations have first been considered by the constitutional steering panel.
2. In 2008-09 the constitution underwent a comprehensive review culminating in significant changes being recommended to May 21 2008 council assembly. This was based on a series of principles to the overall format and structure of the new constitution for 2008-09. These principles have also been applied to the 2009-10 review and are as follows:
  - (a) Extended introduction outlining the key information in the constitution and including more lay person's language.

- (b) Remove duplication.
  - (c) Include all meeting bodies in the constitution in Part 3.
  - (d) Include information specially required by statute.
  - (e) Reorder so there is a more logical flow and order.
  - (f) Making use of usable binders with loose leaf pages and dividers.
3. The 2009-10 review was more limited with the main focus being on specific issues identified in the programme and the impact of government issues.
  4. One of the ongoing objectives of the review is to ensure that the constitution is easily understood and user friendly. In order to achieve this, CSP has taken into account the following key issues:
    - **Accessible** to all those who need to use it to understand their rights and obligations under it.
    - **Efficient:** supporting effective decision-making so that the business of the council can be delivered in line with best practice on corporate governance.
    - **Inclusive:** so that decision-making is open and transparent and involves local communities.
  5. At the same time as undertaking a general review of the constitution CSP had to consider the impact of a number of other linked projects, in particular the Local Government and Public Involvement in Health Act which required changes to Article 5 of constitution and Scrutiny Procedure Rules arising from the Councillor Call for Action (CCfA), which became implementable from April 1 2009.

## KEY ISSUES FOR CONSIDERATION

### Introduction

6. The report sets out the main key issues and changes arising from the constitutional review. Any changes to sections of the constitution will be shown as follows :
  - additions (shown as underlined);
  - deletions (shown with a strike through).

### Consequential Changes

7. As a result of the changes suggested within this report officers will be required to update the constitution. Therefore council assembly is requested to authorise officers to undertake any necessary consequential changes.

### Community Impact Statement

8. There will be no direct impact on local people of adoption of these changes. However, providing for wide involvement of those using the constitution, including the local community where relevant, will enable people to understand the role that they can play in the decision making of the council and how the council will safeguard high standards of conduct amongst members and officers.



## Legal Implications

9. This comment advises council assembly of the legal procedure relating to changes to the council's constitution.
10. Section 37 of the Local Government Act 2000 requires the council to "prepare and keep up-to-date" a constitution. Statutory guidance from the Department for Communities and Local Government states that constitutions "should be drafted as a flexible document" but leaves it up to local authorities to determine how the constitution is to be changed. It is also recognised that council constitutions cannot cover every eventuality.
11. Article 1 (1.5)(a) of Southwark's constitution states that any changes to the constitution which can only be approved by council assembly will require the prior consideration of the proposal by the constitutional steering panel.
12. Council assembly may approve any amendment to the constitution where the issue in general has previously been considered by the constitutional steering panel. Further, there is a distinction between changes to the constitution which clarify existing roles and functions and those which raise completely new matters which have not been considered in accordance with Article 1.

## Resource Implications

13. The budget for 2009-10 has been set and any changes to the constitution must be contained within the current budget.
14. Last year the constitution was produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. Therefore, the cost can be contained within existing budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Reports and Notes of the Constitutional Steering Panel	Constitutional Team, Town Hall, Peckham Road, London SE5 8UB	Lesley John 020 7525 7228

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Legal and Democratic Services	
<b>Report Author</b>	Lesley John, Constitutional Officer Ian Millichap, Constitutional Team Manager	
<b>Version</b>	Final	
<b>Dated</b>	May 8 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Legal and Democratic Services	Lead officer	Yes
Finance Director	No	No
<b>Executive Member</b>	N/a	N/a
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>		May 8 2009



## **Contract Standing Orders 2008-09 2009-10**

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### **Introduction**

#### **1. When do Contract Standing Orders apply?**

#### **2. General principles**

- 2.1 Compliance with relevant statutory and corporate requirements
- 2.2 Consequences of non-compliance
- 2.3 General principle of contract decision making
- 2.4 Contracts in writing
- 2.5 Record keeping
- 2.6 Lead contract officer
- 2.7 Authority to act in line with scheme of management
- 2.8 Declarations of interest
- 2.9 Changes to CSOs

#### **3. Particular types of contract**

- 3.1 Corporate contracts
- 3.2 Consortium contracts
- 3.3 Framework/schedule of rates contracts
- 3.4 Health and social care and education Spot contracts

#### **4. Approvals processes**

- 4.1 Overview of procurement process
- 4.2 Gateway and other reports
- 4.3 Supplemental advice from other officers in Gateway and other reports
- 4.4 Decision on procurement strategy – Gateway 1
- 4.5 Decision on contract award – Gateway 2
- 4.6 Decision to allow variations during contract term
- 4.7 Retrospective approvals
- 4.8 Exemptions
- 4.9 Emergencies

#### **5. Requirements to obtain tenders or quotes depending on type of contract and levels of contract value**

- 5.1 Contracts less than £5,000
- 5.2 Contracts from £5,000 to £75,000
- 5.3 Works contracts and works-related services above £75,000 but below EU threshold
- 5.4 All other contracts not falling within 5.1 to 5.3 above

#### **6. Tender procedure**

#### **7. Contract management and monitoring**

**8. Contract termination**

**Definitions**

## Introduction

The council seeks to achieve value for money and best value when obtaining supplies of goods, services and works.

The Contract Standing Orders (CSOs) set out minimum requirements to be followed. CSOs are governed by section 135 of the Local Government Act 1972 and are the council's rules for contracts. They must always be followed unless the law (European or UK) requires something different.

Further information can be found in the Procurement Guidelines. Officers must always seek advice from Southwark corporate procurement and/or legal services ~~if they have any queries and~~ for all contracts where European law applies or which are Strategic Procurements and for other contracts if they have any queries.

CSOs do not override other parts of the council's constitution. For example, if a decision about a contract is also a "key decision", then the requirements set out in the constitution in relation to CSOs and to key decisions will have to be met.

There is a definitions section at the end of these orders which provides explanations of capitalised important words or phrases (e.g. Estimated Contract Value).

### 1. When do Contract Standing Orders apply?

#### 1.1 CSOs apply:

- to any procurement or tendering process or contract entered into by the council for the provision of goods, services and works and to the operation of any concession
- where the council is involved in joint working funded partly or entirely by external funding to the extent that the money passes through the council's accounts
- to all schools maintained by the London Borough of Southwark but subject to the current Southwark Scheme for Financing Schools and the Schools' Contract Standing Orders.

unless an exemption to CSOs is approved (see 4.8 below).

#### 1.2 CSOs do not apply:

- to contracts of employment
- to land transactions
- to grants given by the council.

### 2. General principles

#### 2.1 Compliance with relevant statutory and corporate requirements

There must be compliance with the requirements of:

- a) propriety, including obtaining all necessary approvals
- b) value for money and best value, through the consideration of all procurement options

- c) all parts of the council's constitution such as these CSOs, the Financial Standing Orders and the protocol on Key Decisions
- d) EU and domestic legislation, including the "Standstill" Period
- e) the council's procurement strategy, the Procurement Guidelines and other council policies and procedures
- f) the Employee Code of Conduct (for officers).

## **2.2 Consequences of non-compliance**

It is a disciplinary offence to:

- fail to comply with CSOs
- fail to have regard to the Procurement Guidelines when letting contracts.

Employees have a duty to report breaches of CSOs to an appropriate senior manager and the finance director.

## **2.3 General principle of contract decision making**

The aim of the procurement process is to ensure that each contract is awarded to the most economically advantageous tenderer, who may or may not have submitted the lowest sum offered, and that any decision on a Variation is made on a similar basis so as to ensure that value for money and quality considerations are taken into account. Contracts may only be awarded or a Variation decision made if the expenditure has been included in approved revenue or capital estimates or has been otherwise approved by, or on behalf of, the council.

## **2.4 Contracts in writing**

2.4.1 Every contract awarded must be in writing and, wherever practicable, on terms agreed by the council and consistent with any council terms of trading and contain full details of the contract documents and contract terms. All Strategic Procurement contracts and those works contracts whose contract value is in excess of the EU threshold for services/supplies must be executed on behalf of the council under seal as a deed.

2.4.2 All other contracts must be signed by at least two authorised officers of the lead contract officer's department.

2.4.3 All contracts must wherever practicable be signed or sealed before contract commencement and in accordance with the procedures set out in the Procurement Guidelines.

## **2.5 Record keeping**

Chief officers must ensure that the following records are kept:

- a detailed contract file for each contract, including the Estimated Contract Value
- all decisions made, reasons for them and actions taken in relation to contracts
- all reports relating to contracts

- entries in the council's contract register of all contracts with an Estimated Contract Value of £75,000 or more.

## 2.6 Lead contract officer

A lead contract officer (LCO) must be identified for each contract. Where no LCO is identified, the LCO will be deemed to be the budget holder of the section from which the contract is funded.

## 2.7 Authority to act in line with scheme of management

Each officer will act only within the limits of their delegated authority, as set out in their department's scheme of management. The hierarchy of decision makers for procurement decisions is as follows:

- executive/executive committee (highest)
- individual decision maker (IDM)
- finance director, as advised by CCRB
- chief officer, or as delegated through departmental schemes of management.

## 2.8 Declarations of interest

2.8.1 The following will declare any interests which may affect the contract procurement process:

- a) all staff, whether directly employed by the council or otherwise, who play a role in any aspect of the tendering process
- b) all staff listed on a scheme of management or delegation in relation to a contract or procurement issue
- c) external consultants and representatives of bodies other than the council (including community representatives) who play a role or whose work gives them influence over or information about any aspect of the contract process
- d) JNC (Joint Negotiating Committee) officers
- e) Any other officers who regularly give advice to members including report authors.

2.8.2 Chief officers will ensure that staff, consultants and representatives of bodies other than the council (including community representatives) appointed or agreed by them make declarations on appointment, or on any change in circumstances (and annually in the case of staff); and will either certify them as acceptable or take any necessary action in respect of potential conflicts of interest.

2.8.3 Chief officers will keep completed staff declarations on the individual's personnel file; and also maintain a departmental register of declarations indicating the names and grades of all those declaring, and the nature of their declaration; LCOs will keep any consultants' or other bodies' representatives' declarations on the contract file.

## 2.9 Changes to CSOs

As set out in article 1, the ~~strategic director of legal and democratic services~~ monitoring officer may make minor changes to the Contract Standing Orders, after consultation with the finance director.

Minor changes are defined as:

- typographical/presentational/explanatory changes
- changes in statutory framework, i.e. references to new or updated legislation
- changes in titles, names or terminology
- changes consequential to other constitutional changes already made.

### 3. Particular types of contract

#### 3.1 Corporate contracts

Where there is a Corporate contract for a service, supply or for works, it should be used to make the relevant purchase. If a lead contract officer believes that the Corporate contract does not meet their requirements they must obtain an exemption (see 4.8) through a Gateway report regardless of the value of the purchase.

#### 3.2 Consortium contracts

The requirements in these Contract Standing Orders for obtaining tenders or quotes shall not apply where the council intends to purchase under a Consortium contract so long as approval ~~to~~ for the use of that Consortium contract has been given via a Gateway 1 report which should identify the procedure and route for approvals for future orders/works being placed under the consortium agreement.

#### 3.3 Framework/schedule of rates contracts

3.3.1 When a Framework contract or similar type of contract (such as a schedule of rates contract) is entered into, no individual order may be placed which will exceed the EU threshold for services/supplies unless this has been approved by the relevant decision maker appropriate to that contract, whether at the time of the approval of the procurement strategy (Gateway 1 report) or in the approval of the award of the contract (Gateway 2 report) or before the individual order is placed.

3.3.2 Any procurement involving the use of a third party's Framework contract is subject to usual Gateway 1 and 2 procedures (see 4.4 below).

#### 3.4 Health and social care and education Spot contracts

Personal, social or educational services are sometimes provided by the purchasing of these services under Spot contracts. The relevant chief officers will seek to minimise the use of Spot contracts, but where they are to be used for such services:

- a) the requirements in these Contract Standing Orders for obtaining tenders or quotes shall not apply
- b) the relevant chief officer may award all such Spot contracts and



- c) the relevant chief officer must provide an annual report to the Corporate Contract Review Board (CCRB) detailing the nature, extent and value of Spot contracts entered into in the previous financial year.

#### 4. Approvals processes

##### 4.1 Overview of procurement process

4.1.1 Having identified a need to purchase goods, services or works which are not covered by an existing contract and having confirmed that they are subject to CSOs (see section 1 above), the main stages of all non-emergency procurements are – in summary:

- a) to identify who is the lead contract officer (LCO) – see 2.6 above
- b) to obtain approval of procurement strategy (Gateway 1 report). This will depend on the Estimated Contract Value and other factors and may require advice from the Departmental and Corporate Contract Review Boards (DCRB and CCRB) – see 4.4 below
- c) to follow appropriate quote/tender route. This will depend on the Estimated Contract Value and other factors – see 5 below
- d) to obtain approval to award contract (Gateway 2 report). This will depend on Estimated Contract Value and other factors and may require advice from the DCRBs and CCRB – see 4.5 below
- e) to ensure that a written contract has been signed (and sealed if necessary) on behalf of the chief officer of the LCO's department in line with constitutional requirements.

For an emergency procurement, see 4.9 below.

4.1.2 Where there is a need to vary an existing contract, the process to be followed is set out in 4.6 below.

4.1.3 Where it is proposed to bring a service which was previously externalised back in-house, it is necessary to follow 4.1.1 a) and b) above.

##### 4.2 Gateway and other reports

The procurement process requires approvals via written reports at the following stages:

- a) approval of procurement strategy – Gateway 1 report
- b) approval of award of the contract – Gateway 2 report
- c) approval of Variation or Extension to contract – Gateway 3 written report.

More information can be found in 4.4 to 4.6 and the definitions below.

##### 4.3 Supplemental advice from other officers in Gateway and other reports

Where the Estimated Contract Value or, in relation to a Variation, the Contract Value is over the relevant EU threshold or where required elsewhere in the CSOs, any Gateway report or other report containing a contract matter (such as a Variation report) must include legal advice from the strategic director of legal and democratic services monitoring officer and financial and procurement advice from the finance director or delegated officer(s).

#### 4.4 Decision on procurement strategy – Gateway 1

4.4.1 A decision on the procurement strategy to be used on any contract with an Estimated Contract Value of over £75,000 must only be made after consideration of a Gateway 1 report. It is recommended that such a report is also used for contracts with an estimated value of £75,000 or below.

4.4.2 The decision on the approval of the procurement strategy is to be taken by the relevant chief officer or under his/her delegated authority in line with the department's scheme of management, except where:

- a) the contract is a Strategic Procurement, the decision must be taken by the executive or executive committee, after taking advice from the CCRB
- b) the Estimated Contract Value is above £2 million but below £4 million for services and supplies or above £10 million but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after taking advice from the CCRB
- c) the contract is a Corporate contract, but does not fall into a) or b) above, the decision must be taken by the finance director, after taking advice from the CCRB
- d) the contract will affect the budget of more than one directorate and the Estimated Contract Value is £500,000 or more, but does not fall into a), b) or c) above, the decision must be taken by the finance director, after taking advice from the CCRB
- e) the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c) or d) above and the LCO is requesting approval to proceed with a single tenderer or to negotiate with a single provider (and this is permitted by EU legislation), the decision must be taken by the finance director, after taking advice from the CCRB
- f) the contract will affect the budget of more than one directorate and the Estimated Contract Value is less than £500,000, the chief officers of all the directorates concerned must agree the decision, after taking advice from relevant DCRBs
- g) the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c), d), e) or f) above, the decision must be taken by the chief officer or under his/her delegated authority, after taking advice from his/her DCRB
- h) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
  - i) for the decision to be made by someone else (e.g. pensions, treasury management where decisions are to be made by the finance director) or
  - ii) about the decision (e.g. in emergencies where no prior written report is needed – see 4.9 below).

4.4.3 Gateway 1 reports should also include any details of procurement proposals that are different from the normal routes, including requests for exemptions to all or some of these CSOs and requests to delegate powers to award the contract.

#### 4.5 Decision on contract award – Gateway 2

4.5.1 A decision to award any contract with an Estimated Contract Value of over £75,000 must only be made after consideration of a Gateway 2 report. It is

recommended that such a report is also used for contracts with an estimated value of £75,000 or below. As a minimum, the LCO must keep a written record of decisions and action taken.

4.5.2 The decision on the award of a contract is to be taken on the basis of a written report by the relevant chief officer or under his/her delegated authority in line with the department's scheme of management, except where:

- a) the contract is a Strategic Procurement, the decision must be taken by the executive or executive committee, after taking advice from the CCRB
- b) the Estimated Contract Value is above £2 million but below £4 million for supplies and services or above £10 million but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after taking advice from the CCRB
- c) the contract is a Corporate contract, but does not fall into a) or b) above, the decision must be taken by the finance director, after taking advice from the CCRB
- d) the contract will affect the budget of more than one directorate, and the Estimated Contract Value is £500,000 or more but does not fall into a), b) or c) above, the decision must be taken by the finance director, after taking advice from the CCRB
- e) the contract will affect the budget of more than one directorate and the Estimated Contract Value is less than £500,000, the chief officers of all the directorates concerned must agree the decision, after taking advice from relevant DCRBs
- f) if;
  - i) the Estimated Contract Value is £500,000 or above (for services and supplies contracts) or above the relevant EU threshold (for works contracts) and
  - ii) the contract is to be awarded to a contractor whose bid was more than 15% above the Lowest Bid, but does not fall into a), b), c) or d) above, the decision must be taken by the finance director, after taking advice from the CCRB
- g) the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c), d), e) or f) above, the decision must be taken by the relevant chief officer or under his/her delegated authority, after taking advice from the relevant DCRB
- h) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
  - i) for the decision to be made by someone else (e.g. pensions, treasury management where decisions are to be made by the finance director)
  - ii) about the decision (e.g. in emergencies where no prior written report is needed – see 4.9 below)
- i) approval has been obtained in line with 4.4.3 above to a different decision process.

4.5.3 Report authors should include, as part of the proposed recommendations contained within the Gateway 2 report, details of any possible options to extend the contract and seek delegated authority for the decision to exercise those options at a future date. Where such a recommendation is not included, even where the contract was awarded prior to the commencement of these CSOs, any decision to exercise an option to extend the contract will be subject to the requirements of 4.6 below.

#### 4.6 Decision to allow Variations during contract term – Gateway 3

4.6.1 Any decision to allow a Variation of a contract is to be taken on the basis of a written report by the relevant chief officer or under his/her delegated authority in line with the department's scheme of management, except where:

- a) the Contract Value plus the amount of the proposed Variation and any previous Variations is £500,000 or above (for services and supplies contracts) or above the relevant EU threshold (for works contracts) and the amount of the proposed Variation is more than 15% of the Contract value, the decision must be taken by the finance director, after taking advice from the CCRB; all such decisions will be advised in writing by the finance director to members of the executive
- b) the contract is a Corporate contract, but does not fall into a) above, the decision must be taken by the finance director, after taking advice from the CCRB; all such decisions will be advised in writing by the finance director to members of the executive
- c) an additional amount is to be paid in respect of an outstanding sum for works, services or supplies already provided or where an Urgent Payment is required, written confirmation from the ~~director of legal and democratic services monitoring officer~~ that the sums are legally payable must be obtained and the decision to make the payment must be reported in writing to the finance director within five clear working days
- d) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
  - i) for the decision to be made by someone else (e.g. pensions, treasury management where decisions are to be made by the finance director)
  - ii) about the decision (e.g. in emergencies where no prior written report is needed – see 4.9 below)
- e) approval has been obtained in line with 4.4.3 above to a different decision process.

4.6.2 Where a decision on a Variation is made in relation to a contract for works, there will also be a deemed variation of the contract of any consultant engaged in relation to that works contract. This only applies where the consultant is engaged on a fixed percentage of the works contract value. The deemed variation of the consultant's contract will be by the same percentage as that applied to the works contract.

#### 4.7 Retrospective approvals

In the event of a contract having been entered into other than in compliance with these CSOs, it may be necessary to seek approvals retrospectively. In such cases, the procedures relating to Gateway 1, ~~and~~ Gateway 2 and Gateway 3 reports should be followed. Where the decision makers for the Gateway 1 and 2 reports are different, both decisions can be taken by the higher decision maker (see 2.7 above), after consulting with the other decision maker. In addition, a report should also be submitted to the relevant departmental contract review board for information and to the audit and governance committee, setting out the circumstances and manner in which the decision was taken, for the purpose of obtaining guidance to inform future decision making.

#### 4.8 Exemptions

In the event that there appear to be exceptional circumstances which mean that the usual procedures set out in the CSOs cannot be followed, written approval must be obtained in advance through a Gateway report. The report should set out the exceptional circumstances and explain why usual procedures cannot be followed. Proposed alternative courses of action must still comply with remaining relevant statutory and corporate requirements as set out in 2.1 above.

Examples of circumstances which might amount to an exceptional reason for not following the usual procedures are:

- a) the nature of the market has been investigated and is such that a departure from the CSO requirements is justified
- b) the contract is one required because of circumstances of extreme urgency which could not reasonably have been foreseen
- c) the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or domestic law).

The above is not an exclusive list.

### **4.9 Emergencies**

An emergency is a situation where action is needed to prevent a risk of injury to or loss of life, or to the security or structural viability of a property. In the case of an emergency, action necessary can be approved by a chief officer without a prior written Gateway report. Such action shall be limited to dealing with the emergency and it shall be subsequently recorded in a written report to the CCRB.

## **5. Requirements to obtain tenders or quotes depending on type of contract and levels of contract value**

### **5.1 Contracts less than £5,000**

For all contracts where the Estimated Contract Value is less than £5,000, there is no requirement to obtain competitive quotes; the requirement is to ensure value for money and best value and to keep a record of what action has been taken and why. In addition, if the contract is for works or for works-related services, the provider must be obtained from the council's Works Approved List.

### **5.2 Contracts from £5,000 to £75,000**

For all contracts where the Estimated Contract Value is from £5,000 to £75,000, there is a requirement to take all reasonable steps to obtain at least three written quotes unless the LCO decides that this will not secure value for money. In such cases, a Gateway 1 report must be completed to explain what alternative action is being taken and why. In addition, if the contract is for works or works-related services, those invited to submit quotes must be selected from the council's Works Approved List unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the finance director or his delegated officers, without which the approval cannot be granted.

**5.3 Works contracts and works-related services above £75,000 but below EU threshold**

For all such contracts where the Estimated Contract Value is above £75,000 but below the relevant EU threshold, there is a requirement to take all reasonable steps to obtain at least five tenders. Those invited to submit tenders must be selected from the council's Works Approved List unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the finance director or his delegated officers, without which the approval cannot be granted.

**5.4 All other contracts not falling within 5.1 to 5.3 above**

For all contracts not covered by 5.1 to 5.3 above, there is a requirement to take all reasonable steps to obtain at least five tenders following a publicly advertised competitive tendering process, as set out in these CSOs and in line with the Procurement Guidelines.

**6. Tender procedure**

6.1 Officers must seek advice from [Southwark corporate](#) procurement before using any e-procurement processes in order to ensure compliance with relevant legislative requirements. All other tender processes must comply with the following requirements.

6.2 Tenderers must be told that their tenders may only be considered if they follow the requirements below:

- a) the tender must be returned in a plain envelope or parcel which is marked clearly "Tender" followed by the subject of the contract
- b) the envelope or parcel must not show the identity of the tenderer in any way, and
- c) the envelope or parcel must be delivered to the place and by the time stated in the tender invitation.

6.3 All tenders will be opened at the same time and place, after the closing date and time for receipt stated in the tender documents.

6.4 Tenders where the Estimated Contract Value is £500,000 or more must be returned to the [director of legal and democratic services monitoring officer](#) and shall be opened by his/her authorised representative. Where the Estimated Contract Value is less than £500,000, tenders may be returned to the chief officer or their authorised representative who will arrange for tender opening in the presence of at least two officers, one of whom will be the witness and will not have been directly involved in that particular contract.

6.5 A tender received by the council after the time and date specified in the invitation shall not be accepted or considered.

6.6 Exceptions to the requirements set out in 6.1 to 6.5 above will only be made in exceptional circumstances and must be authorised by the relevant chief officer in writing following consultation with the finance director, CCRB or DCRB as appropriate to the contract.

**7. Contract management and monitoring**

7.1 The lead contract officer must ensure that systems are in place to manage and monitor contracts in respect of

- a) compliance with specification and contract
- b) performance
- c) cost
- d) user satisfaction
- e) risk management

7.2 Where the estimated contract value exceeds the relevant EU threshold, the lead contract officer should prepare a six-monthly monitoring report to the relevant DCRB.

7.3 Where the contract relates to a strategic procurement or is corporate in nature or has an estimated contract value of £500,000 or more and affects the budgets of more than one department, the lead contract officer should prepare an annual monitoring report to the CCRB.

**8. Contract termination**

8.1 A contract may only be terminated early or suspended by a chief officer, and only after consultation with the monitoring officer and finance director; all such decisions will be advised in writing by the chief officer to the relevant member of the executive and executive member for resources.

### Definitions

Consortium contract	A contract procured, usually following a competitive process, by a public sector agency other than the council under which the council is permitted to purchase, such as those provided by the Office of Government Commerce, e.g. Catalyst (which replaces GCAT and S-CAT), or the London Contracts and Supplies Group.
Contract register	A register of contracts held by Southwark legal services.
Contract Value	The total value of a contract as awarded (which may be different from the Estimated Contract Value), net of VAT, or if there is no fixed figure, the LCO's best estimate of the likely amount to be spent over the period of the contract, taking into account the prices accepted.
Corporate contract	A contract arranged by <a href="#">Southwark corporate</a> procurement or another department that should be used by the whole council for all goods, works or services specified in it.
CCRB	Corporate Contract Review Board – panel of officers operating under terms of reference of CCRB. Its role includes considering reports from DCRBs and advising the executive, individual decision makers and the finance director on contract decisions.
DCRB	Departmental Contract Review Board – panel of officers operating under terms of reference of DCRB. Its role includes agreeing reports for consideration by the CCRB and advising the chief officer on contract decisions.
Estimated Contract Value	The total value of a proposed contract including options to extend it (as estimated by the LCO on the basis of all relevant factors) net of VAT calculated for the proposed contract period, or, if for an undetermined period, in accordance with the valuation rules contained in European Regulations, whether or not the Regulations apply to the particular contract. This may be different from the lifetime cost of the contract, which may need to be considered for other purposes (see Procurement Guidelines). Note that a contract may not be artificially packaged into two or more separate contracts, nor a valuation method selected, with the intention of avoiding the application of these CSOs. Chief officers are responsible for considering aggregation within their department to ensure delivery of best value within CSO requirements.
EU Regulations	The Public Contracts Regulations 2006 or any amendment to or successor to those Regulations.
EU threshold	The current contract value at which the requirements of the EU Regulations apply.



Framework contract	A framework contract is an agreement between the council and one or more contractors, the purpose of which is to establish the terms governing jobs to be awarded during the period of the framework agreement, in particular with regard to price. Usually, the council is under no obligation to offer work but the provider is obliged to perform work if the council asks.
Gateway report	A written report in substantially the same terms as those contained in the relevant template which can be found on the Source at <a href="http://thesource/SectionLandingPage.asp?id=22344&amp;cat=1234">http://thesource/SectionLandingPage.asp?id=22344&amp;cat=1234</a> .
Key Decision	Definitions of Key Decisions are contained in the Protocol on Key Decisions in appendix 1 of the Access to information procedure rules section of the constitution. Examples of Key Decisions for procurement purposes are: <ul style="list-style-type: none"><li>• those which are subject to a general financial threshold (£500,000 or more – note that in relation to awarding contracts, this is a per annum value not a contract term value)</li><li>• those which have a significant impact on communities</li><li>• Gateway 1 approvals in respect of a Strategic Procurement.</li></ul>
Lead contract officer (LCO)	The LCO for each contract is the officer who has a duty to ensure that the obligations set out in these CSOs are complied with.
Lowest Bid	The lowest price offered by tender or quotation which meets the specification and other requirements of the contract.
Procurement Guidelines	A document issued and maintained by <a href="#">Southwark corporate</a> procurement containing best practice information on procurement matters.
Spot contract	A one-off contract under which services are provided to meet an individual service user's needs for personal, social or educational provision.
“Standstill” Period	The period required by EU regulations between notification of an award decision and when the contract comes into existence, in order to allow unsuccessful parties time to challenge the award decision. Most contracts are covered by this requirement; a few are not (Part B services – such as some personal services in relation to education, social care and health). Seek advice on whether your contract is about a Part B service and if you are unclear about the application of the Standstill Period.

Strategic Procurement	<p>Procurement where one or more of the following apply:</p> <ol style="list-style-type: none"><li>1) Estimated Contract Value <del>over</del> <u>of</u> £4 million <u>or more</u> for non-works and <u>of</u> £15 million <u>or more</u> for works</li><li>2) a significant change to previous service</li><li>3) possible externalisation or change in manner of delivery</li><li>4) significant transfer of assets or staff</li><li>5) political sensitivity</li><li>6) contract carrying a high level of risk.</li></ol>
Tender value	<p>The value of a contract at the time of the award of the contract or, if there is no fixed value, the LCO's best estimate of the likely spend on the contract during the contract period.</p>
Urgent Payment	<p>A payment where delay would lead to significant demonstrable financial loss to the council (and where no breach of EU or domestic requirements would be occasioned).</p>
Variation	<p>A decision to extend the length or cost or <del>change</del> <u>amend</u> the scope of a contract which was not anticipated or allowed for in the contract terms. This might be a change in duration, i.e. an increase in the duration of the contract that was not anticipated or allowed for when the contract was awarded; or a change in volume, i.e. an increase in the volume usage of the contract that was not anticipated when the contract was awarded.</p>
Works Approved List	<p>A list of providers of works and works-related consultancy services which have all been appraised to meet minimum criteria in respect of their financial standing, level of insurance held, health and safety policies and procedures, and equal opportunities policies and procedures, maintained by <u>Southwark corporate</u> procurement. For further information about the use of Approved Lists, see the Procurement Guidelines or seek advice from <u>Southwark corporate</u> procurement.</p>



## **Financial Standing Orders 20089/0910**

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**Glossary**

## Introduction

The council allocates resources for both capital and revenue purposes. The council has systems to monitor expenditure and income on an accruals basis and to monitor accounting commitments on both revenue and capital budgets. All references to income and expenditure in the financial standing orders and financial regulations include accrued income and expenditure in addition to cash receipts and payments. A short glossary of other terms is appended to the financial standing orders for ease of reference.

References in these standing orders to “the executive” should be taken to include decisions taken by the whole executive, decisions by any subcommittee of the executive and decisions by individual members of the executive. Delegations to the executive are set out elsewhere in the constitution.

As set out in article 1, the finance director may make minor changes (see Glossary) to the financial standing orders, after consultation with the strategic director of legal and democratic services.

### 1. Financial administration

#### a) Finance director

- i) The finance director is the officer appointed by the council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit Regulations 2003 (as amended) ~~by the Accounts and Audit (Amendment) (England) Regulations 2006~~, and section 25 of the Local Government Act 2003. The postholder must ensure that the council’s financial affairs are administered in a proper manner, in compliance with all relevant professional codes of practice, and all statutory obligations.
- ii) All matters connected with the financial administration of the council’s affairs are the delegated responsibility of the finance director, except any matters which are delegated to other officers or reserved to committees of council members, the executive, or to the council itself. The finance director may authorise other officers to carry out matters delegated to him/her except the section 151 responsibilities.

#### b) Strategic directors

Strategic directors are responsible for ensuring that there is proper financial management within their department. Specific responsibilities are set out in the scheme of delegation for financial authority and accountability. Strategic directors must maintain adequate systems of internal control over financial operations and processes and secure the accuracy and integrity of financial information and systems operating within their departments. Strategic directors must ensure compliance with procedural instructions on financial administration issued by the finance director. Strategic directors must set and maintain a departmental scheme of management setting out the levels of authorisation and standards for the department.

**c) Financial advice to the executive**

- i) Corporate and strategic matters. The finance director will provide financial advice to the council, its committees, subcommittees, and similar bodies of members including the executive on all matters of a corporate or strategic financial nature or of an interdepartmental nature.
- ii) Departmental matters. Strategic directors are responsible for financial advice to committees, subcommittees and similar service bodies of members including the executive on all financial matters of a departmental nature.

**d) Financial regulations**

The finance director will issue financial regulations applicable to all or specified categories of council staff. Strategic directors will ensure that all relevant staff in their departments fully comply with them. Individual council officers must familiarise themselves with financial regulations, or similar, relevant to their work, and fully comply with them.

The Money section of the Source (the council's business managers' handbook) for the purposes of these financial standing orders is the council financial regulations.

**e) Partnerships**

Financial governance arrangements in respect of partnerships must meet the requirements of the finance director and his written approval must be obtained before any partnership arrangements are entered into.

**f) Treasury management**

All treasury management decisions are the responsibility of the finance director, as set out in paragraph 11 below.

**g) Pensions**

All pension scheme decisions are the responsibility of the finance director, acting on the advice of the pensions advisory panel, as set out in part 3 of the Constitution.

**h) Cap and trading schemes**

The finance director must be consulted on all decisions relating to the landfill allowance trading scheme (LATS) and any similar cap and trading schemes.

**i) Companies in which the council has an interest**

The finance director and strategic director of legal and democratic services must be consulted on all proposals relating to the establishment of companies in which the council is to have an interest.

**j) Guarantees**

Any proposal for giving a financial guarantee on behalf of a party external to the council must have prior written approval of the finance director.

**k) Internal audit**

- i) The finance director is responsible for:
- safeguarding the independence of internal audit
  - determining the overall audit arrangements and the annual internal audit plan
  - the content and distribution of internal audit reports
  - the form and frequency of reports which may be made to the audit and governance committee arising from internal audit activity.
- ii) It is the responsibility of all council officers to implement agreed recommendations and to provide, upon the request of the finance director or a person nominated by him or her for this purpose, any information, explanation or document under the control of the officer concerned which is required for the purposes of or in connection with an internal audit inquiry, project, or investigation.
- iii) The finance director will report to the audit and governance committee any serious breach of financial standing orders or of the financial regulations or procedural instructions issued in accordance with them.

**l) Risk management**

The finance director will be responsible for ensuring awareness of and compliance across the council with risk management responsibilities and protocols as they impact upon day-to-day operations and major project activities and for reporting on risk management as appropriate.

**m) Fraud**

The finance director is responsible for management of the investigation process for all suspected cases of fraud, corruption, financial loss or malpractice.

**2. Financial planning**

**a) Planning process**

The council's financial planning processes and planning horizons, for the revenue budgets (including the housing revenue account), the capital programme and the Medium Term financial Resources Strategy, will be determined by the finance director, subject to approval by the executive. This will have regard to the council's community strategy, corporate plan, corporate priorities and business plans.

**3. Preparation of the revenue budget**

**a) Finance director's responsibilities**

The finance director is responsible for the overall coordination of the budget process. Under section 25 of the Local Government Act 2003, he/she also has specific responsibilities for reporting on:

- the robustness of the estimates
- the adequacy of the proposed financial reserves.

The finance director also has specific responsibility for confirming the deployment of the dedicated schools grant in support of the schools budget, as required by section 16 of the Education Act 2002 and the Accounts and Audit (Amendment) (England) Regulations 2006.

### **b) Strategic director's responsibilities**

- i) Preparing the revenue budget for the services in his/her departments in consultation with the relevant member of the executive, which will have regard to the community strategy, corporate plan, corporate priorities and business plans.
- ii) Ensuring that corporate deadlines are met.
- iii) Ensuring that resources are allocated through a detailed budget on SAP by the deadline set by the finance director.
- iv) Ensuring that reports are submitted to the relevant executive member(s), seeking approval of fees and charges in relation to their areas of responsibility.

### **c) Budget working papers and revenue estimates**

- i) All working papers and revenue estimates must be prepared in accordance with issued procedural instructions. The instructions will include information in respect of inflation, capital financing costs and other variables outside the control of service departments.
- ii) The revenue estimates must include forecast expenditure and income for the year.

### **d) Budget timetable and cash limits**

As part of the council's arrangements for medium term financial planning and budget preparation, the executive will give guidance on the budget timetable to be adopted and the resource constraints (cash limits) within which business plans and budget estimates must be prepared. The executive may also, as part of a strategy to integrate strategic planning with four-year budgeting, issue indicative cash limits for up to four years ahead.

## **4. Setting the annual budget and the council tax**

### **a) Precepting authorities and the tax base**

The council must before January 31 each year approve the council tax base for the following financial year. Following the council decision, the finance director will inform precepting and levying bodies of the approved council tax base.



**b) Collection fund**

The finance director will determine the probable collection fund surplus or deficit for the year, notify precepting bodies, and report to the executive.

**c) Decision by members**

- i) The executive will make recommendations to the council regarding the annual budget for the following financial year and the council tax required to finance it.
- ii) At a meeting on or before March 1 each year, the council will set the overall council tax (including impact of the [Greater London Authority \(GLA\)](#) precept) for the following financial year.

All members must ensure that any outstanding debts relating to council tax or national non-domestic rates payable by them to the council have been settled at least one clear working day before the council assembly meeting at which the overall council tax is set.

**5. Monitoring and control of the revenue budget**

**a) Budget spending**

Following approval by the council of the annual revenue estimates, strategic directors may spend within the agreed budget for their departments. They must ensure that the net expenditure for their departments does not exceed the approved budget. They must also ensure that they do not incur expenditure on budgets outside their departmental budget without first getting approval from the relevant strategic director.

**b) Monitoring**

- i) Strategic directors must:
  - ensure that there are adequate systems to monitor and audit the resources allocated to services.
  - monitor at least monthly the accurately projected income and expenditure outturn for the financial year under each budget heading, having regard to any contingent or other liabilities for which financial provision may be required.
  - present reports containing up to date summary projections to the relevant executive member each month.
- ii) The finance director must report on the overall financial position of the council to the executive on a quarterly basis. This report will include any concerns he/she may have about the outturns projected by strategic directors or about financial controls within departments.

**c) Budget adjustments/virements within a directorate**

Strategic directors may vire budget provision between services as set out in the budget book (cost centre groups) ~~(as set out in the budget book)~~ within their department, subject to the following:

- i) The authority for all virements must comply with each department's scheme of management.
- ii) Provisions included within departmental budgets on the instructions of the finance director as per the schedule of corporately controlled budgets maintained by the finance director, (e.g. insurance, capital charges, leasing costs, service level agreements, FRS 17, planned maintenance etc) may not be vired for other purposes without the written consent of the finance director.
- iii) ~~The departmental strategic director must at the earliest opportunity report each virement in excess of £250,000 to the executive. If the virement is in excess of £250,000, it cannot be actioned until the strategic director has notified it to the finance director who will report it to the executive at the earliest opportunity.~~ This must include the movement of an approved budget from one service to another and adjustments between subjective categories of income and expenditure such as to reflect additional grant or other income and associated expenditure.

### **d) Budget adjustments/virements between directorates**

- i) Where responsibility for a service is transferred from one department to another and the annual cost transferred exceeds £250,000, the relevant strategic director(s) must obtain written consent from the finance director ~~and~~ who will obtain the approval of the executive.
- ii) Subject to paragraph 13 of Part 3A of the Constitution "matters reserved to council assembly", the executive may at any time during a financial year, having considered a report of the finance director, vary the departmental approved budget either:
  - to require mid-year savings to compensate for a projected corporate overspend
  - to allocate to departments sums included within corporate provisions or budgets, excluding those which form part of the schedule of corporately controlled budgets maintained by the finance director.

### **e) Treatment of overspends and underspends**

The finance director may, on consideration of the overall financial position of the council at the end of a financial year, recommend to the executive whether overspends by departments should be set off against budgets in the subsequent financial year and whether underspends by departments can be made available for specific projects or carried forward to the subsequent financial year, or otherwise accounted for, in line with the Medium Term Financial Resources Strategy.

### **f) Accuracy of accounts**

It is the responsibility of strategic directors, having regard to any guidance which may be issued by the finance director, to ensure that all items are correctly accounted for, and that all expenditure and income is charged to a revenue account in the first instance, in accordance with proper accounting practices. The only exceptions under the provisos of the Local Government Act 2003 are:

- expenditure under finance leases
- expenditure permitted to be charged to capital
- the repayment of sums borrowed
- expenditure on approved instruments (treasury loans)
- payments from the superannuation funds
- the use of trust funds
- transactions within the collection fund.

### 6. Annual statement of accounts

#### a) Finance director

The finance director is responsible for the preparation and certification of the annual statement of accounts in accordance with current legislation and in particular with the Accounts and Audit Regulations 2003 (as amended) ~~by the Accounts and Audit (Amendment) (England) Regulations 2006~~. The finance director will make arrangements for the coordination of the council's closing of accounts programme to ensure compliance with national guidelines.

#### b) Strategic directors

Strategic directors are responsible for ensuring:

- i) the accuracy of their departmental accounts and compliance with all current legislation and applicable accounting codes of practice
- ii) the prompt production of adequate working papers to justify all items attributable to them in the statement of accounts
- iii) the achievement of their departmental closing of accounts programme in line with the finance director's timetable for the closure of accounts and production of the annual statement of accounts
- iv) the completion of all grant claims accurately, within deadlines and with adequate supporting working papers, ensuring that income due to the council is maximised
- v) that their staff cooperate fully with the council's external auditors during their audit of the accounts and grant claims.

### 7. Preparation of the capital programme

#### a) Capital programme

The executive will, on consideration of annual and ad hoc reports from the finance director, agree the capital programme. The reports from the finance

director will consider the compliance of proposed schemes in the programme with the Medium Term financial Resources Strategy, the capital resources available to the council, the revenue implications of the proposed capital expenditure, and any other relevant information.

**b) Financing of schemes**

Within the overall approved capital programme, the finance director will decide the method by which any particular scheme will be financed in consultation with the executive member for resources.

**c) Capital schemes**

Approval to spend on individual capital schemes will only be given once issued procedural instructions have been complied with and cash flow implications have been determined and assessed to the satisfaction of the finance director.

**8. Monitoring and control of the capital programme**

**a) Control**

Strategic directors must ensure that their total departmental capital spending in any financial year does not exceed the relevant provision within the capital programme, except where approved by the executive.

**b) Reporting requirements**

i) The finance director will report on the actual capital expenditure incurred in the first six months by the council as a whole to the executive by December. This report will include details of variations to the capital programme (see (c) below), the projected outturn for the financial year and the total capital resources available to the council with which to finance such expenditure.

ii) The finance director will report to the executive on the outturn position for capital expenditure for each financial year.

**c) Variations to the capital programme**

~~Strategic directors may vary the budget or profile for individual schemes or block provisions and may add schemes from the reserve list subject to any increase in budget being met by virements or additional resources and subject to the agreement of the finance director and relevant executive members. They must report such variations to the executive, at the earliest opportunity.~~

i) Virements

Virements between capital projects or programme headings as set out in the overall programme approved by the executive must be notified by the strategic director to the finance director and cannot be actioned until they have been approved as follows:

- Up to £100,000 – finance director

- Over £100,000 and up to £1,000,000 – relevant executive member(s) and the executive member for resources
- Over £1,000,000 - the executive

ii) Changes to profiles of expenditure and resources  
Changes to profiles for capital projects or programme headings as set out in the overall programme approved by the executive must be notified by the strategic director to the finance director and cannot be actioned until they have been approved as follows:

- Up to £250,000 – strategic director
- Over £250,000 – relevant executive member and executive member for resources.

**d) Major overspends and underspends**

Strategic directors must report to the finance director who will report to the executive on any schemes in progress, which are forecast to overspend or underspend by 15% or more compared to the contract sum approved budget unless the overspending or underspending amounts to less than £200,000 £250,000. The report must give the reasons for the overspending or underspending.

**e) Accuracy of accounts**

It is the responsibility of strategic directors, having regard to any guidance which may be issued by the finance director, to ensure that all items are correctly coded and only expenditure classified as capital expenditure in accordance with proper accounting practices or as defined as such under the Local Government Act 2003 (and subsequent regulations) is charged to capital.

**9. Leases**

**a) Capital accounting considerations**

The taking or granting of a lease on any asset may form part of the council's capital expenditure or receipts, and must, therefore, be provided for.

**b) Consent**

Strategic directors are required to obtain written permission from the finance director before taking or granting a lease on any asset. The exceptions to this are:

- i) the granting of short term leases on property within the commercial property portfolio managed by the head of property services
- ii) the granting of leases on housing revenue account dwellings under the right to buy provisions of the Housing Act 1985.

**10. Schools financial framework**

**a) Application of standing orders**

Delegated budgets of schools, in accordance with the Schools Standards and Framework Act 1998, remain part of the authority. The statutory responsibilities of the finance director apply to schools in the same way as any other part of the council.

**b) Financial regulations**

Financial regulations applying to schools which differ from those issued to strategic directors and departments will be issued by the strategic director of children's services after agreeing them with the finance director.

**c) Scheme for financing schools**

The finance director and strategic director of children's services will consult on and issue a scheme for financing schools annually.

**11. Treasury management**

**a) Prudential framework**

i) Prudential indicators

The finance director shall set out prudential indicators for capital finance and treasury management under the provisions of the Local Government Act 2003 for consideration and decision by council assembly alongside consideration of the budget and council tax each year.

ii) Reporting

The finance director shall monitor and report at least twice a year on performance against the indicators.

**b) Borrowing and treasury management strategy and decisions**

i) Strategy

The finance director shall set out the borrowing and treasury management strategy (including prudential borrowing arrangements) for consideration and decision by the council assembly each year, in accordance with ODPM guidance on local government investments and the CIPFA code of practice on treasury management in the public sector.

ii) Decisions

All executive and operational decisions on borrowing, credit finance and investments are delegated to the finance director, who shall report on activity at least twice a year.

**c) Departure from ODPM guidance or the CIPFA code**

If the finance director should wish to depart materially from the main principles of the guidance or code, the reasons should be reported to the council assembly.

## Glossary

Budget adjustments/virements	A budget adjustment or virement is a movement of an approved budget from one budget heading or service to another. It will be self-balancing and will be in response to either a change in the level of service (increased or decreased) or additional net costs or benefits within a service. It includes changes to expenditure and income budgets to take account of new grants or other income and associated expenditure including movements between subjective categories of income and expenditure and also corrections to budgets which were set on the basis of incomplete information. It may recognise movements to and from reserves and balances, which may only be actioned by the finance director.
Capital programme	The capital programme is a medium term statement of the council's proposals for capital expenditure, including leasing, having regard to the likely level of resources.
CIPFA	The Chartered Institute of Public Finance and Accountancy (CIPFA) is the body with responsibility for issuing guidance on how accounting standards are to apply to local authorities.
Financial regulations	Financial regulations are such procedures that the finance director shall issue from time to time as part of the financial standing orders. Currently these are contained within the Money section of the Source (the council's business managers' handbook) and all complementary or otherwise similar procedures issued.
Minor changes	Minor changes are defined as: <ul style="list-style-type: none"><li>• typographical/presentational/explanatory changes</li><li>• changes in statutory framework, i.e. references to new or updated legislation</li><li>• changes in titles, names or terminology</li><li>• changes consequential to other constitutional changes already made.</li></ul>
ODPM	The Office of the Deputy Prime Minister (ODPM) is a former government department, which became part of the Communities and Local Government (CLG) department in May 2006.

Partnership	<p>A partnership is an agreement between the council and one or more parties to work together to enable the service provider to give the client the best possible service. The council may not always be the lead provider and the agreement may take a number of forms: it may be contractual, but involve a more integrated, consultative and interactive working relationship or there may be no contract, no formal specification and no competitive process. As a minimum, there should be a service level agreement. Partnerships include joint arrangements, joint committees, joint venture companies and any other special purpose vehicles.</p>
<u>Profiles of expenditure / resources</u>	<u>Profiles of expenditure and resources are estimated patterns of expenditure and income through the year. For capital projects, these will often span more than one financial year. The construction of profiles enables the accurate monitoring of actuals and commitments each month which is essential to ensure that resources are used effectively.</u>
Prudential indicators	<p>Prudential indicators are indicators set by each local authority under CIPFA's prudential code for capital finance to help demonstrate that capital investment plans are affordable, prudent and sustainable and that treasury management (see below) decisions are taken in accordance with good practice. Examples of indicators are ratios of financing costs to net revenue streams; estimates of the incremental impact of capital investment decisions on council tax and levels of external debt.</p>
Treasury management	<p>Treasury management is the management of the council's long term borrowing and short term cash surpluses and deficits in line with its debt and investment strategies.</p>



# Agenda Item 64

<b>Item No.</b> 6.4.	<b>Classification:</b> Open	<b>Date:</b> May 20 2009	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Community Council Protocol	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Legal and Democratic Services	

## RECOMMENDATION

- 1 That council assembly consider and approve this protocol for inclusion in the protocol section of the constitution. That council assembly agree that any future changes to this protocol be agreed by the monitoring officer, after consultation with chairs and vice-chairs of community councils, and is noted as an exception in article 1.5(b) of the constitution.

## BACKGROUND INFORMATION

- 2 The community council's chairs and vice chairs have discussed improving the understanding of members and officers roles and responsibilities. Officers agreed to draft a new protocol that would provide clarity around the functions and relationships between members, officers and the community.
- 3 A draft protocol was presented and discussed at a further chairs meeting and a number of changes were suggested.
- 4 The revised document was considered by Standards Committee on March 25 2009 and a number of additional comments were made. The Constitutional Steering Panel considered the protocol on April 20 2009 and May 5 2009.

## KEY ISSUES FOR CONSIDERATION

- 5 A widespread view exists amongst members and officers that the role and function of community council meetings should be enhanced to better address the needs of the local communities. Part of the approach has been to realign Area Management Services and Legal & Democratic Services, both of whom have integral roles in the operation of community councils, to deliver a more coherent and joined-up service. Positive work is in hand regarding the new departmental arrangements and an understanding of the bigger longer term picture as well as the more immediate changes that can be made.

## Resource implications

- 6 There are no resource implications relating to this report.

## Legal implications

- 7 There are no specific legal implications relating to this report. Any issues relating to constitutional changes will be addressed as part of the constitutional review process.

## Community impact statement

- 8 This report has no immediate impact on the community. The proposed protocol should enhance community engagement through clarity of roles.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Standard Committee report 25 March	Southwark Town Hall & Website	Graham Love 020 7525 0617

## APPENDICES

No.	Item
A.	Community Council Protocol

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Legal and Democratic Services	
<b>Report Author</b>	Graham Love, Head of Democratic Services	
<b>Version</b>	Final	
<b>Dated</b>	May 8 2009	
<b>Key Decision?</b>	No	
<b>Consultation with other officers / directorates / executive member</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Legal & Democratic Services	Yes	Incorporated in report
Finance Director	No	No
<b>Executive Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Support Services</b>	May 8 2009	

<b>Item No:</b> 6.5	<b>Classification:</b> Open	<b>Date:</b> May 20 2009	<b>Meeting name:</b> Council Assembly
<b>Report Title:</b>		Constitutional change on tree preservation orders	
<b>Wards or groups effected:</b>		All wards and owners of trees potentially liable to be subject to preservation	
<b>From:</b>		Head of Planning and Transport	

## RECOMMENDATION

1. That council assembly agree the recommendation of the constitution steering panel regarding the following amendment to the Council's constitution.

In respect of Part 3(H): under the heading, "Matters Reserved for Decision Planning functions (non-executive) Decision making," insert a Paragraph 2 to read as follows;

"To consider the confirmation of Tree Preservation Orders:"

In addition a sub-paragraph a will be added to read as follows;

- (a) Those which are the subject of a sustained objection, (a "sustained objection" is defined as an objection that is maintained, despite an attempt by officers to resolve it, or which officers consider incapable of resolution by negotiation).

## BACKGROUND INFORMATION

2. The purpose of the proposed constitutional amendment is to give clear authority for community council planning meetings to deal with objections to Tree Preservation Orders (TPO).
3. On May 5 2009 the constitutional steering panel (CSP) considered a report from the head of planning and transport regarding a change to Part 3(H) of the constitution. CSP agreed the recommendation outlined in paragraph 1.

## Tree Preservation Orders

4. The power to make Tree Preservation Orders (TPOs) is contained in Part VIII of the Town and Country Planning Act 1990. Prior to a TPO being confirmed 28 days notice of the intention to make such an order has to be given by the local planning authority to the owner and adjoining owners of the tree or trees. The person who is the registered proprietor of the land on which the tree is situated and doesn't want a tree to be preserved can upon receipt of the notice fell the tree. To avoid this eventuality, the Act provides for a provisional order, which can be made prior to giving notice to the landowner and will protect the tree for a maximum period of 6 months, whilst notification of the landowner and adjoining owners takes place. To have any lasting effect the provisional order needs to be confirmed. Most TPOs in Southwark are made on a provisional basis

first, before confirmation is considered. The decision as to whether or not to make a provisional Tree Preservation Order is made by the head of development management under delegated powers (see Part 3(P) of the Constitution).

5. All adjoining landowners are also served with a provisional TPO. It is possible for anyone notified of the intention to preserve a tree to object to the order and either request that it is modified, not made or not confirmed. Central government guidance (namely Tree Preservation Orders: A Guide to Law and Good Practice, 2000 issued by the Department for Communities and Local Government) recommends that objections to TPOs should in the first instance be considered by officers to see if they are capable of resolution. Examples of resolution might include, allowing some branches to be removed from a tree, so that the owner or adjoining landowner is more comfortable with its size and/or the water it extracts from the ground. Alternatively where a group of trees are proposed to be preserved, officers may accept a request that a smaller group of trees is preserved, if it is agreed that some trees in the group are of poor quality.
6. If objections are not capable of resolution, the objection is sustained. The local planning authority has the power to decide whether or not the order should be confirmed despite the existence of an objection. Central government guidance recommends that in such an instance the issue should be considered in an open forum, where the officer gives a report of the issues, including an assessment of the amenity of the trees subject to the proposed TPO and the objections received. The objectors and any supporters must also be given a fair opportunity to make representations. The final decision whether or not to confirm a TPO is not subject to an appeal to the planning Inspectorate. If any affected party believes that the TPO has not been properly made, anyone affected may appeal to the High Court within six weeks of its confirmation.
7. TPOs differ from planning applications, in that they are only pursued if considered appropriate by the Local Planning Authority. They are a *restriction* as to the use of land (in terms of what can be done to the trees on it) and a protected tree can have an impact on the development potential of a site. The process of confirmation of a TPO is unusual in that the original decision to make a provisional tree preservation order lies with the local planning authority, as well as the final decision about whether or not to confirm the TPO as permanent).

## **KEY ISSUES FOR CONSIDERATION**

8. The fact the Council determines both whether or not a TPO should be made as well as making the decision about whether or not should succeed or fail adds importance to the need for a division of decision-making within the council. Essentially the council is both the decision maker and the judge as to the appropriateness of the order. This raises issues with regard to the right to have a fair and impartial hearing. An aggrieved party only has the option of a High Court challenge to the TPO, which is in essence limited, to a challenge as to how reasonably the council carried out its functions, not the merits of the TPO itself. Clarity as to who the decision maker is at and adherence to that procedure will limit potential avenues of legal challenge to TPOs.
9. Where a sustained objection is received, the TPO can only be considered in an open forum. No such forum currently exists at officer level. In order to maintain a level of separation of decision making, it is therefore recommended that the decision making is separated within the council. At first instance it is the officer who decides whether it would

be prudent to pursue a provisional TPO and at second level, the most appropriate part of the council to deal with whether or not it ought to be confirmed is at community council level, as invariably TPOs relate to trees or groups of trees that make a specific contribution to visual amenity in a particular local area.

10. It is helpful for members to have clarification from the constitution that they are determining a planning matter and that their decision must be for reasons within the planning framework. Historically arboricultural officers who are based in the environment and housing department not within the regeneration and neighbourhoods department have presented TPO items to the community council exercising planning functions.
11. Clarity as to the function of community council's in respect of the TPO process is desirable for both officers and members, so that each is sure of their role in the process and there is less ambiguity as to when a matter should be referred to a community council and the constitutional basis upon which the community council can determine objections to a TPO. This may enable TPO items to more easily and speedily referred to community council, creating a more efficient decision making process. It also will eliminate any possibility of challenges to the High Court that there is no constitutional basis for referring the decision about whether a TPO should be confirmed or not where there has been a sustained objection.

#### **Reasons for seeking to amend the Constitution at this juncture**

12. Tree preservation has been the subject of an investigation of the scrutiny committee and an internal audit. Those investigations have sought to improve, consultation, information and record keeping in connection with tree preservation. They have also looked at the decision making process at officer level. The proposed constitutional amendment seeks to clarify the decision making process and is a natural extension of that work.
13. The need to resolve objections to TPOs arises sporadically and mainly in those areas of the borough with the greater number of trees in private ownership. Unlike planning applications TPO items do not routinely come before community council planning meetings. When these items do come before a community council it is considered that it would be helpful for there to be clear constitutional authority for this to take place. Members have been critical of the delay in bringing TPO items before them and the lack of information as to precisely what their function is in the decision making process.

#### **Consultation**

14. The chairs and vice-chairs of community council's meeting received a report on this issue on February 19 2009 and broadly welcomed the proposal to introduce constitutional clarity around TPOs subject to further information and training being made available.

#### **Conclusion**

15. In respect of the decision whether or not to confirm a TPO that is the subject of a sustained objection, a review body is required to consider the original officer decision to make a provisional TPO. That body should meet in an open forum the most appropriate body would appear to be the community council of the area in which the preserved trees lie. It is for this reason that it is suggested that the constitution is amended to clearly reflect the fact that a community council should determine this planning function.

## Community Impact Statement

16. The issues concerned are deemed to affect all community councils, although private ownership of mature trees (likely to be the subject of a TPO) tends to be greater in the south of the borough. The chairs of community councils are aware that this matter is being considered. Members are due to be consulted on a wider range of issues effecting tree preservation. This item is considered neutral in terms of its impact on local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation.

## Legal Implications

17. The European Convention of Human Rights has been incorporated in domestic law by the Human Rights Act 1998 requiring public bodies to consider human rights implications in all aspects of their decision making to avoid unlawful interference with individuals' human rights. Article 6 of the Convention entitles individuals to a fair hearing of their objections or case. Consideration of objections to a TPO, potentially engage this right and affording a proper forum for consideration of objections will ensure any unlawful interference is minimised or avoided altogether. In circumstances where trees on private property are subject to proposed TPOs, there is also potential for interference with Article 1, Protocol 1 (Protection of Property) – this provides that individuals have the right to peaceful enjoyment of property without interference. Therefore any potential restrictions on the manner in which that property is used must be subject to proper scrutiny in an open forum. Decisions by community councils being public bodies are capable of judicial review. A decision to confirm a TPO with objections can also be appealed to the High Court under section 288 Town & Country Planning Act 1990 on certain specified grounds. It is considered that in addition to these rights, consideration of such cases in an open forum which affords all parties a fair hearing provide sufficient safeguards to ensure that individuals can receive a fair hearing of their objections so as to ensure no unlawful interference with human rights takes place.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Report to the chairs of community councils	Community council team, Southwark Town Hall	Tim Murtagh 020 7525 7187 (Ext 57187)
Report to the constitutional steering panel	Constitutional team, Southwark Town Hall	Lesley John 020 7525 7228 (Ext 57228)

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan – Head of Planning and Transport	
<b>Report Author</b>	Gavin Blackburn - Planning Lawyer Lesley John - Constitutional Team	
<b>Version</b>	Final	
<b>Dated</b>	May 6 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Legal and Democratic Services	Yes	Yes
Finance Director	No	No
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>	May 7 2009	

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# Agenda Item 66

<b>Item No.</b> 6.6	<b>Classification:</b> Open	<b>Date:</b> May 20 2009	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Constitutional Review – Schedule of Other Constitutional Changes 2009-10	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Legal and Democratic Services	

## RECOMMENDATIONS

1. That council assembly consider the recommendations of the constitutional steering panel set out in the attached appendices.

## BACKGROUND INFORMATION

2. In line with the objectives of the constitutional review Appendix A sets out the schedule of constitutional changes considered by the constitutional steering panel. The changes range from minor clarification, typographical changes to officer suggestions. These changes were considered by CSP on April 20 and May 5 2009.
3. On May 5 2009 the constitutional steering panel considered specific constitutional issues raised by the political groups. A summary of the areas considered and recommendations of CSP are set out in Appendix B.

## Community Impact Statement

4. There will be no direct impact on local people of adoption of these changes. However, providing for wide involvement of those using the constitution, including the local community where relevant, will enable people to understand the role that they can play in the decision making of the council and how the council will safeguard high standards of conduct amongst members and officers.

## BACKGROUND DOCUMENTS

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Reports and Notes of the Constitutional Steering Panel	Constitutional Team, Town Hall, Peckham Road, London SE5 8UB	Lesley John 020 7525 7228

## APPENDICES

Appendix	Title
Appendix A	Schedule of Other Constitutional Changes 2009-10
Appendix B	Labour Group Constitutional Amendments

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Legal and Democratic Services	
<b>Report Author</b>	Lesley John, Constitutional Officer Ian Millichap, Constitutional Team Manager	
<b>Version</b>	Final	
<b>Dated</b>	May 8 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Legal and Democratic Services	Lead officer	Yes
Finance Director	No	No
<b>Executive Member</b>	N/a	N/a
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>	May 8 2009	

**APPENDIX A**

**SCHEDULE OF CONSTITUTIONAL CHANGES FOR 2009-10**

NB: Insertions are shown as underlined. Deletions are shown with a strikethrough.

No.	Issue / Constitution Reference	Page A5	Page A4	Recommendation	Comment
	<b>PART 1 - INTRODUCTION</b>				
1.					Any updates required to the introduction following annual meeting to be approved by the monitoring officer in accordance with Article 1.15 (b).
	<b>PART 2 - ARTICLES</b>				
2.	Article 10.1 (c), member officer protocol (9) and glossary Change of title of "strategic director of legal and democratic services" to "strategic director of communities, law & governance"	32 254 296	21, 203, 231		Update
	<b>PART 3 - WHO TAKES DECISIONS/</b>				
3.	Part 3C: Full Executive – Matters Reserved for Collective decisions making - Agreement of fees and charges	58	36	Insert new clause 8:  " <u>Approval of new fees and charges and agreement of charging levels in line with the medium term resources strategy</u> "  And renumber subsequent paragraphs.	Amendments are proposed to Part 3 of the constitution to clarify the role of IDMs and executive in relation to existing and new fees and charges.  This change introduces a

No.	Issue / Constitution Reference	Page A5	Page A4	Recommendation	Comment
					new responsibility into the executive's collective list to cover new fees and charges. The change below which accompanies it is to confirm that IDMs' approval has to be in line with the medium term resources strategy and is also limited to existing fees and charges.
4.	Part 3D: Individual Executive Members – Matters Reserved for Decisions - Agreement of fees and charges	61	38	Amended 3. within 'Budget' to read: "Agreement of changes to existing fees and charges, in relation to their areas of responsibility and in line with the medium term resources strategy, other than any set by council assembly as part of the budget process."	See comment above.
5.	Part 3H: Community Councils – Planning functions (non-executive) Decision making'	77-78	48	Tree Preservation Orders – New clause 2 and renumber subsequent paragraphs.	See separate report
6.	Part 3H: Community Councils – Education functions (executive) Decision making'	81	51	In paragraph 21, on the last line delete "paragraph 18" and insert "paragraph 22".	Typographical change

No.	Issue / Constitution Reference	Page A5	Page A4	Recommendation	Comment
7.	Part 3L: Audit and Governance Committee - Roles and functions	89-90	55	<p>Two changes are needed to the committee's role and functions - the first, to paragraph 16, is to update terminology and the second, to paragraph 18, is to make clear the committee's role is in relation to the statement of accounts:</p> <p><b>Regulatory framework</b></p> <p>16. To oversee the production of and agree the council's <del>statement on internal control</del> <u>annual governance statement, incorporating the statement on internal control.</u></p> <p><b>Accounts</b></p> <p>18. To review and <u>approve</u> the annual statement of accounts and specifically to consider compliance with appropriate accounting policies and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.</p>	Clarification of role of committee.
8.	Part 3S – Appointment to outside bodies.	-	72	Update following executive in June 2009.	To be approved by monitoring officer under Article 1.5(b).
9.	<p><b>PART 4- RULES</b></p> <p>Access to Information Procedure Rule 19 – Urgent implementation</p>	108	86	<p>Definition section to be reworded as follows:</p> <p><u>“These are decisions, which, whether they have been included on the forward plan or</u></p>	Clarification

No.	Issue / Constitution Reference	Page A5	Page A4	Recommendation	Comment
				<p>not, need to be implemented immediately by virtue of the urgency of the actions that need to be taken.”</p>	
10.	<p>Council Assembly Procedure Rules (CAPRs) Previous decisions and motions. Rule 1.9(1) (Motion to rescind a previous decision) and Rule 1.9(2). (Motion similar to one previously rejected)</p>	131-132	100	<p>Change cross reference to rules on deadlines for members' motions and amendments.</p> <p><b>1.9 PREVIOUS DECISIONS AND MOTIONS</b></p> <p><b>Motion to rescind a previous decision</b></p> <p>1. A motion or amendment to rescind a decision made at a meeting of council within the previous six months cannot be moved unless the notice of motion, delivered in accordance with rules 2.9 (3 and 4) <del>3-10(2)</del>, is signed by at least 16 members.</p> <p><b>Motion similar to one previously rejected</b></p> <p>2. A motion or amendment in similar terms to one that has been rejected at a meeting of council in the previous six months cannot be moved unless the notice of motion or amendment, delivered in accordance with rules 2.9 (3 and 4) <del>3-10(2)</del>, is signed by at least 16 members.</p>	<p>Clarification of cross reference to rules on deadlines for members' motions and amendments.</p>

No.	Issue / Constitution Reference	Page A5	Page A4	Recommendation	Comment
11.	Council Assembly Procedure Rules (CAPRs) Procedural motion without notice. Rule 1.11(h) (To amend a motion by its mover, with the consent of the meeting – amendment must not negate the existing motion, nor introduce a new motion)	134	101	Procedural motion without notice  Rule 1.11(h) To amend a motion by its mover, with the consent of the meeting <del>(amendment must not negate the existing motion, nor introduce a new motion).</del>	Consequential change from previous round of changes.
12.	Council Assembly Procedure Rules (CAPRs) 1.12 Rules of Debate – Alteration of motion (point 16 – 18).	138	103	Amend title and references to read;  “Alteration of motions and amendments”.  See also 1.12(16) and 1.12 (17).	Typographical change
13.	Council Assembly Procedure Rules (CAPRs) 2.9 (3) Submission of members motions on notice – deadline for receipt of motions.	165	119	Deadline for receipt of motions may now be reconsidered as officer comments on motions are no longer provided.  Clause 2.9(5) headed “Motions set out in agenda” to be changed as follows:  <b><u>Circulation of motions and motions set out in agenda</u></b>  5. <u>Once motions have been deemed to be in order they shall be circulated to all members, after the deadline for the receipt of motions.</u> Motions for which notice has been given will be listed on the agenda unless the member states that they propose to move it to a later meeting or withdraw it.	This is officers’ suggested amendment in response to the motion passed by council assembly on April 8 2009 asking the constitutional steering panel to review this issue. CSP’s views are invited on whether this approach is acceptable.

No.	Issue / Constitution Reference	Page A5	Page A4	Recommendation	Comment
14.	Council Assembly Procedure Rules (CAPRs) 2.10 (6). Notice for motions and amendments on reports from the executive, committees and officers – New heading	166-167	120	<p>New heading – Dealing with questions on reports. New clause setting out those rules in members' question time that also applies to questions on report (See rules under 2.8).</p> <p>New clause to read:</p> <p><b>“Dealing with questions on reports</b></p> <p>“6. The following rules shall also apply to questions on reports:</p> <p>a) Questions on reports shall be addressed to the member moving the report (see CAPR 2.10(1)).</p> <p>b) Who can ask questions – Composite questions (see CAPR 2.8(3))</p> <p>c) Scope (see CAPR 2.8(4) to 2.8(6))</p> <p>d) All questions will be listed in the order of receipt (see CAPR 2.8(9)).</p> <p>e) Executive members and committee chairs shall have the discretion to refer a question to another executive member or committee chair if this is appropriate (see CAPR 2.8(9)).</p> <p>f) Supplementary question (see CAPR 2.8(11))</p> <p>g) Written answers to questions naming an individual member (see CAPR 2.8(14)).”</p>	Clarification of procedural rule on questions on reports.



No.	Issue / Constitution Reference	Page A5	Page A4	Recommendation	Comment
15.	Council Assembly Procedure Rules (CAPRs) 3.1 Calling of extraordinary meetings.	168	121	In line 2, delete "extraordinary" and insert "ordinary".	Typographical change.
16.	Committees and community councils procedure rules Amendments to motions(Rule 1.7 (6))	186	130	Consequential change from previous round of changes. Delete reference to negating motions so wording is in line with CAPRs.  In rule 1.7 (6), delete the following words: "as long as the effect of b) to d) is not to negate the motion."	Consequential change and clarification.
17.	Overview and Scrutiny Procedure Rule 9 Meetings of the overview and scrutiny committee and its sub-committees			Update to clause in light of government regulations:  <b>9. Meetings of the overview and scrutiny committee and its sub-committees</b>  9.1 There shall be at least eight ordinary meetings of the overview and scrutiny committee in each year. In addition, there shall be at least <u>one</u> <del>two</del> ordinary meetings of the overview and scrutiny committee acting as the crime and disorder committee (or sub-committee <del>if appropriate</del> ) in each year. <del>In addition,</del> Extraordinary meetings may be called by the chair of the committee, by two-thirds of the committee's voting membership or	This change derives from the Crime and Disorder (Overview and Scrutiny) Regulations 2009, published since council assembly on April 8 2009.  The regulations say the crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.

No.	Issue / Constitution Reference	Page A5	Page A4	Recommendation	Comment
				by the proper officer if he or she considers it necessary or appropriate.	This change on the number of meetings brings the constitution in line with the regulations and provides flexibility for the overview and scrutiny committee to make appropriate arrangements, including the use of its general powers of delegation of functions to sub-committees.
18.	Committees and community councils procedure rules. Rule 7.7 - Rules for standards committee – Independent members Term of Office.	200	138	In first sentence which reads:  “With six independent members, the term of office of each member will be for <del>three</del> four years with each member retiring at the end of their term. Members shall serve a maximum of two terms.”  Delete “three” and insert “four”.	This revised clause would ensure that the standards committee would always have independent members to hear complaints. This change would have the effect of changing the term of office of independent members to four years.
19.	Contract Standing Orders	-	161	Annual review.	Separate report on annual meeting agenda.
20.	Financial Standing Orders	-	175	Annual review.	Separate report on annual meeting agenda.
	<b>PART 5 - CODES</b>				
	None.				

No.	Issue / Constitution Reference	Page A5	Page A4	Recommendation	Comment
	<b>PART 6 - PROTOCOLS</b>				
21.	Member Officer Protocol	252	202	See separate report.	Separate report on annual meeting agenda.
22.	Communication Protocol	271	213	See separate report.	Separate report on annual meeting agenda.
	<b>PART 7 – ADDITIONAL INFORMATION</b>				
					Any updates to be agreed by monitoring officer in accordance with Article 1.15 (b) following annual meeting.
	<b>ENTIRE CONSTITUTION</b>				
23.	Strategic director of communities, law & governance to be replaced with “monitoring officer” anywhere where appropriate.	All	All	Word search of constitution to be undertaken.	For consistency and ease of maintenance of constitution.

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Labour Group Constitutional Amendments

No.	SUBJECT	CSP RECOMMENDATION
1.	<p><b>Public Petitioning of Council Assembly</b></p> <p>That council assembly is more open to the people of the borough and that they may present petitions to the council. The public petitioner will have three minutes to present the petition followed by up to five minutes of questions from members.</p> <p>The petition needs to be on a subject relevant to Southwark, and should be heard with the consent of the meeting.</p>	<p>That more information be provided on the process to be followed at council assembly.</p> <p>Further discussions to take place in individual groups.</p>
2.	<p><b>Rotherhithe and Peckham Community Council</b></p> <p>That two of the three Councillors for the Livesey Ward will have full voting rights at Peckham community council, and one of the three Councillors for Livesey Ward shall have full voting rights at Rotherhithe community council. To be decided annually by council assembly on the majority recommendation of the three Livesey Councillors.</p>	<p>Further discussions to take place in individual groups.</p>
3.	<p><b>Individual Decision Making</b></p> <p>Overview &amp; Scrutiny Committee (OSC) to keep under review the decisions which are made by individual member and to be able to order that decisions are made at a different level.</p>	<p>Officers advised that this change could be ruled out of order as OSC can only review decisions that have been taken, not require them to be taken at a different level. This is in line with government legislation.</p>
4.	<p><b>Motions Deadline</b></p> <p>Motions deadline can be closer to the council assembly - moving from Wednesday, to the Friday.</p>	<p>Further discussions to take place in individual groups.</p> <p>Previously agreed that all councillors receive a copy of the motions after the deadline for receipt.</p>

No.	SUBJECT	CSP RECOMMENDATION
5.	<p><b>Community Council Powers</b></p> <p>That community council has the power to summon executive members and to send reports to the executive.</p>	<p>Further discussions to take place in individual groups.</p> <p>Officers advised that this process would need to be constructed so that community councils were not undertaking a scrutiny role as this would exclude executive members.</p>
6.	<p><b>Speech Times</b></p> <p>That proposal of budget amendments be granted five minutes, rather than three.</p>	<p>No recommendation.</p>
7.	<p><b>Executive Statements</b></p> <p>That executive statements are circulated in writing at the start of the meeting rather than given orally.</p>	<p>No recommendation</p>
8.	<p><b>Guillotine</b></p> <p>The guillotine is taken 3 hours from the end of members questions.</p>	<p>No recommendation</p>
9.	<p><b>Members Allowance Scheme</b></p> <p>Reduce SRA for DAC Chair and OSC Vice Chair. All SRAs to be reduced by 10%</p>	<p>Officers advised that the members' allowances scheme is not part of the constitutional review so this would be ruled out of order.</p>
10.	<p><b>Eight scheduled meetings of council assembly a year</b></p> <p>Eight meetings of the council shall be scheduled to take place every year at the annual meeting.</p>	<p>No recommendation.</p> <p>Officers advised of budgetary issues if number of meetings was increased.</p>
11.	<p><b>Deputations</b></p> <p>Re-introduce deputation procedure applied prior to 2007.</p>	<p>Further discussions to take place in individual groups.</p>

<b>No.</b>	<b>SUBJECT</b>	<b>CSP RECOMMENDATION</b>
12.	<p><b>Community Councils Consultation</b></p> <p>Reserve to community councils the right to be consulted, and the power to make representations, when officers exercising delegated powers propose to declare any community-type facility owned by the council as surplus to requirements.</p>	<p>Further discussions to take place in individual groups.</p> <p>Officers advised that the executive would need to consider this proposal prior to council assembly as it would be a new area of responsibility for community councils and therefore form part of the policy framework.</p>
13.	<p><b>Overview and Scrutiny Committee</b></p> <p>To organise scrutiny sub committees on five thematic areas, to be agreed at the first meeting of OSC.</p>	<p>Further discussions to take place in individual groups.</p>
14.	<p><b>Co-opted Members</b></p> <p>Appointment of co-opted members by scrutiny - review of existing arrangements.</p>	<p>Further discussions to take place in individual groups.</p>

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# Agenda Item 7

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> May 20 2009	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Changes to executive arrangements required under the Local Government & Public Involvement in Health Act 2007	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Legal & Democratic Services	

## RECOMMENDATIONS

1. That Council Assembly note the draft proposals attached in Appendix A for the future executive arrangements.
2. That Council Assembly agrees that, subject to consultation, option 1 is the preferred option for future executive arrangements.
3. That Council Assembly authorises the monitoring officer to make any necessary amendments to the draft proposals and undertake the required consultation as set out in this report.
4. That Council Assembly instructs the monitoring officer, following the consultation and in consultation with the Constitutional Steering Panel, to draw up formal proposals for future executive arrangements, advertise them and present to Council Assembly for approval .

## BACKGROUND INFORMATION

5. The Local Government and Public Involvement in Health Act 2007 (“the Act”) requires local authorities to amend their executive arrangements and move to either a Leader and Executive model with a four-year term for the Leader (‘strong leader model’) or to a Mayor and Executive model.
6. The government published the White Paper “Strong and Prosperous Communities” in October 2006. In this White Paper, it indicated that it was going to legislate with the aim of strengthening local leadership and partnerships and empowering communities. This led to the Local Government and Public Involvement in Health Act 2007, which was enacted on 30 October 2007 and amended the Local Government Act 2000 (“the 2000 Act”).
7. The Council currently operates under executive arrangements with the Leader and Cabinet elected by Council Assembly and has done so since July 2002.
8. The 2007 Act requires local authorities to amend their executive arrangements and move to either a strong leader or elected Mayor model.
9. The options for the future executive arrangements are as follows:

### **Option 1** ‘Strong leader model’

A councillor elected as leader for a 4 year term, and two or more councillors of the authority appointed to the executive by the executive leader. The constitution will have to be amended to reflect the 4 year term and the new arrangements for strong leader, including provisions for the removal of this leader by Council Assembly.

### **Option 2** Elected Mayor model

A directly elected Mayor who appoints two or more councillors to the executive. The constitution will have to be amended to reflect this and an election held at the same time as the council elections in 2010. The Mayor cannot be removed by Council Assembly.

10. Under the new arrangements for a strong leader, the leader would have the power to determine the size of the Cabinet, to appoint the members of the Cabinet, to determine their “portfolios”, and to delegate powers to individual Cabinet members. These changes would require constitutional changes together with the provision for the removal of the leader by resolution at Council Assembly. The last day that the Council can continue to operate its current arrangements is the third day following the 2010 elections.
11. The 2007 Act states that authorities may make either option subject to approval in a governance referendum. However, following other changes to the 2007 Act, governance referenda can only take place once every ten years. Southwark held a referendum in 2002, and so is not permitted to have a further referendum prior to 2012. Therefore no proposals can include a referendum.
12. At meetings on 31 March 2009 and of 5 May 2009 the Constitutional Steering Panel considered these changes and resolved that a report be prepared for Annual Council Assembly explaining the options and why option 1 is preferable.
13. The Constitutional Steering Panel felt that option 1 is the preferable option for the new governance arrangement. Firstly, as previously stated Southwark held a referendum in 2002 on whether to adopt an elected Mayor model and this was rejected. As no further referendum can take place to 2012, it seems wrong to impose this.
14. Secondly, the strong leader model is close to the current system of governance.

### **KEY ISSUES FOR CONSIDERATION**

15. Section 33E of the 2000 Act states the authority must draw up proposals for the change of governance, which must include a timetable with respect to implementation of the proposals and details of any transitional arrangements. However, before drawing up its proposals the authority must take reasonable steps to consult the electors in its area and other interested parties. In drawing up the proposals it must have regard to the consultation and must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the authority’s functions

are exercised, having regard to a combination of economy, efficiency and effectiveness.

16. It is therefore proposed that Council Assembly will agree a draft proposal that will then be consulted on. This draft proposal will state that option 1 is preferable.

### **Consultation**

17. The process of consultation should have regard to the Code of Practice on Consultation. The period of consultation would commence after Council Assembly and last for 12 weeks. A webpage would be launched and adverts placed in Southwark Life Magazine.
18. Following consultation, proposals would be then be formally drawn up. Once Council Assembly agrees the draft proposals they will be advertised in accordance with Section 33E of the 2000 Act.
19. Following consultation, Section 33F of the 2000 Act states that a resolution of Council Assembly is required in order for the authority to make a change in governance arrangements. This again must be advertised in accordance with Section 29(2) of the 2000 Act.
20. Council Assembly would, by 31 December 2009, have to resolve to agree final changes to the Constitution and confirm the start date after annual meeting at May 2010. If Council Assembly failed to do this, the strong leader model would be imposed.

### **Resource implications**

21. The proposed changes in governance do have resource implications however it is expected that these will be contained within existing budgets.

### **Legal Implications**

22. The specific legal implications relating to this report have been included in the report.

### **Community Impact Statement**

23. The proposed changes in governance should enhance community engagement through better leadership and clarity of executive roles.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Local Government & Public Involvement in Health Act 2007	Town Hall Peckham Road	Norman Coombe 57678

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Legal and Democratic Services	
<b>Report Author</b>	Norman Coombe Principal Lawyer Governance Team	
<b>Version</b>	Final	
<b>Dated</b>	May 8 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Legal and Democratic Services	No	Included
Finance Director	No	No
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>	May 8 2009	

## DRAFT PROPOSALS

**Changes to governance arrangements**

The Local Government and Public Involvement in Health Act 2007 requires the Council to make changes to its current governance and decision making arrangements. The new arrangements will come into operation immediately after the elections in May 2010

**The Council can choose from two options:**

1. an elected Mayor and Cabinet, or
2. an executive leader and Cabinet (described by government as the 'strong leader' model).

**1. Elected Mayor and Cabinet**

Under the elected Mayor option, the electorate would vote for a Mayor who would hold office for a period of four years. Once elected the Mayor would be responsible for all Executive functions and would decide which of these functions were going to be delegated to other Cabinet members, Local Committees or Council officers. The Mayor would appoint a Cabinet of a minimum of two and a maximum of nine councillors and the Mayor and Cabinet would take decisions on Executive functions.

**2. Executive leader and Cabinet**

The executive leader and Cabinet model is similar to Southwark's current Leader and Executive arrangements. There would continue to be a leader of the Council and a Cabinet of at least two but no more than nine other councillors. However, much more power would be placed in the hands of the Leader of the Council than at present. The Leader would be responsible for all Executive functions, and would decide which of these functions were going to be delegated to other Cabinet members, Local Committees or Council officers. The Cabinet would be appointed by the Leader and not by the whole Council as at present. Another change to the current arrangements is that the Leader is elected by the whole Council for a period of four years at the first meeting of the Council after the 2010 elections.

**Proposals for change in Governance in Southwark**

1) The London Borough of Southwark adopts the Leader and Cabinet Executive (England) [*Mayor and Cabinet*] model with effect from the 3rd day after the May 2010 elections, as set out in the provisions of the Local Government Act 2000 (as amended);

2) No governance referendum is held prior to adoption on Leader and Cabinet Executive (England) [*Mayor and Cabinet*] model

3) [*If Leader and Cabinet Executive (England) model*] The Leader of the Council ("the Leader") is elected by full Council at its post-election annual meeting (or if the Council fails to elect a leader at that meeting, at a subsequent meeting of the Council). The term of office of the Leader starts on the day of his election as Leader and ends on the day of the next post-election annual meeting, unless he is removed from office or resigns, ceases to be a member, or is disqualified from being a councillor before that day;

4) the Leader [*Mayor*] determines the size of and appoints between 2 and 9 members of the Council to the Cabinet in addition to him or herself, allocates any areas of responsibility to them, and may remove them from the Cabinet at any time;

5) the Leader [*Mayor*] determines the scheme of delegation for the discharge of the executive functions of the Council;

6) [*If Leader and Cabinet Executive (England) model*] the Council's executive arrangements are to provide for the Council to remove the Leader by ordinary resolution on notice during his or her term of office. If the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting;

7) the Leader appoints one of the members of the Cabinet to be his or her deputy, to hold office until the end of the term of office as Leader (unless that person resigns as a deputy leader, ceases to be a member of the Council or is disqualified, or is removed from office by the Leader);

8) the Leader may, if he or she thinks fit, remove the deputy leader from office, but must then appoint another person in his or her place; and

9) if for any reason the Leader is unable to act or the office of Leader is vacant, the deputy leader must act in his or her place. If the deputy leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

### **Transitional provisions**

The delegation scheme will continue after the 2010 elections until altered or confirmed by the Leader [*Mayor*].

The allocation of functions under Section 13 (3) (b) of the Local Government Act 2000 (those which *may* be the responsibility of the executive but do not have to be - i.e. where there is a choice) will continue as for the current Council, until altered by the Leader [*Mayor*] or Council under the new governance arrangements.

### **Timetable**

November 2009	Special meeting of full Council to pass the resolution to adopt proposals to changes executive arrangements
May 2010	Local Government Elections
On the third day after the local government elections 2009	Implementation of the amended executive arrangements.
19 May 2010	<i>[If Leader model]</i> Post-election annual meeting at which the Leader of the Council will be elected and term of office commences

# Agenda Item 8

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> May 20 2009	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Appointment of Independent Members to Standards Committee	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Legal and Democratic Services	

## RECOMMENDATIONS

1. That council assembly approves the appointment of independent voting members to the standards committee, subject to recommendation 2. The names of individuals recommended will be circulated in a closed report.
2. That the appointments be subject to the receipt by the strategic director of legal and democratic services of satisfactory references and the completion of criminal records bureau checks.
3. That the commencement date of each term of office be confirmed by the strategic director of legal and democratic services.

## BACKGROUND INFORMATION

4. Independent members, who are voting members must make up at least 25% of the standards committee's total membership. The chair of the standards committee is elected from among the independent members at the first meeting of the committee in each municipal year.
5. The standards committee at its meeting on March 4 2009 agreed to establish an independent person selection panel which undertook the shortlisting and interview process for new independent members. The selection process included placing advertisements in the Southwark News. Full details appeared on the council's website. Officers also placed an advertisement on the SE1 website.
6. The independent person selection panel met on April 27 2009 to short list candidates. The interviews are scheduled to take place after the agenda dispatch date for annual council assembly. The recommended candidates will be set out in a closed report to be circulated prior to council assembly, allowing time for candidates to accept their nominations and complete other formalities.
7. The constitutional steering panel at its meeting on April 20 2009 recommended to council assembly that the term of office of each independent member be increased to four years rather than three. This recommendation is set out in the report elsewhere on the agenda entitled the schedule of other constitutional changes.

## **KEY ISSUES FOR CONSIDERATION**

### **Timing of this report**

8. The appointment of independent voting members is required at this meeting so that there are additional independent members in place for the standards committee's first meeting in July. Following this council assembly, references will be sought and criminal records bureau checks undertaken. New independent members will also be required to complete a declaration of interests form.

### **Community impact statement**

9. The position of independent member is required by statute and the individuals appointed play an important part in the work of the committee monitoring the probity and conduct of elected councillors. The position is advertised publicly and applications are encouraged from all sections of the community.
10. Following appointment all new independent members will be invited to participate fully in the member development programme

### **Legal implications**

11. Section 53(4) of the Local Government Act 2000 provides that a standards committee of a London borough council must include at least two members of the authority and at least one person who is not a member or an officer of the authority or any other relevant authority. The Relevant Authorities (Standards Committee) Regulations 2001 specify that an authority must ensure that, where its standards committee has more than three members, at least 25% are independent members.
12. The regulations specify that a person may not be appointed as an independent member of a standards committee unless the appointment is:
  - approved by a majority of the members of the authority
  - advertised in one or more newspapers circulating in the area of the authority
  - of a person who has submitted an application to the authority
  - of a person who has not within the period of five years immediately preceding the date of the appointment been a member of the authority
  - of a person who is not a relative or close friend of a member or officer of the authority.
13. In addition to the above, section 80(1)(d) of the Local Government Act 1972, disqualifies a person from being elected or being a member of the local authority if he has within five years before the date of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has been passed on him a sentence of imprisonment whether suspended or not for a period of not less than three months without the option of a fine.

### **Resource implications**



14. Expenditure relating to the selection process can be contained within current budgets.

#### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Standards Committee – previous reports and agenda	Constitutional Team, Southwark Town Hall, Peckham Road SE5 8UB	Ian Millichap 020 7525 7225

#### AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Legal and Democratic Services	
<b>Report Author</b>	Ian Millichap, Constitutional Team Manager Lesley John, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	May 6 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Strategic Director of Legal and Democratic Services	Yes	Yes
Finance Director	No	No
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		6.5.09

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