

Council Assembly Ordinary Meeting

Wednesday 1 December 2010
7.00 pm
Town Hall, Peckham Road, London SE5 8UB

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



Annie Shepperd
Chief Executive

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

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Date: 19 November 2010



Council Assembly

Wednesday December 1 2010
7.00 pm
Town Hall, Peckham Road, London SE5 8UB

Order of Business

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	1.1. ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE	
	1.2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT	
	1.3. DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	1.4. APOLOGIES FOR ABSENCE	
2.	MINUTES	
	To approve as a correct record the Open minutes of the council assembly meeting held on 20 October 2010 (to be circulated separately).	
3.	PETITIONS	
	To formally receive any petitions lodged by members of the council.	
4.	PUBLIC QUESTION TIME	
	No public questions were received.	
5.	DEPUTATION REQUESTS	
	No deputation requests were received.	
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ANY OPEN ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING

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.”

PART B - CLOSED BUSINESS

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

Agenda Item 6

Item No. 6.	Classification: Open	Date: 1 December 2010	Meeting Name: Council Assembly
Report title:		Members' Question Time	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

BACKGROUND INFORMATION

In accordance with council assembly procedure rule 2.8 members' question time shall not exceed 30 minutes. During this time, members may not question any one cabinet member or committee chair for longer than fifteen minutes.

Members are limited to one question at each meeting.

Questions to the leader will be taken first, followed by questions to other cabinet members. The order in which the different political groups ask questions of the leader will be rotated. Questions to cabinet members will be taken in the order of receipt and portfolio. The order of portfolios will be rotated at each meeting such that the cabinet member answering questions immediately after the leader will be the last cabinet member to answer any questions at the next meeting of council assembly.

Cabinet members and committee chairs have discretion to refer a question to another cabinet member if this is appropriate.

Responses to member's questions will be circulated on yellow paper around the council chamber on the evening of the meeting.

The Mayor will ask the member asking the question if they wish to ask one supplemental question to the member to whom the question was asked. The supplemental question must arise directly out of the original question or the reply. Therefore, supplemental questions to the leader or other cabinet members are not free ranging.

No question shall be asked on a matter concerning a planning or licensing application.

Note: In accordance with council assembly procedure rule 2.8 (12) & (13) (prioritisation and rotation by the political groups) the order in which questions to the leader appear in this report may not necessarily be the order in which they are considered at the meeting.

1. QUESTION TO THE LEADER FROM COUNCILLOR GAVIN EDWARDS

Following the article in The Observer on Sunday 7 November which painted a bleak picture of how the coalition government cuts will affect one London borough, will the leader provide an update of how he thinks the council's role will change over the next four years?

2. QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI

How much has the Labour administration spent on Southwark Life since being elected in May?

3. QUESTION TO THE LEADER FROM COUNCILLOR ANDY SIMMONS

Can the leader please provide an update on the fairer future budget consultation?

4. QUESTION TO THE LEADER

Further advice has been sought on this question.

5. QUESTION TO THE LEADER FROM COUNCILLOR CLAIRE HICKSON

How does the leader believe Southwark, particularly areas like Chaucer, will be affected by the proposed changes to housing benefits?

6. QUESTION TO THE LEADER FROM COUNCILLOR GRAHAM NEALE

Will the leader and his councillors in Southwark be campaigning for fairer votes next year?

7. QUESTION TO THE LEADER FROM COUNCILLOR NEIL COYLE

Can the leader provide an update on the council's response to the proposed changes to the National Health Service?

8. QUESTION TO THE LEADER FROM COUNCILLOR TIM MCNALLY

Do you still agree with your quote about outsourcing in Southwark News on 21 October 2010 that 'We've had some pretty crappy failures'. Please can you identify which outsourced services you think are failures and which are not?

9. QUESTION TO THE LEADER FROM COUNCILLOR CLEO SOANES

Is the leader concerned that the proposals to increase tuition fees to up to £9,000 a year will affect the aspirations of children and young people in Southwark?

10. QUESTION TO THE LEADER FROM COUNCILLOR PAUL NOBLET

Will the leader update the council on the progress in adopting shared services with Lambeth and Lewisham?

11. QUESTION TO THE LEADER FROM COUNCILLOR ALTHEA SMITH

How many young people in Southwark are in receipt of the educational maintenance allowance?

12. QUESTION TO THE LEADER FROM COUNCILLOR ADELE MORRIS

Who should decide the agendas of community councils?

13. QUESTION TO THE LEADER FROM COUNCILLOR STEPHEN GOVIER

Westminster, Hammersmith and Fulham and Kensington and Chelsea have spoken about merging into a 'super council'. Is the leader of the council pursuing merging with any other council?

14. QUESTION TO THE LEADER FROM COUNCILLOR DAVID NOAKES

Following on from the cabinet's adoption of its seven agreed budget principles including the statement "we will do all that we can to protect our front-line services and support our most vulnerable residents" can he tell me as leader what additional commitments and guarantees he is prepared to make to deliver on this principle and protect vulnerable service users who receive services from adult social care?

15. QUESTION TO THE LEADER FROM COUNCILLOR MARK GLOVER

The leader has been meeting staff to discuss the challenge of the budget cuts. Can he provide a summary of what he has told them about potential staff cuts and redundancies?

16. QUESTION TO THE LEADER FROM COUNCILLOR JONATHAN MITCHELL

Will the leader please list the cabinet members who work part time?

17. QUESTION TO THE LEADER FROM COUNCILLOR NICK DOLEZAL

What does the leader believe has been achieved in the administration's first six months?

18. QUESTION TO THE LEADER FROM COUNCILLOR MICHAEL SITU

Can the leader please detail the next stages of the budget consultation?

19. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR GEOFFREY THORNTON

Please could the cabinet member provide an update on any progress made in relation to the provision of a new leisure centre at the Elephant and Castle?

20. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR JEFF HOOK

Rotherhithe community council committed £80,000 of cleaner greener safer (CGS) funding last year to the clearance of the area known as the old Fish Farms between Seven Islands leisure centre and Southwark Park. The list of public realm projects for the area confirms there has been no progress in clearing this and converting it to a

useable area tied into the park. Can she confirm that she has no other plans for the Fish Farms area that contradict the commitment by Rotherhithe community council?

21. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR JAMES BARBER

Can the cabinet member please tell me how many building certificates are issued by Southwark every year and the average number of calendar days from the last visit of a building site to certificates issue and the average for the slowest quartile to be issued?

22. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR MICHAEL BUKOLA

Can the cabinet member assure me that section 106 created assets such as new health centres are owned by Southwark Council and where appropriate leased to others?

23. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR ELIZA MANN

Has the council now notified those tenants whose water rates are paid through their rent to the council about Thames Water's consultation?

24. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR HELEN MORRISSEY

With cuts to the working neighbourhoods fund (WNF), future jobs fund (FJF) and other council funding, what is the council going to be able to do in practice next year for Southwark residents who are looking for employment?

25. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR DAN GARFIELD

Can the cabinet member provide an insight into what will replace the London Development Agency (LDA)?

26. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR MARTIN SEATON

What would the implications be of social rents moving to 80% of market rates on Southwark's regeneration schemes?

27. QUESTION TO THE CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY FROM COUNCILLOR TOBY ECKERSLEY

What steps is the council taking to secure the preservation of the architectural and heritage features of the remaining buildings on the Dulwich Hospital site?

28. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR ROSIE SHIMELL

Will the cabinet member provide the percentage of eligible primary school children who took up their entitled free school meal for 2009/10?

29. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR CATHERINE BOWMAN

What evidence does the cabinet member have to demonstrate that free school meals tackles obesity?

30. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR PODDY CLARK

Please could the cabinet member define what a 'healthy' free school meal will be and what measures she will introduce to ensure that each meal reaches this standard?

31. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR NICK STANTON

Will the cabinet member outline how much the universal free school meal programme will cost per annum? Please could she provide a breakdown by revenue and capital costs?

32. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR DAVID HUBBER

In light of the horrific child abuse case in the Plymouth private nursery, is the cabinet member satisfied with the inspection process and management of all nurseries in Southwark?

33. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR PAUL KYRIACOU

In these tough economical times caused by the previous government, what is the cabinet member doing to protect the youth service?

34. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR LISA RAJAN

What new actions does she propose the teenage pregnancy commission will take to further reduce the number of teenage conceptions in Southwark?

35. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR LORRAINE LAUDER

How have the coalition government's cuts - including those announced in the spending review - affected funding coming from central government to children's services?

36. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR VIKKI MILLS

What progress has been made to bring in free healthy school meals?

37. QUESTION TO THE CABINET MEMBER FOR CHILDREN'S SERVICES FROM COUNCILLOR SUNIL CHOPRA

What progress has been made on the teenage pregnancy commission?

38. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT, TRANSPORT AND RECYCLING FROM COUNCILLOR ROBIN CROOKSHANK-HILTON

Will the cabinet member outline how he is implementing scrutiny's recommendations about new and replacement trees in the recent tree strategy?

39. QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT, TRANSPORT AND RECYCLING FROM COUNCILLOR MICHAEL MITCHELL

Would the cabinet member for transport, environment and recycling confirm that he is aware of the resolution concerning Red Post Hill of the Dulwich community council on 10 November 2010 which calls for changes to the "self-enforcing measures" currently in place there in respect of the North Dulwich 20 mph zone, and would he outline future steps and timescales to put the requested changes into effect?

40. QUESTION TO THE DEPUTY LEADER AND CABINET MEMBER FOR HOUSING MANAGEMENT FROM COUNCILLOR COLUMBA BLANGO

Will the cabinet member list which properties in Southwark are not warm, dry and safe?

41. QUESTION TO THE CABINET MEMBER FOR COMMUNITY SAFETY FROM COUNCILLOR WILMA NELSON

Will the cabinet member outline the current patrolling regime of the community warden service? Please could he outline how this may change as a result of the mess that the previous government left this country?

42. QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES FROM COUNCILLOR MARK GETTLESON

Please can the cabinet member provide the number of vacant posts that exist within the council at present?

43. QUESTION TO THE CABINET MEMBER FOR FINANCE AND RESOURCES FROM COUNCILLOR DENISE CAPSTICK

How many members of staff have retired in the last five years? Please can you provide a breakdown by year?

44. QUESTION TO THE CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE FROM COUNCILLOR LEWIS ROBINSON

What steps will be taken with GP practices in the borough that are continuing to score negatively on quality of achievement and access following the publication of the disappointing GP performance indicators scorecard?

Agenda Item 7.1

Item No: 7.1	Classification: Open	Date: 1 December 2010	Meeting Name: Council Assembly
Report title:		Treasury Management– Mid-year Update 2010/11	
Wards or Groups affected:		All	
From:		Finance Director	

RECOMMENDATION

1. That the council assembly note this mid-year 2010/11 treasury management update.

BACKGROUND INFORMATION

2. The council held some £212m in cash and £762m in debt at 31 March 2010. The debt arises from past borrowing to pay for capital spend and cash held is placed on deposit with banks or in UK government or supranational bonds until it is needed in spending.
3. This mid-year report is one of three annual reports on treasury management to the council assembly by the finance director. In February 2010, the council assembly considered the treasury strategy for 2010/11 and in July 2010 it received a report on 2009/10 treasury performance.
4. Quarterly updates on treasury activity are also considered by cabinet and a report reviewing treasury policy and strategy is on the audit and governance committee agenda for 25 November 2010.
5. Treasury activity is carried out under powers set out in the Local Government Act 2003, supplemented by investment guidance issued by the government and codes of practice issued by the Chartered Institute of Public Finance and Accountancy (CIPFA). The council assembly is responsible for agreeing treasury strategy and under financial standing orders, responsibility for implementing the strategy and managing activity falls to the finance director.

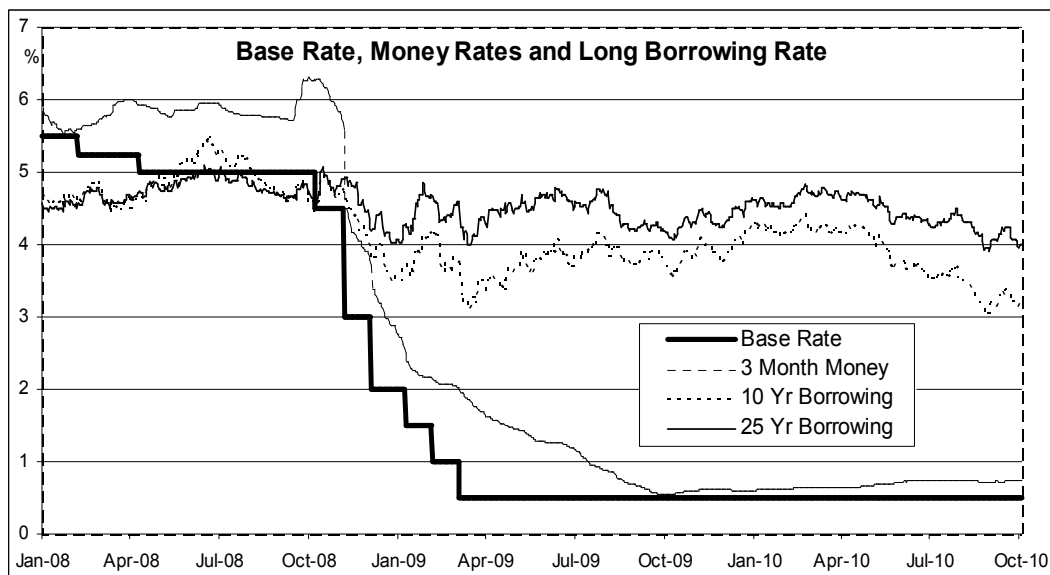
KEY ISSUES FOR CONSIDERATION

Treasury Management Borrowing and Investments

Financial Market Backdrop

6. The recent deep recession and the subsequent slow recovery created severe financial pressure not only for households and business but also for governments as well. Earlier this year market concerns over the sustainability of fiscal positions in a number of European countries was so great that it took the announcement in May 2010 of a 750bn Euro support package and substantial injections of liquidity to calm nervous investors.
7. In the UK the formation of a new government and the announcement of its plans for fiscal consolidation helped reduce uncertainty in bond markets, and the publication of stress test results for European banks together with proposals for banks to be given a longer time period in which to achieve higher minimum capital standards helped markets. However in spite of a return to growth, concerns remain over its pace and sustainability in the face of still restrained credit availability and substantial public spending cuts here and abroad.

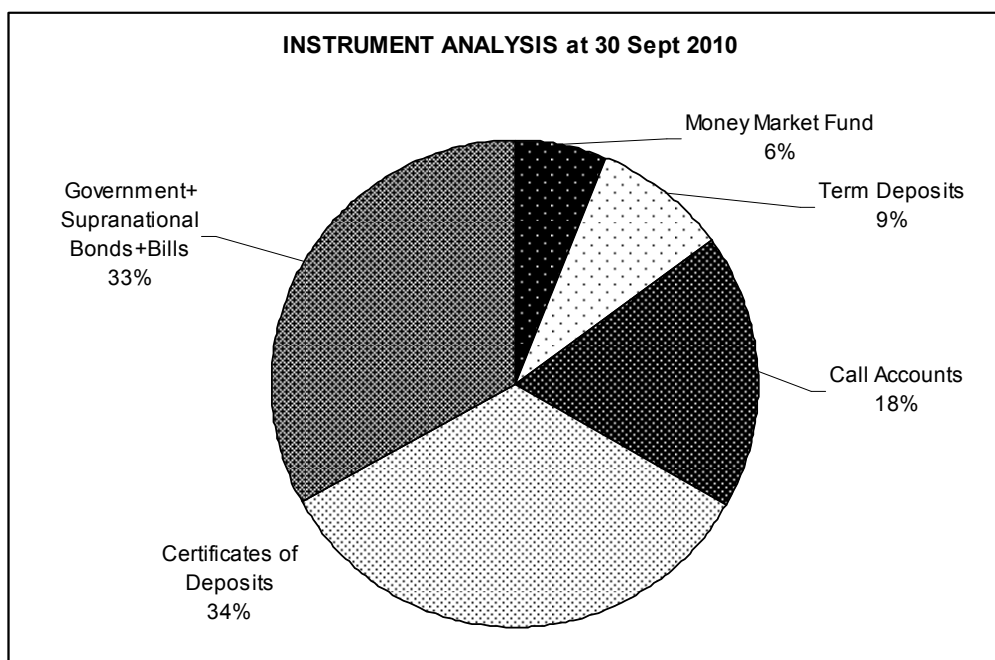
8. Against that background monetary policy remained simulative. UK rates remained close to nil (0.50%), the level they have been at since March 2009. Longer term borrowing rates were also pushed lower (refer chart below). And the markets continue to expect UK rates to remain low for some time. However adverse inflationary developments or signs of less accommodative monetary policy would make current very low long term rates vulnerable.



9. The spending review in October that followed the government's June budget confirmed that local government finances will face considerable challenge as it deals with cuts of 7.1% each year over the next four years and reductions of around 45% in capital funding from government departments. In addition, the government has also decided that councils would now have to pay around one percent more for its borrowing from the PWLB than the Government itself. Members can find further details about the spending review in the cabinet report from 2 November 2010.

Investment Activity and Position

10. As in 2009/10, investments in the first half of 2010/11 continued to be managed cautiously amid still turbulent credit markets. In the interest of principal protection, investment exposure was biased towards major high rated banks, UK Government debt and bonds issued by the European Investment Bank and the World Bank (the International Bank for Reconstruction and Development). Bank exposure was in the form of call accounts, short term deposits and certificates of deposits (liquid term deposits).
11. Investments are managed by an in-house operation and three investment management firms: Invesco Asset Management Ltd, AllianceBernstein Ltd and Aberdeen Fund Management Ltd. This arrangement ensures the council is able to invest longer with security and liquidity remaining high priorities.
12. Cash balances averaged £240m over the first half of 2010/11, a fall of £47m over the same period last year reflecting spending of previously received cash.
13. The cash held in investments at the end of September 2010 was £224m. A counterparty, instrument, rating and maturity analysis of these investments is set out below. The return over the first six months of 2010/11 was only 0.64% (against 0.89% in the first half of 2009/10), reflecting the prolonged period of very low money market rates.

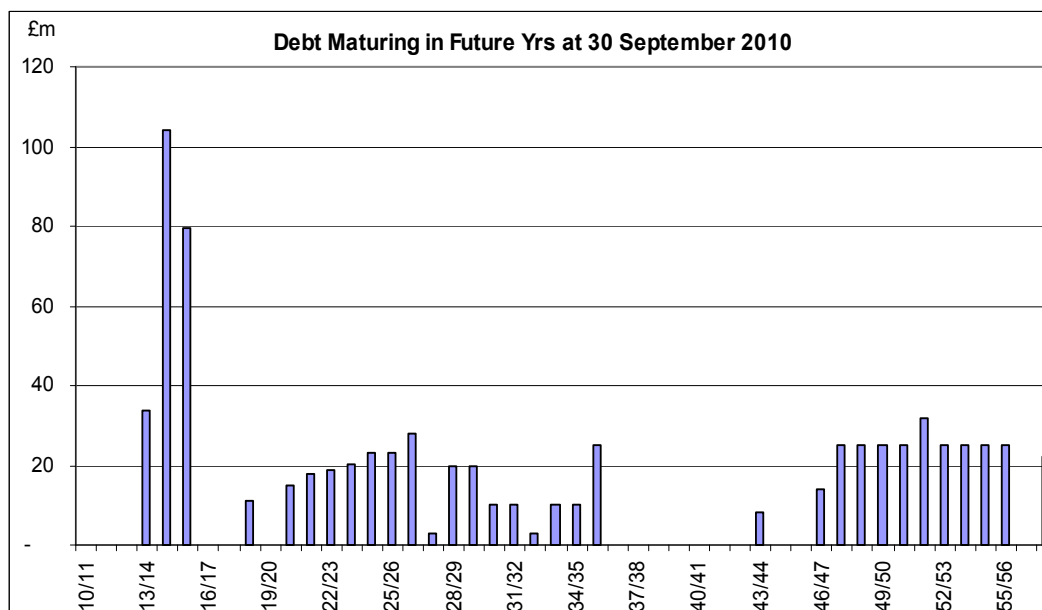


INVESTMENT COUNTERPARTY EXPOSURE & RATING at 30 SEP 2010										
COUNTERPARTY	FUND					RATING				
	Aberdeen	Alliance Bernstein	Invesco	InHouse	Total £m	Long Term	Short Term	Sup port	Country	Country Rating
BARCLAYS BK	7.0	0.5		1.0	8.5	AA-	F1+	1	UK	AAA
BANQUE NATIONAL PARIBA		0.5			0.5	AA-	F1+	1	FRANCE	AAA
CREDIT AGRIC CIB	5.4			7.0	12.4	AA-	F1+	1	FRANCE	AAA
EUROPEAN INV BK	8.2	7.2			15.4	AAA	F1+	1	SUPRANATIONAL	AAA
FORTIS BK	5.1				5.1	A+	F1+	1	BELGIUM	AA+
GLOBAL TREAS FUNDS-MMF			13.5		13.5	AAA	F1+		GLOBAL	
HSBC	0.3	0.1		0.4	0.8	AA	F1+	1	UK	AAA
ING BK	5.0	0.5		7.0	12.5	A+	F1+	1	NETHERLANDS	AAA
INT BK RECONST DEVT		1.2			1.2	AAA	F1+		SUPRANATIONAL	AAA
LCR FINANCE-UK GUARANTD	4.2	4.1			8.3	AAA	F1+	1	UK	AAA
LLOYDS TSB/BK SCOTLAND	7.0	0.5	10.0	7.0	24.5	AA-	F1+	1	UK	AAA
NATIONWIDE BSOC	3.2	0.5	10.0	-	13.7	AA-	F1+	1	UK	AAA
NORDEA BK FINLAND		0.5		7.0	7.5	AA-	F1+	1	FINLAND	AAA
RABOBANK		0.5			0.5	AA+	F1+	1	NETHERLANDS	AAA
RBS/NATWEST			25.5		25.5	AA-	F1+	1	UK	AAA
SANTANDER UK			15.0		15.0	AA-	F1+	1	UK	AAA
SOCGEN				7.0	7.0	A+	F1+	1	FRANCE	AAA
SVENSKA		0.6			0.6	AA-	F1+	1	SWEDEN	AAA
UBS	2.6				2.6	A+	F1+	1	SWITZERLAND	AAA
UK TREASURY	2.1	33.4		13.7	49.2	AAA	F1+		UK	AAA
Grand Total	50.1	50.1	74.0	50.1	224.3					

Rating Analysis				
Period Remaining	AAA	AA+ to AA-	A+	Total
2-5 Yrs	7%			7%
1-2 Yrs	5%			5%
6-12 Mths	3%	2%	1%	6%
< 6 Mths	24%	47%	11%	82%
Grand Total	39%	49%	12%	100%

Debt Activity and Position

14. Debt outstanding at the end of March 2010 was £762m and no new loans have been taken so far this year. The debt is at fixed rates from the Public Works Loans Board (PWLB, HM Treasury's local authority lending arm and typically a competitive source of long term borrowing). The amounts falling for repayment in the future is set out in the chart below. No loans fall for repayment until 2014 and, when they do, they can be replaced with new loans or refinanced earlier, subject to breakage costs. The average rate of interest across all loans is 6.95% and reflects a long period between the 1970's and early 1990's when high capital spending and debt funding (backed by government support) coincided with years of high inflation and high interest rates.



15. Currently interest on around 80% of the debt (representing HRA's share of debt) is reimbursed in subsidy and an allowance for the remainder is included in Formula Grant. However under proposals for HRA self-financing, the government has confirmed that housing subsidy will be abolished from 2013/14 in return for an initial debt reduction. Details of the proposal are not yet out, and the implications for Southwark will not be clear until then.

Prudential Indicators

16. Prudential indicators bring together elements of capital finance, borrowing and investment in a series of estimates and limits to give a general picture of the affordability, prudence and sustainability of financing activities. The latest estimates for each indicator is set out in Appendix A and will be updated again in February 2011, taking account of forecasts for capital spend, funding, borrowing and investments closer to year-end.

SUPPLEMENTAL ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

17. The constitution determines that agreeing the treasury management strategy is a function of the council assembly and that review and scrutiny of strategies and policies is the responsibility of the audit and governance committee.

18. Financial standing orders require the finance director to set out the treasury management strategy for consideration and decision by council assembly, and report on activity on a quarterly basis to cabinet and at mid-year and year-end to council assembly. Furthermore all executive and operational decisions are delegated to the finance director.
19. The Local Government Act 2003, requires that councils have regard to the Treasury Management in the Public Services code of practice and the Prudential Code for Capital Finance both published by the Chartered Institute of Public Finance and Accountancy when considering or developing the treasury management strategy.
20. Local Government Act 2003, section 15(1), requires a local authority "to have regard (a) to such guidance as the Secretary of State may issue". This guidance is found in the Department of Communities and Local Government Guidance on Local Authority Investments updated March 2010 and there is statutory guidance on the Minimum Revenue Provision (MRP) produced under amendments made to section 21(1A) of the Local Government Act 2003 by section 238(2) of the Local Government and Public Involvement in Health Act to 2007.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Prudential Code for Capital Finance in Local Authorities - CIPFA.	Finance and Resources Department, 160 Tooley Street London SE1 2TZ	Dennis Callaghan, Chief Accountant 020 7525 4375
Treasury Management in the Public Services of Practice - CIPFA		
DCLG Guidance on Local Authority Investments.		
Guidance on Minimum Revenue Provision - Issued by the Secretary of State		

APPENDICES

No.	Title
Appendix A	Prudential Indicators 2010/11 – Mid-year Update

AUDIT TRAIL

Lead Officer	Duncan Whitfield, Finance Director	
Report Author	Dennis Callaghan, Chief Accountant	
Version	Final	
Version Date	11 November 2010	
Key Decision	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Communities & Governance	Yes	Yes
Final Report Sent to Constitutional Team	17 November 2010	

PRUDENTIAL INDICATORS 2010/11 – Mid-year Update

1. The prudential indicators are drawn from the Prudential Code on Capital Finance for Local Authorities and the Treasury Management in the Public Services Code of Practice both published by CIPFA and updated in November 2009. The Local Government Act 2003 requires that councils have regard to these codes.
2. This appendix updates the 2010/11 indicators presented to council assembly in February 2010. Actuals are drawn from the council's accounts for the year. The indicators fall in three broad areas: affordability, prudence and treasury management.

CRITERIA ONE: AFFORDABILITY AND PRUDENTIAL INDICATORS ON AFFORDABILITY**INDICATOR ONE: RATIO OF FINANCING COSTS TO NET REVENUE STREAM**

The financing ratio reflects financing costs arising from capital expenditure funded from borrowing and income from cash balances.

Financing Ratios	2009/10 Actual	2010/11 Projection
HRA	33.0%	33.0%
GF	2.5%	3.3%

INDICATOR TWO: THE INCREMENTAL IMPACT OF CAPITAL INVESTMENT ON THE COUNCIL TAX AND HOUSING RENTS

This ratio is about the impact on council tax and rents of the capital programme. No increase in council tax or rent in 2010/11 arose as a result of the programme.

CRITERIA TWO: PRUDENCE AND PRUDENTIAL INDICATORS FOR PRUDENCE**INDICATOR THREE: CAPITAL EXPENDITURE**

The actual capital expenditure for 2009/10 and the latest projections are set out below.

Capital Expenditure	2009/10 Actual £m	2010/11 Projection £m
HRA	97	88
GF	105	152
Total	202	240

INDICATOR FOUR: CAPITAL FINANCING REQUIREMENTS.

The capital financing requirement (CFR) reflects the use of borrowing to pay for past capital expenditure.

CFR	2009/10 Actual £m	2010/11 Projection £m
HRA	639	651
General Fund	126	122
Total	765	773

INDICATOR FIVE: ACTUAL DEBT- THE AUTHORISED AND OPERATIONAL LIMITS

The limits are for the maximum sum that may be outstanding on debt and long term liabilities on any one day. The lower limit is the operational boundary and takes account of ordinary activity and any temporary funding that may be needed as part of a risk controlled refinancing package. The authorised limit is the higher limit to accommodate unexpected borrowing that may be needed for very short periods. The total authorised limit is the limit councils have to determine under the Local Government Act 2003.

Operational Boundary and Authorised Limits for External debt -	2009/10 Actual £m	2010/11 Limit £m	2010/11 Mid-year Position £m
Operational Boundary for Debt			
Borrowing	762	860	762
Other long term liabilities	0	20	0
Total Operational (*)	762	880	762
Authorised Limit for Debt -			
Borrowing	762	890	762
Other long term liabilities	0	20	0
Total Authorised (*)	762	910	762

Note * - The limits from 2010/11 are treated as increased for any increase in long term liabilities arising from accounting changes in leasing and PFI.

CRITERIA THREE: TREASURY MANAGEMENT**INDICATOR SIX: ADOPTION OF THE CIPFA CODE OF PRACTICE ON TREASURY MANAGEMENT IN THE PUBLIC SERVICES**

This indicator is about confirming that CIPFA's treasury management code has been adopted. The code was updated in November 2009 and council assembly agreed its

additional recommendations on reporting and scrutiny at its meeting in February 2010.

INDICATOR SEVEN: INTEREST RATE EXPOSURES – FIXED
INDICATOR EIGHT: INTEREST RATE EXPOSURES - VARIABLE
INDICATOR NINE: MATURITIES

Council debt currently consists entirely of fixed rate loans, with very little falling for repayment over the next few years. As with the authorised and operational limits, the interest rate exposure limits include flexibility for debt to vary prudently should financing conditions prove favourable. As no new borrowing or refinancing was carried out, the 2010/11 mid-year indicators, set out below, reflect the existing debt structure.

LIMITS ON FIXED AND VARIABLE RATES	2009/10 Actual £m	2010/11 Limit £m	2010/11 Mid-year position £m
Upper limit for fixed interest rate exposure	762	890	762
Upper limit for variable rate exposure	0	225	0

Maturity structure of fixed rate borrowing	2009/10 0 Actual	2010/11 Lower Limit	2010/11 1 Upper Limit	2010/11 Mid-year position
Under 12 months	0%	0%	30%	0%
12 months and within 24 months	0%	0%	30%	0%
24 months and within 5 years	4%	0%	60%	18%
5 years and within 10 years	26%	0%	80%	12%
10 years and above in each 10 year period	70%	0%	100%	70%

INDICATOR TEN: TOTAL PRINCIPAL SUMS INVESTED FOR PERIODS LONGER THAN 364 DAYS.

Cash balances are invested across a number of counterparties which include the government and major high rated banks and building societies. Exposures to investments beyond one year were managed within a risk controlled framework by fund managers and were held in UK Government debt or supranational bonds. Actual exposure against the limits is set out below.

Upper limit on investments greater than 1 yr	2009/10 Actual	2010/11 Limit	2010/11 Mid-year position
Upper limit / Actual	<p>Actual max exposure 20% of investments greater than 1 year</p> <p>Overall maximum average maturity 8 months Longest Investment 10 years</p>	<p>Up to 50% of investments. Greater than 1 year</p> <p>Overall average maturity 3 years, but any one investment may be longer as referred to in the Annual Investment Strategy</p>	<p>16% of investments greater than 1 year</p> <p>Overall maximum average maturity 7 months</p> <p>Longest investment 5 yrs</p>

Item No. 7.2	Classification: Open	Date: 1 December 2010	Meeting Name: Council Assembly
Report title:		Revision of the Petitions Scheme	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATION

1. That the council assembly approve the petition scheme attached in Appendix 1.

BACKGROUND INFORMATION

2. The Local Democracy Economic Development and Construction Act 2009 [“the Act”] imposes a new statutory petition scheme duty on local authorities to have a scheme for handling petitions which must be approved by Full Council and published on the Council’s website. Council assembly agreed a petition scheme on 19 May 2010.
3. The Act requires local authorities to make, publicise and comply with a scheme for handling petitions including electronically through their websites. The report noted that the petition scheme required the council to prepare for e-petitions which had to be in place by 2 December 2010 and council assembly instructed the Strategic Director of Communities, Law & Governance make preparations for the implementation of an e-petitioning facility.
4. To come within the scheme, the petition must relate either to a function of the authority or to an improvement in the economic, social or environmental well-being of their area to which any of their partner authorities, such as the NHS could contribute. The scheme should make it clear that planning and licensing decisions are to be excluded, as are matters where there is another appeal process (e.g. Council tax banding). However these matters will not be excluded if the petition relates to a systematic failure in service provision.
5. Southwark’s scheme sets out how we will acknowledge the petition and in what time scale. It also sets out the steps we will take in response to a petition. These steps include:
 - giving effect to the request in the petition;
 - considering the petition at a meeting of the authority;
 - holding an inquiry;
 - holding a public meeting;
 - commissioning research;
 - giving a written response to the petition organiser setting out the authority’s views about the request in the petition;
 - referring the petition to an overview and scrutiny committee or subcommittee
6. Council assembly is not bound to take any steps but only to debate the petition. Likewise other decision makers will only have to debate a petition.

7. If a petition is rejected because it falls outside the scope of the scheme we will not take action on any petition but will explain the reasons for this in our acknowledgement of the petition.
8. It will also be possible for a petition to require an officer to be 'called to account' at a meeting of an overview and scrutiny committee or subcommittee.
9. A petition organiser is able to refer a petition to the council's overview and scrutiny committee if to review the adequacy of the steps taken or proposed to be taken in response to the petition.
10. The Department for Communities and Local Government provided statutory guidance [*Listening to communities: Statutory guidance on the duty to respond to petitions*] on the scheme. However this was withdrawn on 24 September. This was intended to give local authorities more discretion to decide how to approach petitions locally. Southwark's current scheme already gives a wider scope for petitioners to approach other decision makers and to take local issues to community councils.

KEY ISSUES FOR CONSIDERATION

E-petitions

11. The Act requires local authorities to make, publicise and comply with a scheme for handling petitions including electronically. The Act requires two types of petition, those which require council assembly to debate and those to call officers to account. However, our scheme gives the petitioner the ability to submit a petition for these and in addition to other decision makers including cabinet and community councils.
12. Appendix 1 contains the revision in the scheme to allow for e-petitions. The existing decision tracking system supports e-petitions. In addition the constitutional team have prepared e-petition guidance to assist e-petitioners in submitting a petition. It focuses specifically on the process of submitting and signing and e-petition.

Petition thresholds

13. Petitions have to reach certain threshold to be considered by council assembly, cabinet or community councils, although the scheme allows the petition organiser to state who they want to receive the petition.
14. The Democracy Commission considered the current threshold of 2,500 to be too high and recommended in their report:

“Council Assembly may take a petition according to the rules set out by Government. At present 2,500 signatures are needed to trigger a debate at Council Assembly. The evidence supported lowering this, and the Constitutional Steering Panel should advise on an appropriate number as soon as possible for decision by the Council Assembly. We recommend 1,000 be this trigger.”
15. The Constitutional Steering Panel considered, given the short time the scheme has been in place, that the Democracy Commission figure was too low at present. They recommend 1,500 with the threshold being reconsidered after 12 months.

16. The constitution limits the time council assembly can spend on petitions to 40 minutes. If there is a significant rise in the number of petitions this could lead to a backlog of petitions. This could lead to petitions not being considered at the relevant meetings.

Community impact statement

17. The petition scheme will have direct impact on local people and the scheme will allow local people to bring matters of concern before the council in a wider variety of ways than at present. Lowering the threshold is likely to increase the number of petitions and prompt community engagement.
18. However failure to deal with any increase in the number of petitions in a timely manner could undermine confidence in the scheme.

Legal implications

19. The Act requires local authorities to make, publicise and comply with a scheme for handling petitions (including electronically). Schemes must set out the requirements for petitions in order for them to be dealt with, including the number of signatures required. Signatures will need to be from people who live, work or study in the authority's area.
20. The Local Authorities (Petitions) (England) Order 2010 specifies the maximum number of signatures that authorities may include in their petition schemes as being required to trigger a debate of the full council. That figure is 5% of the local population as estimated by the Office of National Statistics. The thresholds in the current scheme are smaller than this so the requirement is satisfied. The proposals set out in the revised scheme are even smaller.

Resource implications

21. There will be some additional officer time to manage any e-petitions coming through under the scheme. However, it is not anticipated that this will be so extensive as to require additional officer resource. It is not possible to estimate the increase in petitions to council assembly resulting from a lower threshold and this may need to be reviewed in light of experience operating the scheme.
22. The proposed changes to the scheme for e-petitions can be contained within existing budgets.

BACKGROUND DOCUMENTS

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

APPENDICES

Appendix No.	Title
Appendix 1	Proposed Petition Scheme

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Authors	Norman Coombe, Principal Lawyer	
Version	Final	
Dated	17 November 2010	
Key Decision?	No	
Consultation with other officers / directorates / cabinet member		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Incorporated
Finance Director	Yes	Incorporated
Cabinet Member	No	No
Date final report sent to Constitutional Team	17 November 2010	

APPENDIX 1

LONDON BOROUGH OF SOUTHWARK PETITION SCHEME

Introduction

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

Paper petitions can be sent to:-
The Monitoring Officer
Democratic Services,
London Borough of Southwark
PO Box 64529
London
SE1P 5LX

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

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

Who can receive a petition

Type of Petition	Threshold (Signatories)	Decision Maker
Petitions to debate	1500	Council Assembly
Petition to hold an officer to give evidence	500	Select Overview & Scrutiny Committee
Petitions to the cabinet	500	Cabinet
Petitions to community councils (Local issues)	250	Relevant community council
Statutory petition	See appropriate legislation	As directed by legislation

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

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

If you would like to present your petition to council assembly, or would like your councillor to present it on your behalf, please contact Ian Millichap, Constitutional Manager on **020 7525 7225** or email [Constitutional Team](#) at least 10 clear working days before the meeting and a council officer will talk you through the process.

What is a petition?

Petitions submitted to the council must include:

- A clear and concise statement covering the subject of the petition and on each page of the petition
- It should state what action the petitioners would like the council to take
- State who should debate the petition or name the officer to be called to be held to account
- The name, address and signature of any person supporting the petition.

How petitions are dealt with

- “Petitions to debate” must be reported to and debated by council assembly;
- “Petitions to cabinet” must be reported to and debated by the cabinet;
- “Petitions to hold an officer to account” trigger a meeting of an overview and scrutiny committee* or scrutiny subcommittee at which the named officer will report and be questioned on their actions;
- “Petitions to debate by community council” must be reported to and debated by the relevant community council;
- “Statutory petition” is a petition which is covered by another statute, for example requesting a referendum on having an elected mayor or for an allotment.

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

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

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

Scope of petitions

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

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

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

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

Further information on all these procedures and how you can express your views is available [here](#)

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

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

Calling senior officers to account

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

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

suggest questions to the chair of the committee by contacting the relevant scrutiny committee officer up to three clear working days before the meeting.

What will the council do when it receives my petition?

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

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

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

E-petitions

The council welcomes e-petitions which are submitted through our website. Insert link E-petitions must follow the same guidelines as paper petitions as set out above. The petition organiser must provide their name, address, post code and email address.

Your e-petition will be published on our website within 10 clear working days of receiving the petition request. Once your petition is published it can be signed by other people. If you have submitted an e-petition all acknowledgement and correspondence will be sent to the email address you provide when submitting the petition.

If we feel we cannot publish your petition for someone reason we will contact you to explain and you will be able to change and re-submit your petition if you wish. When an e-petition has closed for signature it will automatically be submitted to the monitoring officer and the same process will be followed as for paper petitions.

How do I sign an e-petition?

You can see all petitions currently available for signature on our website Insert Link. When you sign an e-petition your name can be seen by people visiting the e-petition, your contact details will not be visible. You can only sign an e-petition once. Signatures will be checked by the monitoring officer and any duplicate signatures or obviously frivolous responses will be removed.

The monitoring officer may, at their discretion, decide to instruct officers to verify the signatures on a petition to ensure that they are genuine.

How will the council respond to petitions?

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

- Taking the action requested in the petition

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

Process at the meeting

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

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

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

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

Where the issue is one on which cabinet are required to make the final decision, the body which receives the petition will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our [website](#).

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

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

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

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

Item No. 7.3	Classification: Open	Meeting Name: Council Assembly	Date: 1 December 2010
Report title:		Constitutional issues arising from Southwark Democracy Commission review of the role of Council Assembly and other constitutional issues	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATIONS

1. That council assembly adopts the constitutional changes recommended by the constitutional steering panel arising from council assembly's recommendations of 20 October 2010 in relation to the report of the Democracy Commission:
 - 1) That a council assembly business panel be established to improve how agendas are planned.
 - 2) That the changes to Part 30: Panels of the constitution be agreed, as set out in Appendix 2.
 - 3) That the proposed changes to council assembly procedure rules as set out in Appendix 3, including the specific issues described in paragraphs 22 to 30, be agreed.
2. That council assembly adopts the constitutional changes recommended by the constitutional steering panel to amend the role and function of the standards committee as set out below to include:

‘To provide strategic oversight on the use of the powers regulated by the Regulation of Investigatory Powers Act 2000 and to receive reports on operational use at least once a quarter’.
3. That officers be authorised to undertake any consequential and cross referencing changes arising from recommendations 1 and 2.

BACKGROUND INFORMATION

4. The constitutional steering panel on 15 November 2010 considered a report on changes to the constitution arising from the Southwark Democracy Commission's consideration of the role of council assembly and Regulation of Investigatory Powers Act 2000 and the role of the standards committee. This report sets out the recommendations of the constitutional steering panel.

Background on Democracy Commission

5. Council assembly at its meeting on 19 May 2010 agreed the cabinet be tasked with establishing a Democracy Commission and bringing recommendations back to

council assembly at a later date.

6. Councillor Abdul Mohamed was appointed Chair of the Southwark Democracy Commission by cabinet on 15 June and the membership for the commission was subsequently confirmed as:
 - Councillors Abdul Mohamed (Chair), Anood Al-Samerai, Columba Blango, Mark Glover, Michael Mitchell, Helen Morrissey and Cleo Soanes.
7. The commission met on seven occasions considering a variety of evidence and feedback from local groups and the community.
8. The commission's recommendations were submitted to cabinet on 19 October 2010, which endorsed the Democracy Commission's recommendations (see Appendix 1).
9. On 20 October 2010 council assembly agreed the recommendations of the commission and tasked the cabinet with producing an implementation plan that fully considers the resource implications of the commission's recommendations.
10. A number of constitutional changes arise from the Democracy Commission's recommendations and this requires changes to the council's constitution which have been considered by the constitutional steering panel, who have made a series of recommendations to council assembly.

KEY ISSUES FOR CONSIDERATION

Introduction

11. Any review of the constitution seeks to make it:
 - **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.
12. The report sets out the main key issues and changes arising from the constitutional review. The changes to the council assembly procedure rules are set out in Appendix 3. Changes are shown as follows:
 - additions (shown as underlined);
 - deletions (shown with a strike through);
 - comments (added to explain reason for main changes).

Recommendations of the Democracy Commission

13. The Democracy Commission accepted the need for change and acknowledged that doing nothing was not an option base on the strong body of evidence accompanying the review. The commission felt that its recommendations should be considered together as a whole package to obtain the maximum positive effect.
14. The commission recommended the changes on the basis of maximising the benefit to council assembly by:

- Increasing the involvement and participation of local people
- Increasing accountability to local people
- Discussion of issues relevant to local people
- Better scrutiny of decision making for the people of the borough
- Improving the quality of decisions made in the council assembly
- Holding the administration to account.

15. The main areas that the Democracy Commission made recommendations on are:

- The content and format of council assembly meetings to ensure that they are more relevant to residents concerns; more clearly demonstrate the council's community leadership role and strengthen the role of members and residents in holding the administration to account.
- The establishment of a council assembly business panel to improve how agendas are planned.
- How the residents, the community and members can more easily bring topical issues to assembly meetings by making it easier to bring deputations and petitions and through strengthening links with community councils.
- The concept of themed meetings and debates to inform plans, priorities and strategies at an early stage.
- Plans to involve the community and residents in themed debate by holding early discussions in community councils and other fora prior to council assembly.
- Making better use of new technology and established communication channels, including local media, to engage and communicate with residents and illicit opinion and questions on debates held at council assembly on themes and plans.
- Improving how outcomes of debates and decisions at council assembly are communicated to residents and other stakeholders.
- The location and timing of meetings.

16. A key part of the recommendations are that the council assembly adopts themed debate and that there is public engagement prior to the assembly meeting in a variety of fora on these themes. Themed debates will be related to plans, strategies and policies that the council is developing (or refreshing existing one) and will be chosen to ensure that the council would find feedback, engagement and debate particularly useful. Engagement and debate would be led by the relevant cabinet member. The principles for choosing themed debate are set on under paragraph 8 of the democracy commission recommendations attached in Appendix 1.

Part 3 – Who takes decisions

Part 3O – Panels

17. The Democracy Commission (DC) recommended that a council assembly business panel be established to improve how agendas are planned (see recommendation 10).
18. The Democracy Commission's recommendations in relation to the council assembly

business panel are set out below:

- A council assembly business panel be set up. The council assembly business panel is to be responsible for planning the council assembly's agenda as an advisory panel to the Mayor and will meet twice per year. The panel will plan the annual agenda for up to a year of programmes for policy, budgetary framework development, themes, community leadership items and the content of informal sessions. These themed meetings to have a minimum of two months notice. (see recommendation 10.1)
- The Mayor has the ultimate responsibility for deciding on the council assembly business and will be advised by the council assembly business panel. (see recommendation 10.2)
- The council assembly business panel is to be chaired by the Mayor. The composition of the panel should be one representative from each political group on the council. It will have the ability to seek advice from community leaders/ active citizens/ experts / relevant officers as required who will act in an advisory role to plan debates on coming themes. (see recommendation 10.3)
- The council assembly business panel will take into account a balance between items of business promoting participative democracy (community engagement) and representative democracy (getting more out of elected members). (see recommendation 10.4)

19. In addition the Democracy Commission requested that the panel consider the following:

- The council assembly business panel will be asked to consider which additional plans, policies or strategies should be considered by the council assembly. (see recommendation 4.3)
- The council assembly adopts the use of themes, either related to cabinet portfolios or to early debate on plans, policies and strategies. These will be presented by the relevant cabinet member. (see recommendation 4.4)
- That existing arrangements continue to apply for taking and discussing motions at the meetings. The business panel is to advise the Mayor and his officers according to the principles outline in recommendation 8.4. (see recommendation 5.3)
- The council assembly business panel should make allowances for a balanced business agenda and the need to make meetings more engaging. A draft of the council assembly agenda shall be available to political groups well in advance of the dispatch/publishing date. (see recommendation 5.4)
- Themed debates will be linked to plans, strategies and policies and this will be clearly signposted to residents and members so they are able to connect debate to plans and monitor their implementation. (see recommendation 6.4)
- When considering themes the panel will bear in mind the principles set out in recommendation 8.4.
- Partnership - that outside community leaders/active citizens/experts/relevant officers are invited to attend the business panel in an advisory role to plan

debates on coming themes (e.g. Youth Council, TM council). (see recommendation 8.4f)

- The business panel will take into account a balance between items of business promoting participative democracy and representative democracy. (see recommendation 10.4)
- The business panel is to keep the rules on debate under review and offer changes if they do not elicit good behaviour. (see recommendation 11.2)
- The business panel will need to think carefully about how it works with existing equalities groups to enable wider participation. (see recommendation 15.2)

Recommendations – Part 30: Panels

- 1) That a council assembly business panel be established to improve how agendas are planned.
- 2) That the changes to Part 30: Panels, set out in Appendix 2, be agreed.

Part 4 – Council Assembly Procedure Rules

20. The Democracy Commission recommendations require numerous changes to council assembly procedure rules and these are set out by way of additions, deletions and comments in Appendix 3.
21. The constitutional steering panel considered a number of issues in detail and this is summarised as set out below in paragraphs 23 to 27:

Broadcasting and recording (CAPR 1.7)

22. The Democracy Commission recommended that the rules on the recording of audio are relaxed and all audio recording of the proceedings in council assembly be allowed (see recommendation 13.3). Appendix 3 outlines a proposed rule change to relax the position on audio recording. Photography and filming would remain subject to prior agreement of the chair. A detailed briefing on the implications of relaxing the rule was prepared for the constitutional steering panel. This advice is attached as Appendix 4. The constitutional steering panel agreed to recommend the relaxation in audio recording. It also undertook to review the change in the future, if necessary. The panel felt the briefing, together with the experiences of other local authorities, would provide a useful basis on which to develop a protocol on the issues involved.

Interjections - Rules of Debate (CAPR 1.12 (27 & 28))

23. The constitutional steering panel considered the proposal to introduce a new rule to allow the Mayor more discretionary power in debates to allow interjections during discussions. The panel heard that interjections could lead to more formality in debates with more political challenges for the Mayor to rule upon and there may not be enough time for this type of debate as speeches are time limited. The panel concluded that the proposed rule seemed to complex and that further work was required by officers before this could be reconsidered.

Informal session - Order of business at ordinary council assembly meetings
(CAPR 2.2)

24. The panel felt that the informal sessions should be officer led to ensure that information is provided to the public on the business of the meeting. The panel noted the importance of providing sufficient information on the way the meeting is conducted. A short addition to the rule on order of business of ordinary meetings is included. The rule states that it would not be obligatory for members to attend.

Public question time and deputations (CAPR's 2.5 and 2.6)

25. The constitutional steering panel considered whether the deadlines for receipt of public questions and deputations should be reduced from nine days. This would be in line with commission's recommendations to be more open to public participation. The panel supported a draft rule change that would reduce the deadline to three clear working days. This would allow questions and deputations to be more topical and relevant to agenda items. It would also allow officers time to publish the questions and deputations in a supplemental agenda. However, it was also noted that there would be less time available to prepare responses to questions.

Deputations speaking rights(CAPR 2.6 (14))

26. It was noted by the constitutional steering panel that the Democracy Commission had recommended that deputations could present directly for three minutes and ask a question of the cabinet member/leader. Officers advised that current council assembly procedure rules allow the deputation to speak for five minutes. The panel considered that in the spirit of the commission's wish to widen engagement, that the current time limit of 5 minutes should be maintained. This is reflected in Appendix 3.

Members' Questions (CAPR's 2.7 and 2.8)

27. The constitutional steering panel considered how best to apply the Democracy Commission's recommendation on allowing the leader of the opposition two supplementary questions. The minority opposition leader will be permitted one supplementary question. The panel decided to recommend that the additional supplemental question be applied to urgent questions only.
28. The Democracy Commission had recommended that as part of members' question time there should be an additional question asked from a councillor on behalf of each community council. The panel considered this and recommended that the order of questions be varied so that the questions on behalf of each community council be taken after the leader followed by cabinet members and followed by others. This recommended change is set out in Appendix 3. The panel expressed no view on how community councils might wish to organise their question; this matter was left to individual community councils to decide.

Deadlines

29. The panel considered the potential impact that any change to the time and day on which council assembly is held, i.e. in the daytime or on a Saturday, would have on the following deadlines for the receipt of:
- Amendments

- Questions on reports
 - Urgent questions
30. Officers advised that it would be necessary to change the current deadlines in these limited circumstances as it would not be possible for the requirements in the current rules to be completed in time and for the administrative arrangements to be processed by officers. The panel agreed to recommend that for a daytime or Saturday meeting that the deadlines listed above should be brought forward by one clear working day. Appendix 3 reflects this recommendation. The panel also informed officers that the operation of this rule is something it would like to keep under review.

Recommendation – Council Assembly Procedure Rules

- 3) That the proposed changes to council assembly procedure rules as set out in Appendix 3, which includes the specific issues described in paragraphs 22 to 30 be agreed.

Other Constitutional Issues

The Regulation of Investigatory Powers Act 2000 and the role of the Standards Committee

31. On 13 October 2010 the standards committee considered a report entitled 'The Regulation of Investigatory Powers Act 2000 and the role of the Standards Committee' which explained that the Regulation of Investigatory Powers Act 2000 (RIPA) puts a regulatory framework around a range of investigatory powers used by local authorities. This is done to ensure the powers are used lawfully and in a way that is compatible with the European Convention on Human Rights. It also requires, in particular, those authorising the use of covert techniques to give proper consideration to whether their use is necessary and proportionate.
32. The government consulted on plans to stop investigatory powers being used under the RIPA for trivial purposes. The government was particularly interested in how local authorities use RIPA to tackle local crime and disorder.
33. The report on the consultation ("the Report") makes it clear that the government is satisfied that the public authorities currently listed in RIPA all need to be able to use some or all of the techniques regulated by the Act in order to carry out their statutory functions.
34. The government do not propose to remove any public authority entirely from the RIPA framework. However, they have made a number of changes which will include local authorities. These affect either the techniques the authorities can use, or the statutory purposes for which they can use them and will clarify the test of necessity and proportionality for these techniques. As an example local authorities may not be able to use RIPA for investigation of dog fouling or people putting bins out a day early.
35. The Report further states that the current level of authorising officer in the regulations has resulted in a degree of inconsistency between local authorities. Currently authorisation for a local authority is 'Assistant Chief Officer, Assistant Head of Services, Service Manager or equivalent'.

36. The Report proposes to raise the rank of authorising officers in local authorities to senior executive, specifically 'Director, Head of Service, Service Manager or equivalent'. This proposal would prevent any junior officers authorising RIPA techniques.
37. This change has been reflected in the latest version of the council's policy.
38. In addition, the government proposes that each local authority should have a single officer to ensure that all designated authorising officers meet the standards required by the Office of Surveillance Commissioners (OSC). The single officer is to be a member of the corporate management team and CMT have confirmed this will be the monitoring officer.
39. The Report agrees that the involvement of elected members of local authorities can be helpful in terms of transparency and accountability. It goes on to say that the overwhelming consensus of this consultation is that councillors should have oversight of a councils' use of covert investigative techniques authorised under RIPA, that this oversight should be strategic not operational, and that individual local authorities should have some degree of local flexibility to determine the exact form and frequency of that oversight.
40. The government amended the relevant codes of practice to include the requirement for local authorities to involve elected members in strategic oversight, including setting the policy and reviewing use at least once a year, and considering reports on use on at least a quarterly basis.
41. The report to the 13 October 2010 standards committee proposed that the cabinet member for resources should be responsible for setting the strategic direction and agreeing the RIPA policy and that the standards committee should receive the quarterly reports as this fits within its general remit of probity. It was also proposed that the standards committee should consider reports on use of RIPA on at least a quarterly basis and that role and function of the standards committee be amended in the constitution to include:
- To provide strategic oversight on the use of the powers regulated by the Regulation of Investigatory Powers Act 2000 and to receive reports on operational use at least once a quarter.
42. Having considered the report the standards committee recommended the following:
1. That the standards committee noted the issues outlined in the report.
 2. That the standards committee recommended the proposed change in the terms of reference as stated in paragraph 39 above to the constitutional steering panel.
 3. That a quarterly report be presented at the next meeting of the standards committee.

Recommendation 2 – Standards Committee

That the role and function of the standards committee be amended to include:

‘To provide strategic oversight on the use of the powers regulated by the Regulation of Investigatory Powers Act 2000 and to receive reports on operational use at least once a quarter’.

Consequential Changes

43. 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 these consequential changes.

Recommendation 3 – Consequential Changes

That officers be authorised to undertake any consequential and cross referencing changes arising from recommendations 1 and 2.

Policy implications

44. A number of constitutional changes may arise from these recommendations and will require changes to the council’s constitution which will need to be agreed by council assembly. The key changes are set out in appendix

Community impact statement

45. The work of the democracy commission has received significant feedback from the community which was empowered with the aim of increasing public engagement with the council and enhancing the community leadership role of the council. The work of the commission has included public consultation and involvement including

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

Council’s constitution

46. This comment advises the constitutional steering panel of the legal procedure relating to changes to the council’s constitution.
47. 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.
48. Article 1.5(a) of Southwark’s constitution states that changes to the constitution which “can only be approved by the council assembly will require the prior consideration of the proposal by the constitutional steering panel”.

49. 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 1.5.

Recording/reporting of Council Assembly proceedings

50. It will need to be ensured that the proposed relaxation of recording/reporting of Council Assembly proceedings complies with the requirements set out in section 100A of the 1972 Act which states:

100A.- Admission to meetings of principal councils.

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

This raises the issue of how and to what extent the Mayor will give consent to the recording/reporting of proceedings as well as whether the consent of members of the public who speak at council assembly ought to be sought. A fuller legal briefing on the implications is set out in Appendix 4.

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix 1	Democracy Commission - Recommendations approved by council assembly on 20 October 2010
Appendix 2	Part 3O – Panels – Amendment to Constitution
Appendix 3	Council Assembly Procedure Rules – Proposed Amendments and Comments
Appendix 4	Briefing on Recording/Reporting of Council Assembly proceedings

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Ian Millichap, Constitutional Manager Lesley John, Constitutional Officer	
Version	Final	
Dated	18 November 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		18 November 2010

Southwark Democracy Commission

Recommendations

1. Introduction

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

2. The need for change

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

3. Purpose: the role of the Council Assembly

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

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

3.2 The Commission recommends that the Council actively seeks to:

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

The Commission recommends that:

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

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

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

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

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

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

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

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

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

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

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

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

7. Demonstrating community leadership

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

8. Themed meetings

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

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

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

Example of themes might be:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Format of the Council Assembly meeting

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

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

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

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

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

10. Council Assembly Business Panel

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

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

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

11. Meeting Content

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

12. Times and venues for Council Assembly

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

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

13. Communication and using new technology

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

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

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

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

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

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

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

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

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

14. Community Education

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

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

15. Equalities issues

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

16. Next Steps

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

Appendix 1

INDICATIVE MEETING FORMAT

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

Preparation

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

Meeting

Informal start

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

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

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

Formal meeting

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

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

- 5 minutes.

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

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

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

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

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

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

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

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

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

APPENDIX 2**COUNCIL ASSEMBLY BUSINESS PANEL****DRAFT AMENDMENT TO PART 30 OF THE CONSTITUTION****Role and functions**

1. To act as an advisory panel to the Mayor on the planning of an annual programme of council assembly meetings taking into consideration the council's policy, and budgetary framework; appropriate themes; community leadership items and the content of informal sessions.
2. To seek advice from community leaders/ active citizens/ experts / relevant officers as required who will act in an advisory role to plan debates on coming themes.
3. To chose themes for meetings of council assembly bearing in mind the principles recommended by the Democracy Commission and to ensure that the themed meetings have a minimum of two months notice.
4. To advise the Mayor and officers on applying the existing arrangements for Motions to themed meetings.
5. To take into account a balance between items of business promoting participative democracy (community engagement), representative democracy (getting more out of elected members) and the necessity to consider statutory and urgent business.
6. To ensure a draft council assembly agenda to political groups prior to agenda dispatch.
7. To recommend to council assembly (via the constitutional steering panel), on the addition of any plans, policies and strategies to the council's policy framework.
8. To review the debating rules and recommend changes to the constitutional steering panel as necessary.

Note

The panel shall be chaired by the Mayor. The membership to comprise of one representative from each political group on the council. The panel shall meet twice per year.

APPENDIX 3

COUNCIL ASSEMBLY PROCEDURE RULES

PROPOSED AMENDMENTS AND COMMENTS

CONTENTS

1. GENERAL PROCEDURES APPLYING TO COUNCIL ASSEMBLY MEETINGS

- 1.1 Notice and summons of meetings
- 1.2 Chair of meeting
- 1.3 Quorum
- 1.4 Powers of the chair
- 1.5 Variation in order of business
- 1.6 Prevention of disorderly conduct
- 1.7 Broadcasting and recording
- 1.8 Declaration of interests
- 1.9 Previous decisions and motions
- 1.10 Guillotine
- 1.11 Procedural motions without notice
- 1.12 Rules of debate
- 1.13 Voting
- 1.14 Recorded votes by roll call
- 1.15 Formal records to be maintained
- 1.16 Record of attendance

2. ORDINARY MEETINGS OF THE COUNCIL ASSEMBLY

- 2.1 Dates and frequency of meetings
- 2.2 Order of business at ordinary council meetings
- 2.3 Agenda and minutes
- 2.4 Petitions to council assembly
- 2.5 Public question time
- 2.6 Deputations to council assembly
- 2.7 Urgent questions by group leaders
- 2.8 Questions by members
- 2.9 Submission of members' motions on notice
- 2.10 Notice for motions and amendments on reports from the cabinet, committees and officers
- 2.11 Recording of receipt of motions, amendments and questions

3. EXTRAORDINARY MEETINGS

- 3.1 Calling of extraordinary meetings
- 3.2 Authority for chief executive to summon council assembly
- 3.3 Business

4. ANNUAL (MAYOR-MAKING AND CONSTITUTIONAL) MEETING OF THE COUNCIL ASSEMBLY

- 4.1 Annual (Mayor-making and Constitutional) meeting
- 4.2 Annual (Mayor-making and Constitutional) meeting – business
- 4.3 Establishment and selection of councillors on committees and outside bodies
- 4.4 Leader and cabinet
- 4.5 Appointment of reserve/substitute members of committees and sub-committees
- 4.6 Proper officer shall make or terminate appointments if necessary
- 4.7 Continuing membership of the Mayor and Deputy Mayor in council election year
- 4.8 Voting rights of Mayor at annual meetings

5. GRANTING OF THE FREEDOM OF THE BOROUGH AND CONFERRING THE TITLE OF HONORARY ALDERMAN

6. MEMBERS' CONDUCT

7. SUSPENSION AND AMENDMENT OF COUNCIL ASSEMBLY PROCEDURE RULES

APPENDIX:

Protocol governing the discussion in council assembly on investigations and rulings of Standards for England, standards committee and the first tier tribunal (Local Government Standards for England)

Information to members of the public:

Members of the public may attend any meeting of the council assembly subject to the business being considered at the meeting not being exempt under the provisions set out in the access to information rules.

Suspension of council assembly rule

The following will indicate when a certain rule may not be suspended:

"This rule cannot be suspended."

1. GENERAL PROCEDURES APPLYING TO COUNCIL ASSEMBLY MEETINGS

1.1 NOTICE AND SUMMONS OF MEETINGS

This rule cannot be suspended.

Comment [i1]:
Statutory requirement.

1. a. The chief executive will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least seven clear working days before a meeting, the chief executive will send a summons signed by him or her by post to all members of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

~~b. In the event that the parliamentary and local elections are held on the same day, the chief executive will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before the meeting, the chief executive will send a summons signed by him or her by post to all members of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.~~

Comment [i2]:
For 2010 only. Recommend deletion.

Time and place

2. Unless the council, or the Mayor in consultation with the chief executive, shall otherwise decide, all meetings of the council shall commence at 7.00pm.

Comment [i3]:
Statutory requirement.

3. ~~Unless the council, or the Mayor in consultation with the chief executive, shall otherwise decide, a~~ All meetings of the council assembly shall be held in the borough at the ~~Town Hall, Peckham Road, SE5.~~

Comment [i4]:
This rules allows the Mayor to set a time other than 7.00pm, so the recommendations of the commission in 12.1 and 12.2 on the need for flexibility on meeting times is provided for already. This could happen in the event of an earlier or daytime meeting or a budget meeting taking place on a Saturday afternoon.

Meetings convened at short notice

4. Meetings of the council assembly may only be convened at less than seven clear working days' notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

Comment [i5]:
Recommendation 12.3 states that meetings should be alternated between suitable venues in Southwark. The clause has been amended to reflect this point.

1.2 CHAIR OF MEETING

This rule cannot be suspended.

The person presiding at the meeting may exercise any power or duty of the Mayor.

1.3 QUORUM

This rule cannot be suspended.

Comment [i6]:
Statutory requirement.

1. No business shall be considered unless 16 councillors (or 25% of the membership) are present in the chamber or meeting room. If the chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes' deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the council, unless the chair fixes an alternative date.

Quorum at start of meeting

2. The meeting of the council assembly shall commence as soon as there is a quorum, following the time at which the meeting has been appointed to be held.

Quorum if more than one-third of members are disqualified

3. Where more than one-third of members of the council become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members in office of the council, the quorum of the council assembly shall be determined by reference to the number of members of the council remaining qualified instead of by reference to the whole number of members of the council. The quorum shall then be one-quarter of the members of the council who remain qualified.

1.x COUNCIL ASSEMBLY BUSINESS PANEL

The Mayor shall convene a council assembly business panel to act as an advisory panel to him or her on planning a programme of council assembly meetings, including setting the themed debates, ensuring a balanced business agenda and the need to make meetings more engaging. The panel shall meet twice a year.

Comment [i7]:

The commission recommended the establishment of a panel to advise the Mayor. Although the role and function is set out in full in Part 3 of the constitution it is recommended that the role as an advisory panel to the Mayor is noted here.

1.4 POWERS OF THE CHAIR

This rule cannot be suspended.

Having received the views of the council assembly business panel, the chair shall decide, having taken the advice of the monitoring officer, the council assembly agenda and the timings for relevant sections of the meeting.

The chair shall decide, having taken the advice of the monitoring officer, all matters of order, competence, relevancy, interpretation of council procedure rules relating to the conduct of the meeting and the appropriateness of council questions.

Comment [i8]:

This rule is included to provide clarity on the role of the chair. Other rules have been amended to allow the Mayor greater discretion in debates (see rule 1.12(4) and new rule on themed debates). Rule 1.4 may need a consequential change to reflect these proposed additions. The commission recommended extra discretion to allow debates to flow.

1.5 VARIATION IN ORDER OF BUSINESS

Business falling under council assembly procedure rules 2.2 a), 2.2 c) and 4.2 b) will not be displaced but, otherwise, the order of business may be varied by:

- a) the Mayor at her or his discretion
- b) a resolution passed on a motion which shall be put without debate.

However, should no decision be made as to the election of the Mayor at the annual meeting, this shall be the first item of business to be considered at any other subsequent meetings.

Comment [LJ9]:

The commission recommended that the agenda be the "ultimate responsibility" of the Mayor (recommendation 10.2). Appendix 1 of the report refers to the need to adjust timings where appropriate.

1.x CONDUCT

Equality and diversity

1. Council assembly shall conduct its business in a way that:

- a) promotes equality of opportunity between individuals and treats all people with dignity and respect
- b) avoids and eliminates discrimination of any kind
- c) promotes good relations within the community between members of different groups, and encourages the active participation of all.

Comment [i10]:

Recommended new rule - This rule is included to reflect greater focus on engagement and public involvement. It is similar to the rule on the same subject in the community council procedure rules. It also includes current rules on conduct that already existed in the council assembly procedure rules.

Conduct

2. Everyone present at the council assembly meeting must:

- a) treat other participants with courtesy and respect
- b) be sensitive to the needs of those participants who are not used to speaking in public, or whose first language is not English
- c) conduct themselves in a way that does not cause offence to others or limits in any way others' ability to participate in meetings
- d) only speak when called on by the chair and speak through the chair.

3. Unacceptable conduct includes:

- a) using abusive or unbecoming language or making comments of a personal nature about another person
- b) discriminatory or other derogatory remarks or actions
- c) behaviour that intimidates any person present at the meeting
- d) preventing others from expressing their views by interrupting or talking while they are speaking
- e) attributing improper motives to others
- f) failure to comply with the procedure rules
- g) treating council officers disrespectfully, either individually or as a group, when speaking to them, or about them
- h) making comments that relate to an investigation by (whether complete or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.
- i) ignoring or not accepting the authority of the chair.

Comment [i11]:

This provision is currently set out in rule 1.12 (3).

Comment [i12]:

This provision is currently set out in rule 1.12 (3).

Comment [i13]:

This provision is currently set out in rule 1.12 (3).

Members' statements

1. No member shall mislead the council assembly on a matter of fact. If a misleading statement is made, the member shall inform council assembly at the earliest opportunity and offer a correct statement.
2. A member who knowingly makes a misleading statement to council assembly may be regarded as bringing the council and its proceedings into disrepute. If this is the case then a breach of the members' code of conduct is likely to occur.

Comment [i14]:

This provision is currently set out in rule 6.

1.6 PREVENTION OF DISORDERLY CONDUCT

This rule cannot be suspended.

Comment [i15]:

This is necessary. The rule now follows a new rule under the heading of conduct at meetings (see above).

Councillors

1. A councillor may be directed to discontinue speaking if the chair considers the councillor is being repetitive, irrelevant, using unbecoming language, or is in some other way breaching the order of the meeting.

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair having warned the councillor shall move that the councillor called by name leaves the meeting. The motion, if seconded, shall be put immediately to the vote without further debate and if carried the councillor shall leave immediately.

Members of the public

2. In the case of a member of the public disrupting the meeting or if there is a general disturbance, the chair may order the removal of a person or that the public areas be cleared. Readmission shall be at the discretion of the chair.
3. In the event of a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary for order to be restored.

1.7 **BROADCASTING AND RECORDING**

Audio recording of the proceedings of a council meeting by any member of the public, media or councillor shall be allowed. Electronic recording, Pphotographing or filming of the proceedings of a council meeting by any member of the public, media or councillor shall only take place with the prior agreement of the chair. The chair will make an announcement at the beginning of the meeting on any arrangement agreed.

Comment [i16]:

The commission recommended a relaxation of audio recording rules so all audio recording is allowed (see recommendation 13.3).

The issue of broadcasting and recording is considered in the covering report.

1.8 **DECLARATION OF INTERESTS**

This rule cannot be suspended.

Councillors shall abide by the members' code of conduct. It is the responsibility of every councillor to declare an interest by the time the relevant item of business is reached.

1.9 **PREVIOUS DECISIONS AND MOTIONS**

Motion to rescind a previous decision

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), is signed by at least 16 members.

Motion similar to one previously rejected

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), is signed by at least 16 members.

Notice

3. Notice of a motion to rescind or reject a previous motion shall be submitted to the monitoring officer four clear working days in advance of the meeting.

1.10 **GUILLOTINE**

This rule cannot be suspended.

Concluding the meeting

1. The guillotine shall take effect three hours after the start of the meeting.
2. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.
3. The following outstanding business shall be considered:
 - any business required by statute
 - approval of minutes of council assembly

- each individual report with a recommendation, be it from the cabinet, committee or officer
- any other business accepted by the Mayor as late and urgent business.

**Process for dealing with any outstanding business
(Fifteen minute debate rule)**

4. Each item of business specified in rule 1.10(3) shall be afforded up to a maximum of 15 minutes. If the matter is not concluded within that time the Mayor shall, if appropriate, call upon the mover of the substantive motion to exercise their right of reply and a vote shall be taken. In circumstances where the council is legally obliged to make a decision, but the motion or recommendation voted upon is lost, the Mayor will take motions from the floor, each allocated up to a maximum of 15 minutes, until a decision is reached.

Motions not dealt with

5. If there are motions or other business still outstanding at the fall of the guillotine, then subject to council assembly procedure rule 1.10(6) all other motions or business not considered shall be put to the vote without debate.

Suspension of guillotine rule

6. The guillotine rule can be suspended for up to a maximum of 30 minutes only.

1.11 PROCEDURAL MOTIONS WITHOUT NOTICE

The following procedural motions may be moved and seconded without notice:

- a) to appoint a chair of the meeting at which the motion is moved
- b) in relation to the accuracy of the minutes
- c) to change the order of business in the agenda
- d) to refer something to an appropriate body or individual
- e) to appoint a committee or member arising from an item on the summons for the meeting
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them
- g) to withdraw a motion
- h) to amend a motion, by its mover, with the consent of the meeting
- i) to proceed to the next business
- j) that the question be now put
- k) to adjourn a debate
- l) to adjourn a meeting
- m) to suspend a particular council assembly procedure rule
- n) to exclude the public and press in accordance with the access to information rules
- o) to exclude a member from the meeting under council assembly procedure rule 1.6(1)
- p) to give the consent of the council where its consent is required by this constitution
- q) to extend the time limit of speeches
- r) to suspend council assembly procedure rules without notice under council assembly procedure rule 7.1
- s) to receive a deputation under council assembly procedure rule 2.6(13)(a)

- t) motions and amendments on matters that have been addressed by a deputation received at council assembly and concerning which there is no report for recommendation on the agenda (council assembly procedure rule 2.6(20))
- u) motions and amendments on matters upon which the council is legally obliged to make a decision, but for which a motion of which notice had been given has been lost
- v) to extend the guillotine by up to 30 minutes under rule 1.10(6).

Procedural motions shall not be debated and will be immediately put to the voted by chair.

Comment [i17]:
Clarification.

1.12 RULES OF DEBATE

Chair to call member to speak

This rule cannot be suspended.

1. A councillor may indicate their desire to speak by raising their hand, but shall only speak when called by name by the chair. When speaking the councillor shall stand, unless unable to do so. All other councillors shall remain seated in their allotted place when another councillor is speaking, unless wishing to make a point of order or point of personal explanation. If more than one councillor stands, the chair will ask one to speak and the others must sit down.

Chair standing

This rule cannot be suspended.

2. When the chair stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

Form of address

This rule cannot be suspended.

3. Councillors shall address the chair when speaking, and:
 - a) refer to each other as Mayor, Deputy Mayor, leader, cabinet member, chair or councillor, as the case may be
 - b) ~~refrain from using unbecoming language~~
 - c) ~~refrain from comments of a personal nature about another councillor~~
 - d) ~~not attribute improper motives to another councillor~~
 - e) ~~refrain from comments that relate to an investigation by (whether complete or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.~~

Comment [i18]:
These are conduct related issues and have been included in the revised rule on conduct (see new clause above).

Order of debate

4. The chair shall have the discretion to vary the order of debate on motions or amendments. Otherwise no debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion or amendment may be considered at a time.

Comment [i19]:
This change is to provide the chair with flexibility to vary the order of debate to ensure an engaging and accessible debate.

Where the Mayor or council assembly agrees to hold a single debate on a theme or motion. All motions and amendments shall be moved and

seconded, followed by a single debate. At the end of the debate the mover of the motion or theme shall have a right of reply. Each motion and amendment shall be voted upon separately.

Mover and seconder required for all motions and amendments

5. Every motion or amendment must be moved and seconded. A councillor may not move more than one amendment or motion on the same subject.

No speeches until motion is seconded

6. No speeches may be made until the mover has moved a proposal and explained the purpose of it. ~~and the motion shall be~~ has been seconded, if required.

Comment [i20]:
Clarification.

Right to require motion in writing

7. Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

Secunder's speech

8. When seconding a motion or amendment, the seconder may reserve their speech until later in the debate.

Content and length of speeches

9. Speeches must be restricted to the matter under discussion or to a personal explanation or point of order. No speech by the mover of a motion may exceed five minutes without the consent of the Mayor. All other speeches may not exceed three minutes without the consent of the Mayor.

When a member may speak again

10. A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- a) to speak once on an amendment moved by another member
 - b) to move a further amendment if the motion has been amended since he/she last spoke
 - c) to speak on the main issue, if his/her first speech was on an amendment moved by another member (whether or not the amendment on which he/she spoke was carried)
 - d) in exercise of a right of reply
 - e) on a point of order
 - f) by way of personal explanation
 - g) by way of an interjection.

Form of amendments to motions

11. An amendment to a motion must be delivered in accordance with rules 2.9(4) or 2.10(3) be relevant to the motion and will either be:
- a) to refer the matter to an appropriate body or individual for consideration or reconsideration
 - b) to leave out words
 - c) to leave out words and insert or add others
 - d) to insert or add words.
12. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been completely dealt with.

Comment [i21]:
Clarification.

13. If an amendment is not carried, other amendments to the original motion may be moved.
14. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved. If there are no further amendments the substantive shall be put to the vote.
15. ~~After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.~~

Comment [i22]:
Recommend deletion to simplify rules – Amendments now circulated in writing.

Alteration of motions and amendments

16. A member may alter a motion or amendment of which he/she has given notice, with the consent of the meeting. The meeting's consent will be signified without discussion.
17. A member may alter a motion or amendment which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
18. Only alterations, which could be made as an amendment, may be made.

Withdrawal of a motion or amendment

19. If the motion or amendment has been moved: A member may withdraw a motion or amendment which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused. No further debate shall take place on a motion or amendment once it has been withdrawn.
20. If it has not been moved: If a motion or amendment has not yet been moved, it may be withdrawn by the mover. The consent of the meeting is not required. No debate shall take place on a motion or amendment once it has been withdrawn.

Right of reply

21. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
22. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. If an amendment is carried, the mover of the amendment shall hold the right to reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.
23. The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

24. When a motion is under debate, no other motion may be moved except the following procedural motions:

- a) to withdraw a motion
- b) to amend a motion
- c) to proceed to the next business
- d) that the question be now put
- e) to adjourn a debate
- f) to adjourn a meeting
- g) to exclude the public and press in accordance with the access to information rules
- h) to not hear further a member named under rule 1.6(1) or to exclude them from the meeting under rule 1.6(1).

Closure motions

25. The following closure motions may be moved during discussion of another motion (“the original motion”). They shall be moved, seconded and put without discussion. A second closure motion in relation to the same question shall not be moved within 30 minutes of the rejection of a previous motion.
26. If the motion is moved and seconded, then the person presiding shall proceed as follows:
- a) “That the meeting proceed to the next business”
 - i) Moving the motion: Any member who has not already spoken on the question may, provided no other member is speaking, move (without speaking to the motion) that the meeting do now proceed to the next business and, if the motion is seconded, it shall be put to the vote without discussion.
 - ii) Effect on question under consideration: If the motion is carried, the question which was under consideration shall be dropped and deemed not approved.
 - b) “That the question be now put”
 - i) Any member who has not already spoken upon the question before the meeting may, provided no other member is speaking, move (without speaking to the motion) that the question be now put. The motion, if seconded, shall be put to the vote without discussion.
 - ii) Right to reply: If the motion is carried, no further speeches shall be permitted except in pursuance of a right to reply.
 - iii) Vote: The vote shall then be taken immediately.
 - c) “That the debate be now adjourned”
 - i) Motion to adjourn: Any member who has not already spoken upon the question before the meeting may, provided no other member is speaking, move that the debate is adjourned. That motion if seconded, shall be put to the vote without discussion.
 - ii) The adjourned debate: If a motion to adjourn the debate is carried, the discussion shall be resumed as adjourned business at the next ordinary meeting or such other day and hour as shall have been specified in the motion, and the meeting shall proceed to the next

business on the agenda. Unless the adjourned business is taken at the next ordinary meeting, the only business which shall be transacted at an adjourned meeting shall be the uncompleted business set out in the summons for the meeting which was adjourned. On resumption of an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

- iii) Procedure in dealing with an adjournment motion: The mover of a motion under paragraph (i) above may speak for not more than five minutes but the seconder shall not be permitted to speak beyond formally seconding the motion. Upon such a motion for adjournment being made, the mover (or presenter) of the matter then under debate may (without prejudice to her or his ultimate right of reply if the adjournment motion is lost) speak on the adjournment for not more than five minutes after which the adjournment motion shall be put to the vote without further debate or reply by the mover.
- d) "That the meeting do now adjourn"
- i) Motion to adjourn: Any member who has not already spoken upon the question before the meeting may, provided no other member is speaking, move that the meeting do now adjourn. The chair shall not be required to take a time and place adjournment until and after consultation with the political group whips, if he/she so deems necessary.
 - ii) Uncompleted business: If a motion to adjourn the meeting, having been seconded, is carried, the council assembly shall stand adjourned to the next ordinary meeting or to such other day and hour as shall have been specified in the motion. Unless the adjourned business is taken at the next ordinary meeting, the only business which shall be transacted at an adjourned meeting shall be the uncompleted business set out in the summons for the meeting which was adjourned.
 - iii) Uncontentious business: Before putting to the meeting a motion for adjournment of the meeting, it shall be open to the Mayor to ask whether it will first deal with uncontentious business.
 - iv) Procedure in dealing with an adjournment motion: The mover of a motion under paragraph (i) above may speak for not more than five minutes but the seconder shall not be permitted to speak beyond formally seconding the motion. Upon such a motion for adjournment being made, the mover (or presenter) of the matter then under debate may (without prejudice to her or his ultimate right of reply if the adjournment motion is lost) speak on the adjournment for not more than five minutes, after which the adjournment motion shall forthwith be put to the vote without further debate or reply by the mover.

Point of order

This rule cannot be suspended.

27. A member may raise a point of order at any time during the meeting. The Mayor will hear them immediately. A point of order may only relate to an

alleged breach of the council assembly procedure rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

Personal explanation

This rule cannot be suspended.

28. A member may request to make a personal explanation at any time during the meeting. A personal explanation may only enable the member to refute or correct a statement attributed to him/her or any action he/she has taken.

The following procedure will apply.

- a) The member wishing to intervene to make a personal explanation must signify to the person presiding by standing up and stating "personal explanation".
- b) The person presiding will ask the member speaking at that time whether they are willing to allow the member wishing to intervene to make a personal explanation.
- c) The member speaking may either:
 - i) agree to receive the personal explanation immediately; or,
 - ii) delay the receipt of the personal explanation until later in her/his speech; or,
 - iii) not agree to receive it.
- d) If the request to receive the personal explanation is not agreed by the member currently speaking, the member requesting to make a personal explanation may not call for a further opportunity whilst that same member is speaking, but will however be entitled to a point of personal explanation once the member has ceased speaking if so desired.
- e) If and when a personal explanation is heard, it must not be excessively long.

1.13 VOTING

Comment [i23]:
Statutory requirement.

Majority

This rule cannot be suspended.

1. Unless this constitution provides otherwise or is required by statute, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put to the vote.

Mayor/chair's casting vote

This rule cannot be suspended.

2. If there are equal numbers of votes for and against, the Mayor/chair will have a second or casting vote. There will be no restriction on how the Mayor/chair chooses to exercise a casting vote.

Show of hands

This rule cannot be suspended.

3. Unless a recorded vote by roll call is demanded under rule 1.14, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Recorded vote by roll call

4. If 45% or more members present at the meeting request a division, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes in accordance with council assembly procedure rule 1.14(5).

Right to require individual vote to be recorded

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

5. Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments

This rule cannot be suspended.

6. If there are more than two people nominated for any position to be filled, the names will be put to the vote in alphabetical order and the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

1.14 RECORDED VOTE BY ROLL CALL

Requesting a recorded vote by roll call at council assembly meetings and number required

1. Any member may request a recorded vote by roll call on a motion or amendment being voted upon by standing in her or his place and so requesting before the casting of votes has started.
2. The specified number of members to request a recorded vote is 45% of those members present who are entitled to vote on the item.
3. If a request receives sufficient support in accordance with (2) above, a division shall be taken in accordance with the following procedure.

Procedure for recording the vote by roll call at council assembly meetings

4. The Mayor shall cause the bell to be rung ~~for one minute~~, after which the doors of the meeting room ~~council chamber~~ shall be closed and no members will be admitted until after the voting is completed. The Mayor shall put the question again. The monitoring officer shall call the names of all members in alphabetical order and each member present shall declare herself or himself 'for or against' the motion or amendment or that he/she abstains.
5. The votes, abstentions and absences from the meeting room ~~council chamber~~ shall be recorded in writing and entered in the minutes.

6. The Mayor shall declare the result of the recorded vote, stating the numbers for and against the motion or amendment and the number of members who abstained.
7. Once a recorded vote by roll call has been called, no adjournment may be moved until the vote has been taken.

Motions where recorded votes by roll call are not permitted

8. A recorded vote by roll call may not be held in voting on the following motions:
 - a) election of the Mayor (council assembly procedure rule 4.2(1)(b))
 - b) the appointment of chairs and vice chairs (council assembly procedure rule 4.2(1)(g))
 - c) to vary the order of business (council assembly procedure rule 1.5)
 - d) motions relating to the accuracy of the minutes (council assembly procedure rule 2.2(d) and 4.2(1)(d))
 - e) receipt of information reports of committees
 - f) that all recommendations then outstanding be approved (council assembly procedure rule 1.10)
 - g) to proceed to the next business (council assembly procedure rule 1.12(26)(a))
 - h) that the question be now put (council assembly procedure rule 1.12(26)(b))
 - i) that the debate be adjourned (council assembly procedure rule 1.12(26)(c))
 - j) that the meeting be adjourned (council assembly procedure rule 1.12(26)(d))
 - k) seeking the consent of the council where it is required under council assembly procedure rules.

1.15 FORMAL RECORDS TO BE MAINTAINED

All meetings of the council assembly are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

1.16 RECORD OF ATTENDANCE

This rule cannot be suspended.

All members present during the whole or part of a meeting must sign their names on the attendance sheets, and their time of departure if before the meeting ends, before the conclusion of every meeting to assist with the record of attendance.

2. ORDINARY MEETINGS OF THE COUNCIL ASSEMBLY

2.1 DATES AND FREQUENCY OF MEETINGS

Meetings shall take place on such dates as agreed by the annual meeting and occasionally as set out in rule 3.

2.2 ORDER OF BUSINESS AT ORDINARY COUNCIL MEETINGS

Comment [LJ24]:

The existing order of business has been changed to reflect the recommendations of the commission in particular the indicative meeting format set out in Appendix 1 of the commission's report. This includes

1. Starting with an informal session.
2. Themed debates.
3. That scrutiny can bring reports and recommendations for endorsement
- 4.3. That community councils are to do an annual report.

Informal session

Prior to the meeting, an informal session will be held lasting for 30-60 minutes. The sessions are an opportunity for members of the public to be provided with information on the business of the meeting. It is not obligatory for councillors to attend.

Comment [i25]:
New clause – See recommendations 9.1 and 9.2 and appendix 1. The issue of the informal session is considered in the covering report.

Formal meeting

The business at an ordinary meeting shall be as follows, taken in the sequence indicated unless otherwise directed by the chair or agreed following a motion carried:

Introduction and preliminary business

- a) elect a person to preside if the Mayor is not present and the Deputy Mayor is not chosen to preside
- b) receive any announcements from the Mayor, members of the cabinet or the chief executive, including matters which the Mayor has decided to add to the agenda as urgent. Wherever possible, cabinet member statements should be in writing and circulated at the start of the meeting
- c) receive any declarations of interest from members
- d) approve the minutes of the last meeting
- e) announcement of the guillotine

Time for residents to bring topical and pertinent issues to assembly

- f) receive petitions
- g) receive questions from, and provide answers to, the public in relation to matters, which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- h) deputations

Themed debates

- i) consider themed debates centred on a cabinet member's portfolio or plans, policies and strategies, including the annual state of the borough and budget meetings
- j) public pre-submitted questions on the theme of the meeting
- k) members' motions and questions on the theme

Time for members to bring topical and pertinent issues to assembly

- l) urgent questions by group leaders
- m) questions from councillors to the leader, other cabinet members and chairs of committees/community councils
- n) consider topical motions
- o) ~~deal with any business from the last council meeting~~

Consideration of cabinet reports

- p) receive cabinet proposals in relation to the council's budget and policy framework and any other reports for decision (if any)

Consideration of scrutiny reports

- q) receive the occasional reports of the overview and scrutiny committee/sub-committee (if any)

Consideration of annual community council report

- r) receive the annual report of the community councils

Formal constitutional business

- s) receive reports from committees/officers of the council
- t) receive reports about and receive questions and answers on the business of joint arrangements and external organisations, including reports from members appointed to outside bodies. ~~Once a year, council assembly shall receive a report from the leader of the council on the work carried out by Southwark Alliance. Council will then also receive questions to the leader from members, relating to this report. Questions shall be treated~~

Comment [i26]:
Moved see (v) below.

~~as 'questions on reports'. This shall take place at a council assembly meeting following the publication of the Southwark Alliance annual report. Where possible this should be the first scheduled meeting after the publication of the report~~

- ~~u) consider motions~~
- v) deal with any business from the last council meeting
- w) consider open business which the chair has accepted as urgent
- x) consider any confidential business where the public are excluded from the meeting.

Comment [i27]:
Delete. Simplification.

Comment [i28]:
Moved see (n) above.

2.3 AGENDAS AND MINUTES

1. The monitoring officer shall ensure that an agenda and summons for the meeting is despatched to each councillor and available to the public and press.
2. The monitoring officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received.
3. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.

Signing the minutes

This rule cannot be suspended.

4. The Mayor/chair will sign the minutes of the proceedings at the next suitable meeting. The Mayor/chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

5. Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

2.4 PETITIONS TO COUNCIL ASSEMBLY

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public or councillors will be entitled to present petitions with 2,500 or more signatures to the Mayor at each council assembly meeting except the annual meeting or the council tax setting meeting.

Comment [LJ29]: A report on revisions to the petitions scheme is considered elsewhere on the agenda for this meeting. The report covers the issue of the threshold for council assembly.

Deadline

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

Scope

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

Procedure at meeting

4. The Mayor will call on the spokesperson to present petitions in the order in which they were notified to the monitoring officer.
5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. Council assembly will debate the petition for a period of up to 15 minutes. Council assembly may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.
6. The time during which petitions shall be considered shall not exceed 40 minutes.
7. The processes and procedures are set out in the council's petition scheme.

2.5 PUBLIC QUESTION TIME

Which meetings consider public questions?

1. Public questions shall be considered at ordinary meetings of the councils. Public questions cannot be considered at the annual meeting or the council tax setting meeting.

Who may ask a public question?

2. The right to ask a public question only applies to persons resident in the borough or business ratepayers of the borough.

Scope of questions

3. The Mayor in consultation with the monitoring officer may reject a question if it:
 - is a request from an individual who has alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
 - is not about a matter for which the council has powers or duties or which affects Southwark
 - is defamatory, frivolous or offensive
 - is substantially the same as a question which has been put at a meeting of the council in the past six months
 - requires the disclosure of confidential or exempt information

Comment [i30]:
The Democracy Commission recommended that the existing rules continue to apply (see recommendation 6.1).

- concerns a planning or licensing application
- raises a grievance for which there are other established processes for resolution
- relates to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Form of questions

4. A resident or business ratepayer of the borough may ask one written question (limited to 50 words) on any matter in relation to which the council has powers.
5. Each question must provide the name and address of the questioner and name the cabinet member/committee chair to whom the question should be put.

Deadlines

6. An application for a question to be considered shall be submitted in writing to the monitoring officer no later than **nine three clear working days** in advance of the council assembly.
7. The date and time of receipt of such requests will be recorded and a copy of the question will immediately be sent to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Agenda

8. Questions shall be dealt with in the order in which they are received. Upon receipt a copy of each question shall be given to the Mayor and the appropriate cabinet member/committee chair. The content of any answers shall be within the discretion of the appropriate cabinet member/committee chair.

Length of public question time

9. The time during which public questions shall be taken shall not exceed 15 minutes. It is not in order to move for an extension of this time limit. When the time limit has expired, any remaining written replies shall be taken as read.

Asking the question at the meeting

10. Copies of all the questions to be dealt with at the meeting, together with draft written answers, shall be circulated in a suitable format at the meeting and copies shall be available for members of the public and the press.
11. The Mayor will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

Supplemental question

12. A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his

Comment [i31]:

The Democracy Commission recommended increasing involvement and participation of local people and for more topical issues to be considered by the meeting (see recommendations 2.3 and 6.2).

The constitutional steering panel considered this issue and agreed to recommend to council assembly that the deadline for questions to three clear working days be reduced. See covering report.

or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in rule 2.5(3) above.

Written answers

13. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

Reference of question to the cabinet or a committee

14. Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

2.6 DEPUTATIONS TO COUNCIL ASSEMBLY

Which meetings consider deputations?

1. Deputation requests shall be considered at ordinary meetings of the council. Deputations shall not be taken at the annual meeting or the council tax setting meeting.

Who may request a deputation?

2. Deputations can only be made by a group of people resident or working in the borough.

Composition of deputation

3. The deputation shall consist of no more than six persons, including the spokesperson.

Scope of deputations

4. ~~A deputation may only come to council assembly when it is not possible or appropriate for it to go to the relevant decision making body.~~

Comment [i32]:
Recommend deletion in line with recommendation 2.3.

The Mayor in consultation with the monitoring officer may reject a deputation if it:

- is a request from a group of people who have alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
- is not about a matter for which the council has powers or duties or which affects Southwark
- is defamatory, frivolous or offensive
- requires the disclosure of confidential or exempt information
- concerns a planning or licensing application
- raises a grievance for which there are other established processes for resolution
- relates to an investigation by (whether completed or not), or ruling of, the Standards for England, the standards committee or first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Form of the deputation

5. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.
6. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation.

Deadlines

7. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the monitoring officer no later than nine three clear working days before the day of the council assembly meeting. The date and time of receipt of such requests will be recorded. Rejected deputations will include reasons for rejection.

Comment [i33]:

The Democracy Commission recommended increasing involvement and participation of local people and for more topical issues to be considered by the meeting (see recommendations 2.3 and 6.2).

Agenda

8. Deputations shall be dealt with in the order in which they are received.
9. ~~Subject to complying with the regulations herein,~~ Details of written deputations will be included on the agenda papers for the meeting of the council assembly.
10. If the matter is not dealt with by the meeting, the matter shall be referred without debate to the relevant cabinet member who shall, after consideration, respond with an open reply to the sender.

The constitutional steering panel considered this issue and agreed to recommend to council assembly that the deadline for deputations to three clear working days be reduced. See covering report.

Comment [i34]:

Delete. Simplification.

Maximum number of deputations to be considered at council assembly

11. ~~The maximum number of deputations in respect of an individual item shall not exceed two and not more than three deputations shall be considered at any one meeting of the council assembly. In the event that more than two requests for a deputation are received in respect of an individual item, those deputations to be reported will be determined on the basis of the order of the date and time received.~~
12. ~~If there are more than three items upon which deputations have been requested the deputations will be allocated on the basis of one deputation per item and in the order of the date and time received, until the maximum number of three is reached. No more than three deputations shall be considered at any one meeting. Deputations shall be considered in the order of the date and time received.~~

Comment [i35]:

Recommend deletion of rule 11 – The Democracy Commission recommended that deputations be received on a first come first serve basis (see recommendation 5.2). The Democracy Commission recommended no more than three deputations shall be considered at any one meeting.

Rule 11 allocated deputations in circumstances where there were a number on the same topic. Removal of this rule simplifies the rules in line with recommendation 11.2.

What happens at council assembly meetings?

13. ~~The monitoring officer shall report the request for the deputation to the council assembly. The meeting, without debate, shall decide whether the deputation will:~~
 - a) be received at this meeting or a future meeting
 - b) not be received
 - c) be referred to the most appropriate committee/sub committee/community council.

The monitoring officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the council assembly has discretion as to whether or not to receive the deputation.

Speech and question on behalf of deputation

Comment [i36]:

Recommendation 5.2 proposed a revised format for contributions by the deputations to include a speech and question. In doing so the commission reduced the speaking time for the spokesperson from five to three minutes.

The constitutional steering panel considered this issue and agreed to recommend to council assembly that the current time limit of five minutes be maintained. It felt that this was in the spirit of the commission's wish to widen engagement. See also covering report.

14. Only one member of the deputation shall be allowed to address the council assembly, her or his speech being limited to five minutes. The deputation spokesperson or any member of the deputation nominated by her or him shall be invited to ask a question of the leader or relevant cabinet member.

Questions to the deputation and time limit

15. Members of the council may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.

No debate during deputation

16. Members shall not debate any issues arising out of the deputation, or the item to which it relates, with any members of the deputation.

Deputation to withdraw from the floor

17. As soon as questions to the deputation have been concluded, the deputation shall withdraw from the floor of the ~~meeting council chamber~~ to the public area gallery where they may remain, subject to any resolution excluding attendance of the public.

Debate, motion and amendments

18. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall then be open to debate by the council assembly. ~~If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.~~

Debate on deputations concerning reports on the agenda

19. Having received the deputation(s) on a matter subject to a report on the agenda, the Mayor will seek consent of the meeting for that item to be brought forward for immediate consideration. A vote is to be taken without debate. In the event of this vote being carried the report may then be considered ~~in accordance with council assembly procedure rule 1.5~~. If the vote is lost, the subject matter will not be debated until the relevant item is reached in the order of business.

Subject of deputation not on agenda

20. ~~If the subject of the deputation does not relate to a report on the agenda, members may move motions and amendments without prior notice. Debate on such motions and amendments shall be limited to 15 minutes. The mover of any such motion or amendment shall speak for a maximum of three minutes and the seconder and other speakers shall be allowed a maximum of two minutes.~~

Follow-up and feedback after Formal communication of council assembly's decision

21. ~~The monitoring officer shall formally communicate the decision of the council assembly in writing to the person who submitted the request for the deputation to be received.~~

The monitoring officer will arrange for a summary of the deputation, and any decision, which addresses an issue within the direct responsibility of the

Comment [i37]:
Clarification – this is recommended for deletion as it conflicts with rules on notice of motions and agenda items. These rules can be suspended under procedure rules.

Comment [i38]:
Clarification – Unnecessary cross reference.

Comment [i39]:
Recommend deletion to simplify rules. Currently if a deputation relates to a subject that is not on an agenda then a late motion can be moved as long as the relevant procedure rules are suspended.

Comment [LJ40]:
Amended rule to reflect the responsibility of cabinet members for any follow-up and feedback on deputations after the meeting (see recommendation 5.2).

council to be referred to the relevant cabinet member to follow-up and feedback to the deputation.

Deputations concerning licensing or planning applications

22. Deputations or representations received concerning licensing or planning applications will not be considered by council assembly. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.

x.x THEMED DEBATES

The theme for each meeting will be set by the council assembly business panel including the annual state of the borough, budget and other themes focused on a cabinet member's portfolio. Themes will have been subject to community engagement activities in such forums as community councils or scrutiny committee.

No debate shall be allowed at a themed meeting unless it is linked to a council plan, strategy or policy. The plan, strategy or policy should have been clearly signposted to residents and members prior to the meeting so they are able to connect the debate to plans and monitor its implementation.

Order of debate

The order of business of the debate will be:

- Cabinet member has 10 minutes in which to present the theme, plan or strategy
- Public pre-submitted questions on the theme of the meeting (maximum of 15 minutes)
- Member's motions and questions on the cabinet theme using present principles to allow sufficient political balance and political parties to hold cabinet to account (maximum 30 minutes).

One hour shall be allocated for the themed debate. The Mayor shall have the discretion to vary timings as appropriate.

Public involvement and participation

The theme of the meeting shall be actively promoted and residents encouraged to participate.

The cabinet member may invite relevant groups to actively participate before, during and after a themed meeting.

Public questions on themed debate

The Mayor may reject a question if it is not relevant to the theme, plan, strategy or policy under discussion.

The time during which public questions shall be taken at a themed meeting shall not exceed 15 minutes and shall be conducted under the existing rules for public questions. Normal deadlines shall apply for the submission of questions from the public.

Members' motions and questions

Comment [i41]:

New rule on themed meetings (see recommendations 6.3, 6.4, 8.1, 8.2 and Appendix 1).

All motions shall be relevant to the topic under discussion and shall be conducted under the existing rules for members' motions and questions. Normal deadlines shall apply for the submission of members' questions and motions.

The order of motions, questions and timing shall be determined by the Mayor.

2.7 URGENT QUESTIONS BY GROUP LEADERS

Which meetings consider urgent questions?

- Urgent questions shall be taken at all ordinary council assembly meetings but not at the annual, extraordinary or council tax setting meetings.

Who can ask urgent questions?

- The leader of each group, or in his or her absence the deputy leader, may ask an urgent question of:
 - the Mayor
 - a member of the cabinet
 - the chair of any committee, sub-committee or community council.
- Group leaders are limited to one urgent question at each meeting.

Scope

- An urgent question may be asked on any matter in relation to which the council has powers or duties or which affects Southwark.
- An urgent question is one that deals with a matter that has arisen since the deadline for members' questions has elapsed and which cannot wait until the next council assembly.
- No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the question relates to the behaviour or conduct of an individual member or members.
- No question shall be asked on a matter concerning a planning or licensing application.

Deadline for submission of questions

- Urgent questions must be received by the monitoring officer no later than 10.00am on the morning of an ordinary council assembly meeting. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 10.00am on the working day prior to the meeting.
- Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair, if this is appropriate.

Circulation of written answers

Comment [i42]:

The Democracy Commission made no specific recommendation on urgent questions. However there are two consequential issues in rules 2.7 (9) and 2.7 (11).

Comment [i43]:

If a meeting is held in the daytime or on a Saturday this deadline would be impractical. A consequential change was suggested in such circumstances so the deadline would be at 10.00am on the working day prior to the meeting.

The constitutional steering panel considered this issue and recommended to council assembly a deadline one day earlier in these limited circumstances. A change is included to reflect this recommendation. See also covering report.

11. Copies of all questions and their written answers shall be circulated to all councillors at the beginning of the meeting. Copies shall also be made available to the press and public present at the meeting.

Supplementary question

12. The leader of the opposition will be allowed two supplemental questions. Other A group leaders asking a question may ask one supplementary question without notice to the member who was asked the first question. The supplemental question must arise directly out of the original question or the reply.

2.8 QUESTIONS BY MEMBERS

Which meetings consider questions by members?

1. Questions from members shall be considered at ordinary meetings of the council but not at the annual, extraordinary or the council tax setting meetings.

Who can ask questions?

2. A member of the council, may ask one question a question of:

- the Mayor
- a member of the cabinet
- the chair of any committee or sub-committee or community council.

One councillor from each community council will be able to submit a question on behalf of their community council.

3. ~~Members are limited to one question at each meeting.~~ Composite questions – where a member wishes to raise a number of points in relation to the same subject matter, he/she may do so in a multi-part question provided that up to three parts shall be deemed to be one.

Scope

4. A question may be asked on any matter in relation to which the council has powers or duties or which affects Southwark.
5. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the question relates to the behaviour or conduct of an individual member or members.
6. No question shall be asked on a matter concerning a planning or licensing application.

Time period for question time

This rule cannot be suspended.

7. The time during which councillor's questions may be taken shall be 30 minutes.
8. Questions to any individual cabinet member or chair shall not exceed 15 minutes. It shall not be in order to move an extension of these time limits.

Comment [i44]:

On members' questions the Democracy Commission made recommendations about the number of supplemental questions the leader of the opposition and minority opposition group leaders should be allowed. It recommended that the former should have two supplemental questions and the latter one. The commission did not specify if this applied to urgent questions.

The constitutional steering panel considered this issue and recommended to council assembly that this change would only apply to urgent questions by group leaders. See also covering report.

Comment [i45]:

Democracy Commission recommendation 6.2. Rules 2.8 (2) and (3) have been amended accordingly.

Questions shall be taken in the following order: the leader, followed by questions from community council councillors, followed by other cabinet members (the order to be rotated by the monitoring officer at every meeting) and chairs of committees, sub-committees and community councils. At the expiry of members' question time, all questions not reached shall be deemed as noted.

Comment [i46]:

Democracy Commission recommendation 6.2 proposed that questions be allowed from a councillor on each community council.

The constitutional steering panel considered this issue and recommended to council assembly that the order of questions be varied so that these questions would follow members' questions to the leader. See also covering report.

Deadline for submission of questions

9. Questions must be received by the monitoring officer no later than midnight, nine clear working days prior to the day of the council meeting. Questions to the leader will either be listed in the order received or, if notified, listed by whip prioritisation and rotation by the political groups/independent members (see council assembly procedure rule 2.8(12) and (13)). All other questions will be listed in the order of receipt.

Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair if this is appropriate.

Circulation of written answers

10. Copies of all questions and their written answers shall be circulated to all councillors one hour prior to the commencement of the meeting. Copies shall also be made available to the press and public present at the commencement of the meeting.

Supplementary question

11. A member asking a question may ask one supplementary question. Supplementary questions can be asked without notice to the member of whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

Prioritisation and rotation by the political groups/independent members

13. Questions to the leader will either be listed in the order received or listed in the order of whip prioritisation and rotation by the political groups. Four working days before the meeting, each chief whip may list questions from members of their respective groups in an order of priority to be taken at the meeting. All remaining questions will be taken in the order of receipt.
14. Questions to the leader will be rotated so that one is taken from each political group's list of priorities (and any independent councillors) for so long as there are questions remaining. For the first meeting following municipal elections or from the commencement of these arrangements, the Mayor will invite a representative of each political group (and any independent councillors) to draw lots to determine the order at the first meeting. At subsequent meetings, the order will be rotated.

Note: Questions will be rotated on a ratio of 1:1:1:1 for Liberal Democrat, Labour, Conservative and independent members.

Written answers to questions naming an individual member

15. In the event that a member of the council is named in a response to another member's question, the monitoring officer shall make the written response available to the individual member concerned prior to the day of the council

assembly meeting. The individual member shall make any representations to the monitoring officer.

2.9 SUBMISSION OF MEMBERS' MOTIONS ON NOTICE

Which meetings consider motions?

1. Members' motions will not be taken at the annual meeting and the council tax setting meeting.

Scope

2. Motions must be about matters for which the council has powers or duties or which affect Southwark. Motions or amendments to motions shall not relate to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the motion, or amendment, relates to the behaviour or conduct of an individual member or members.

Notice

3. Except for motions that can be moved without notice under rule 1.11, notice of every motion must be delivered to the monitoring officer not later than thirteen clear working days before the date of the meeting. All motions must be accompanied by a named mover and seconder by this deadline. A record of the date and time of receipt will be maintained. A member shall only move one such motion and second one such motion to a meeting. Any subsequent changes can only be agreed with the consent of the meeting.

4. Notice of every member's amendment to a motion shall be delivered before 12.00 midday on the second working day before the day of the meeting at which the motion is to be moved. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 12.00 midday on the third working day before the day of the meeting. Amendments shall be submitted to the office of the monitoring officer. Each member is limited to proposing one and seconding one amendment per item of business. All amendments must be accompanied by a named mover and seconder by this deadline. Amendments shall be placed on the agenda in order of receipt. Any subsequent changes can only be agreed with the consent of the meeting. Amendments will be circulated by 2.00pm on the working day before the meeting.

Comment [i47]:

If a meeting is held in the daytime or on a Saturday this deadline might be impractical as the Mayor Briefing may be held earlier to allow issues to be resolved in advance of the start of the meeting. One possibility is to have an earlier deadline for these circumstances only.

The constitutional steering panel considered this issue and recommended to council assembly a deadline one day earlier in these limited circumstances. A change is included to reflect this recommendation. See also covering report.

Motion set out in agenda

5. Once motions have been deemed to be in order they shall be circulated to all members, after the deadline for the receipt of motions. Motions for which notice has been given will be listed on the agenda unless the member giving notice states that they propose to move it to a later meeting or withdraw it.

Motions to be debated at council assembly

6. Unless the member, when submitting the motion, requests that the motion is debated at the council assembly, the motion will stand referred to the cabinet or to a committee or sub-committee, as appropriate. Having considered the motion, the cabinet, committee or sub-committee, shall report on the outcome of their deliberations to the next meeting of the council assembly.

Prioritisation and rotation by the political groups/independent members

7. Motions will be listed in the order of whip prioritisation and rotation by the political groups. Four working days before the meeting, each chief whip may

list motions from members of their respective groups in an order of priority to be taken at the meeting. All remaining motions will be taken in the order of receipt.

8. Motions will be rotated so that one is taken from each political group's list of priorities (and any independent councillors) for so long as there are motions remaining. For the first meeting following municipal elections or from the commencement of these arrangements, the Mayor will invite a representative of each group (and any independent councillors) to draw lots to determine the order of groups at the first meeting. At subsequent meetings, the order will be rotated.

Note: Motions will be rotated on a ratio of 1:1:1:1 for Liberal Democrat, Labour, Conservative and independent members.

2.10 NOTICE FOR MOTIONS AND AMENDMENTS ON REPORTS FROM THE CABINET, COMMITTEES AND OFFICERS

Reports from the cabinet and committees to be moved separately

1. Each recommendation in the report from the cabinet member or committee shall be deemed as the motion and shall be moved separately by the member in whose name the report is submitted (or in his/her absence, by some other member who was present at the meeting). No seconder is required.

Reports submitted by officers to be moved by person presiding

2. In the case of reports submitted direct to council assembly by officers, the recommendations shall be deemed to have been moved by the person presiding (with no seconder required) and will therefore be subject only to amendment, provided that notice has been given in accordance with the provisions of rule 2.10(3).

Notice required for amendments

3. Notice of every member's amendment for a report from the cabinet, committee or officer shall be given in writing, signed by the member, and delivered before 12.00 midday on the second working day before the day of the meeting at which the motion is to be moved. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 12.00 midday on the third working day before the day of the meeting. Amendments shall be submitted to the office of the monitoring officer. Each member is limited to proposing one and seconding one amendment per item of business. Amendments shall be placed on the agenda in order of receipt. Amendments will be circulated by 2.00pm on the working day before the meeting

Notice required for questions on reports

4. Notice of all questions on reports shall be given in writing, signed by the member and delivered at least one clear working day before the day of the meeting at which the motion is to be moved, at the office of the monitoring officer (i.e. by midnight of the Monday in the week of an ordinary Wednesday council assembly meeting). If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be delivered at least two working days before the day of the meeting. Each member is limited to one question per item of business.

Comment [i48]:

If a meeting is held in the daytime or on a Saturday this deadline might be impractical as the Mayor's Briefing may be held earlier to allow issues to be resolved in advance of the start of the meeting. One possibility is to have an earlier deadline for these circumstances only.

The constitutional steering panel considered this issue and recommended to council assembly a deadline one day earlier in these limited circumstances. A change is included to reflect this recommendation. See also covering report.

Comment [i49]:

If a meeting is held in the daytime or on a Saturday this deadline may be impractical as there would be insufficient time to prepare a response. A consequential change is suggested in such circumstances so the deadline one working day earlier.

The constitutional steering panel considered this issue and recommended to council assembly a deadline one day earlier in these limited circumstances. A change is included to reflect this recommendation. See also covering report.

Circulation of questions and amendments

5. The monitoring officer shall arrange for copies of all questions received in accordance with paragraph (4) above, to be circulated to members on the evening before the day of the meeting at which they are to be considered.

Dealing with questions on reports

6. The following rules shall also apply to questions on reports:
- a) questions on reports shall be addressed to the member moving the report (see council assembly procedure rule 2.10(1))
 - b) who can ask questions – composite questions (see council assembly procedure rule 2.8(3))
 - c) scope (see council assembly procedure rule 2.8(4) to 2.8(6))
 - d) all questions will be listed in the order of receipt (see council assembly procedure rule 2.8(9))
 - e) cabinet members and committee chairs shall have the discretion to refer a question to another cabinet member or committee chair if this is appropriate (see council assembly procedure rule 2.8(9))
 - f) circulation of written answers (see council assembly procedure rule 2.8(10))
 - g) supplementary question (see council assembly procedure rule 2.8(11))
 - h) written answers to questions naming an individual member (see council assembly procedure rule 2.8(14)).

2.11 RECORDING OF RECEIPT OF MOTIONS, PETITIONS, AMENDMENTS AND QUESTIONS

A record of the date of receipt of all motions, petitions, amendments and questions received under council assembly procedure rules 2.4(2), 2.5(7), 2.7(8), 2.8(9), 2.9(3), 2.10(3) and 2.10(4) be kept by the monitoring officer which shall be open to inspection by every member of the council.

3. EXTRAORDINARY MEETINGS

This rule cannot be suspended.

3.1 CALLING OF EXTRAORDINARY MEETINGS

Those listed below may request the monitoring officer to call council meetings in addition to ordinary meetings:

- a) the council by resolution
- b) the Mayor
- c) the chief executive
- d) any five members of the council if they have presented a signed requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition.

3.2 AUTHORITY FOR CHIEF EXECUTIVE TO SUMMON COUNCIL ASSEMBLY

The chief executive, as a matter of urgency, may call an extraordinary meeting of the council assembly at any time.

3.3 BUSINESS

Extraordinary meetings of the council will consider only the specific business identified as the reason for the calling of the extraordinary meeting.

4. ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) OF THE COUNCIL ASSEMBLY

4.1 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL)

This rule cannot be suspended.

1. The council shall in every year hold an annual meeting.
2. In a year of ordinary elections of councillors to the council, the annual meeting shall be held on the eighth day after the day of retirement of councillors or such other day as the council may fix within the twenty-one days immediately following the day of retirement. This will normally be the third or fourth Wednesday in the month of May.
3. The annual meeting shall in all other years be held on the third Wednesday in the month of May, except when re-arranged (so long as it is held in March, April or May).

4.2 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) – BUSINESS

1. The annual meeting will:
 - a) elect a person to preside if the outgoing Mayor is not present
 - b) elect a new Mayor (the Mayor thereafter, may appoint a Deputy Mayor)
 - c) receive any Mayor's announcements, including apologies for absence
 - d) approve as a correct record and sign the minutes of the last meeting of the council assembly in the previous municipal year
 - e) elect the leader for the ensuing year
 - f) receive a report from the leader on the determination and allocation of executive functions to members of the cabinet
 - g) establish at least one overview and scrutiny committee, a standards committee and such other committees, the number and allocation of places on each committee, their terms of reference and the appointment of chairs and vice-chairs for the coming year as the council considers appropriate to deal with matters which are neither reserved to the council assembly nor are executive functions (as set out in part 3 of this constitution)
 - h) receive any report of the leader on the 'matters reserved for member decision' and 'scheme of delegation' or such part of it as the constitution determines it is for the council to agree (as set out in part 3 of this constitution)
 - i) receive a report from the monitoring officer as to the appointment of the leader of the majority group, the leader of the opposition, leaders of other party groups (if any) and the chief and deputy whip of each party group
 - j) consider a report from the monitoring officer on constitutional matters for the municipal year including:
 - the draft calendar of meetings for the coming year
 - establishment of the voluntary bodies appointments panel as set out in Part 3

- establishment of the constitutional steering panel as set out in Part 3
 - the appointment of representatives to outside bodies and joint committees
- k) receiving a report on the review of the constitution
- l) consider the members' allowances scheme for the forthcoming municipal year
- m) consider other business specified in the agenda (if any)
- n) consider any matters of urgency not specified in the summons.

4.3 ESTABLISHMENT AND SELECTION OF COUNCILLORS ON COMMITTEES AND OUTSIDE BODIES

1. The annual constitutional meeting will:
 - a) decide which committees to establish for the municipal year
 - b) decide the size and terms of reference for those committees
 - c) decide the allocation of seats and reserve/substitute members to political groups in accordance with the political balance rules
 - d) receive nominations of councillors to serve on each committee and outside body
 - e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the council or is exercisable only by the cabinet.
2. ~~The monitoring officer shall prepare and provide lists of appointments to be made by the council to the secretary of each political group represented on the council prior to the annual general meeting of each political group, taking account of the statutory rules of proportionality where these apply. The secretary of each political group shall submit a list of the members of the group together with nominations for all appointments, as listed, to the monitoring officer not less than eight clear working days prior to the day of the annual council meeting.~~
3. ~~At the termination of business, annual meetings of committees shall occur for the purposes of establishing sub-committees and making appointments to any outside bodies within the delegations to each committee.~~

Comment [i50]:
Recommend deletion. Due to timing of group meetings and the annual meeting this no longer occurs.

Comment [i51]:
Recommend deletion. Committees and sub-committees no longer occur after the annual meeting.

4.4 LEADER AND CABINET

1. The leader shall be appointed at the first annual meeting of the council to be held after ordinary elections take place or, at an ordinary or extraordinary council meeting as necessary.
2. The leader shall appoint between two and nine other councillors at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as members of the cabinet.
3. The leader shall appoint one member of the cabinet at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as deputy leader. Where a vacancy occurs in the office of deputy leader, the leader must appoint another person in his place.

4. The leader shall have power to vary the allocation of portfolios within the cabinet on an interim basis. The leader shall also have power to designate a cabinet member as lead cabinet member in respect of any policy matter that is cross-cutting. In the event that a cabinet member ceases to be a member of the cabinet, the leader shall have the discretion as to whether or not to appoint a replacement.
5. Other political groups represented on the council may nominate a councillor to act as their leader. The leader of the largest opposition political group represented on the council shall be known as the leader of the opposition and shall act as the spokesperson for the opposition on all matters of general policy and business.

4.5 APPOINTMENT OF RESERVE/SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

Allocation

1. As well as allocating seats on non-cabinet committees and sub-committees, the council will allocate seats in the same manner for reserve/substitute members.

Number

2. For each committee or sub-committee, council assembly will appoint one fewer reserve seats(s) than a political group holds ordinary seats, subject to a minimum of one unless otherwise agreed by council assembly.

Powers and duties

3. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Substitution

4. At the commencement of each meeting each political group shall announce whether any of the named voting members are to be substituted by a reserve or deputy. This substitution shall remain in effect for the whole of the meeting.

4.6 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY

1. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper officer shall make or terminate the appointment accordingly and inform the appropriate committee or sub-committee at its next available meeting. The proper officer shall maintain a full list of committee and sub-committee memberships. In the event of the termination of an appointment in accordance with the wishes of a political group, the proper officer is to inform the individual concerned in writing within three days of notice being received.

Notification of appointments, resignations and termination of appointments

2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the monitoring officer. A

minimum of five clear working days must elapse from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.

4.7 CONTINUING MEMBERSHIP OF THE MAYOR AND DEPUTY MAYOR IN FULL COUNCIL ELECTION YEAR

This rule cannot be suspended.

1. In a year when the term of office of the Mayor spans full council elections, the Mayor shall continue in office and remain as a member of the council notwithstanding that he/she does not seek or achieve re-election as a councillor.
2. In a year when the term of office of the Deputy Mayor spans full council elections, the Deputy Mayor shall continue in office but will not remain as a member of the council unless he/she achieves re-election as a councillor.
3. The term of office of the Mayor and Deputy Mayor in an election year shall continue until the annual meeting of the council assembly.

4.8 VOTING RIGHTS OF MAYOR AT ANNUAL MEETINGS

This rule cannot be suspended.

1. If the person presiding at the annual meeting would have ceased to be a member of the council he/she shall not be entitled to vote in the election of the new Mayor except in accordance with paragraph 2 below.

Casting vote

This rule cannot be suspended.

2. In the case of an equality of vote, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.

5. GRANTING OF THE FREEDOM OF THE BOROUGH AND CONFERRING THE TITLE OF HONORARY ALDERMAN

5.1 Freedom of the Borough

The council assembly at a specially convened meeting shall consider the recommendation of the constitutional steering panel for nominations i.e. the conferment, for the purposes of honouring or granting the Freedom of the Borough, to any person, organisation or body that meet the criteria approved by the council and who have rendered eminent service to Southwark, and shall by a resolution passed by not less than two-thirds of the members voting agree upon those to be honoured. Thereafter, the Freedom of the Borough shall be presented to the agreed recipients.

5.2 Honorary Alderman

The council assembly at a specially convened meeting shall consider the recommendation of the constitutional steering panel for nominations i.e. the conferment, for the purposes of honouring or conferring the title of Honorary Alderman, to any person who meets the criteria approved by the council and who has rendered eminent service to Southwark as a past member of the council, and who is not then a councillor of the council, and shall by a resolution passed by not less than two-thirds of the members voting agree upon those to be honoured. Thereafter, the title of Honorary Alderman shall be presented to the agreed recipients.

6. MEMBERS' CONDUCT

Comment [i52]:
Included in new rule on
conduct.

Members' statements

1. ~~No member shall mislead the council assembly on a matter of fact. If a misleading statement is made, the member shall inform council assembly at the earliest opportunity and offer a correct statement.~~
2. ~~A member who knowingly makes a misleading statement to council assembly may be regarded as bringing the council and its proceedings into disrepute. If this is the case then a breach of the members' code of conduct is likely to occur.~~

7. SUSPENSION AND AMENDMENT OF COUNCIL ASSEMBLY PROCEDURE RULES**Suspension**

1. Council assembly procedure rules 1.1, 1.2, 1.3, 1.4, 1.6, 1.8, 1.10, 1.12(1), 1.12(2), 1.12(3), 1.12(27), 1.12(28), 1.13(1), 1.13(2), 1.13(3), 1.13(5), 1.13(6), 1.16, 2.3(4), 2.3(5), 2.4, 2.8(7), 2.8(8), 3, 4.1, 4.7, 4.8(1) and 4.8(2) may not be suspended. All the other rules may be suspended by motion on notice or without notice if at least one half of the all of the members of the council are present. Suspension can only be for the duration of the meeting.

Amendment

2. Any motion to add to, vary or revoke these council assembly rules of procedure will, when proposed and seconded, stand adjourned without discussion to be considered by the constitutional steering panel for report to the next meeting of the council.

APPENDIX**Protocol governing the discussion in council assembly on investigations and rulings of Standards for England, standards committee and the first tier tribunal (Local Government Standards for England)**

In addition to the provisions provided for in rules 1.12(3)(e), 2.5(3), 2.6(4), 2.7(6), 2.8(5), and 2.9(2) of the council assembly procedure rules, members should note that:

A member or members of the council assembly as a whole should not comment on an investigation that is being undertaken or has been completed, or a ruling of Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England) except by moving a motion that relates to a general corporate action.

A general corporate action would include:

- raising concerns about general behaviour or standards in the council that do not expressly refer to a particular member or members
- calling for the council to develop additional protocols governing members' conduct or actions
- calling for the council to review or amend existing protocols governing members' conduct or actions to ensure that they are providing members with clear and comprehensive guidance on conduct issues
- calling for the council to undertake member development training on the code of conduct, or any part of it, or protocol to increase awareness amongst members of the existence and contents of the council protocols and code of conduct.

Council assembly should delegate a request for a general corporate action to the appropriate committee or officer (for example a request to revise the member and officer protocol would need to be referred to the standards committee).

Calls for a particular member or members to take further action, including calling on a member or members to make a public apology, resign or any other action that could be taken to be a punitive action against that member or members, will be ruled out of order by the Mayor on advice from the monitoring officer.

Briefing for members on legal implications of relaxing recording/broadcasting of Council Assembly meetings

Background

The general position with regard to meetings is that the Council is not required “to permit the taking of photographs of any proceedings or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later) or the making of any oral report on any proceedings as they take place” (Section 100A Local Government Act 1972).

In short, no form of photography, filming, recording or broadcasting of Council Assembly meetings can take place unless the Council gives permission. Such permission is given through the Mayor at the meeting.

If the Council decides to relax the recording/broadcasting of Council Assembly meetings to include, for example, webcasting consideration needs to be given to the following:

- The provisions of the Data Protection Act 1998.
- The Human Rights Act 1998.
- A number of procedural matters.
- Aspects of the law on defamation.
- Copyright for usage of any footage.

Data Protection Act 1998 ('DPA 1998')

Images of members of the public that may be captured by, for example, webcasting cameras are potentially ‘personal information’ and therefore subject to the requirements of the DPA 1998. Under the DPA 1998 personal information must be used fairly and, ordinarily, only for purposes for which the individual has given their consent.

Care must therefore be taken to ensure that there has been compliance with data protection requirements and that members of the public have given effective consent to their own appearance in any webcasts etc.

The Council could take the following steps to ensure such compliance:

- Using communications with members of the public who are likely to be filmed, for example deputations and questioners, to make them aware that the meeting is to be webcast/recorded.
- Putting notices on the order of business for Council Assembly meetings to make members of the public aware that the meeting is being webcast/recorded.
- Using appropriate signage to be displayed inside and outside the Council Chamber.
- Making the public aware of the webcast/recording during the informal session which it has been proposed takes place prior to the formal Council Assembly meetings.

In addition, the current practice whereby the Mayor makes a formal announcement at the start of the meeting should be continued.

By remaining in the Council Chamber members of the public will then be deemed to have given their consent (impliedly) for any images etc of themselves that may be taken to be used for broadcast and any other appropriate purposes e.g. training purposes within the Council.

Anyone wishing to make a deputation, present a petition or ask a public question who had concerns about broadcasting/webcasting could be directed to a designated officer on the Constitutional Team. However the expectation is that this would only happen in exceptional circumstances as members of the public making a deputation, presenting a petition or asking a question are likely to be seeking maximum publicity.

There may also be a requirement to address the responsibilities of members of the public who record or photograph Council Assembly proceedings towards other individuals who are in attendance. This would include coverage by media outlets and citizens journalists for example on twitter.

Human Rights Act 1998/European Convention on Human Rights

The recording and broadcasting of images of individuals might also engage Article 8 of the European Convention. That is, the Right to respect for private and family life. However, Council Assembly meetings are required by law to be held in public (section 100A Local Government Act 1972) and individuals will, if as proposed above, be made aware that a meeting is being webcast/recorded. Consequently, insofar as images of the public may be recorded, it is likely any interference with Article 8 Rights would have a lawful basis, and can be considered proportionate with regard to the rights and freedom of others to engage in the democratic process.

General procedural provisions

The Mayor would retain the discretion to request the termination or suspension of the recording/webcast, if in the opinion of the Mayor, continuing to record/webcast the meeting would prejudice the proceedings of the meeting.

The circumstances in which termination or suspension might occur could include:

- Public disturbance or suspension of the meeting.
- Exclusion of public and press being moved and supported.
- The Mayor, on advice, considering that continued recording/filming might infringe the rights of any individual.
- The Mayor, on advice, considering that a defamatory statement has been made.

No exempt or confidential agenda items would be recorded/webcast.

Defamation

It is important that members appreciate that statements made at Council Assembly meetings are subject to the law of defamation. Extending the reporting/recording of Council Assembly meetings will therefore bring any defamatory statement into the public domain more quickly and potentially to a much wider audience.

What is defamation? A person is entitled to his/her reputation and good name: particularly if they hold public or professional office and their position and reputation depends on a large degree of public trust and confidence. Accordingly, communication of a matter which is untrue and likely to disparage substantially a person's reputation is, on the face of it, defamation. Defamation is defined as the publication to another person of an oral or written statement which:-

- Exposes a person to hatred, ridicule or contempt; or
- Causes him/her to be shunned or avoided; or
- Has the effect of lowering his/her reputation in the estimation of right-thinking members of the public generally; or
- Injures him/her in their office, profession or trade.

A defamatory spoken word or gesture will usually amount to a slander whereas a libel may be contained in a written or printed statement, or in a painting, talking film, caricature,

advertisement or any disparaging object. Reading out a defamatory document in a Council Assembly meeting would not be slander but the publication of a libel. A defamatory statement broadcast on radio, television the internet or a social networking site is treated as the publication of a libel and not slander.

There are a number of defences available to an action for defamation. The defence most commonly available to a defamatory statement made in local authority proceedings is known as privilege. It is a complete defence to an action for defamation to show that the statement was made on a privileged occasion. Privilege may be absolute or qualified, however absolute privilege does not attach to Council Assembly meetings. Qualified privilege exists where:-

- the person who makes a communication has an interest or duty (whether legal, social or moral) to make it to the person to whom it is made; and
- the person to whom it is made has a corresponding interest or duty to receive it; and
- the person who makes the communication is not motivated by malice.

Qualified Privilege will attach to statements made at Council Assembly whether contained in a report or spoken. It will be a complete defence to prove that the person had a duty or interest to make the statement, that there was a corresponding duty or interest on the part of the recipient to receive it and that he was not motivated by malice. So long as a person believes in the truth of what is said malice cannot normally be inferred. Malice may be inferred however, if it can be shown that he or she was motivated by a purpose other than their interest or duty to make the statement.

Under the Local Government Act 1972 the press and public must on request be allowed access to or in certain circumstances be supplied with the agenda and certain other documentation relating to matters to be considered by the Council or a Committee. The 1972 Act provides that where such matter is made available to the press or to the public, the agenda and other documents are privileged unless publication is proved to have been made with malice. However, further publication by the press and/or public will not be privileged unless it satisfies the usual conditions for Qualified Privilege to attach.

Other defences include:-

- Justification - i.e. the defamatory statement is true and if so provides a complete defence.
- Fair Comment - this defence is intended to allow any person (but in particular the press) to express their views honestly and fearlessly on matters of public interest even though that may involve "strong" criticism of the conduct of persons in the public arena or who hold public office. In this connection the administration of local affairs by the Council is a matter of public interest.
- Unintentional Defamation - in cases of unintentional and non-negligent defamations, a defendant may avoid liability to pay damages if he is willing to publish a reasonable correction and apology and to pay the claimants costs and expenses reasonably incurred as a consequence of the publication in question (e.g. costs of consulting a solicitor, obtaining Counsel's opinion etc.)

The existing checks which are in place to ensure that any potentially defamatory statement is removed from reports etc prior to publication of the agenda will need to be re-enforced. The Council will also need to ensure that it does not (or appear to) endorse any defamatory statement made by a member of the public at the meeting itself. As stated above it would be prudent for the Mayor, on advice, to terminate or suspend the recording/filming of a meeting where a defamatory statement is made. In addition consideration ought to be given to the Monitoring Officer having appropriate powers to remove, for example, webcasts or parts of webcasts from the Council's website where a breach of any legal provision is likely to arise.

A defamatory statement made by a member could also constitute a breach of the Code of Conduct and webcasts may be used as evidence in any subsequent investigation.

Copyright

If the Council wishes to enforce copyright it would need to publish appropriate terms and conditions for the use of footage of any webcasts including a statement that the footage is the copyright of the Council and that any download or upload of the footage is not permitted without the written permission of the Council and those featured in the same. Any terms and conditions of use would also need to contain a reminder that video sharing sites such as YouTube and Google Video, state under their terms and conditions that in order to upload videos onto their sites you must be the copyright owner and have the permission of all those involved.

Item No. 8.	Classification: Open	Date: 1 December 2010	Meeting Name: Council Assembly
Report title:		Motions	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

BACKGROUND INFORMATION

In accordance with council assembly procedure rule 1.12 (9), the member moving the motion may make a speech directed to the matter under discussion. This may not exceed five minutes without the consent of the Mayor.

The seconder will then be asked by the Mayor to second the motion. This may not exceed three minutes without the consent of the Mayor.

The meeting will then open up to debate on the issue and any amendments on the motion will be dealt with.

At the end of the debate the mover of the motion may exercise a right of reply. If an amendment is carried, the mover of the amendment shall hold the right of reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.

The Mayor will then ask members to vote on the motion (and any amendments).

IMPLICATIONS OF THE CONSTITUTION

The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework, and allocates to the cabinet responsibility for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis. Therefore any matters that are reserved to the cabinet (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the cabinet. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the cabinet:

- to change or develop a new or existing policy
- to instruct officers to implement new procedures
- to allocate resources.

Note: In accordance with council assembly procedure rule 2.9 (7) & (8) (prioritisation and rotation by the political groups) the order in which motions appear in the agenda may not necessarily be the order in which they are considered at the meeting.

1. MOTION FROM COUNCILLOR ANOOD AL-SAMERAI (Seconded by Councillor Linda Manchester)

Please note that, in accordance with council assembly procedure rule 2.9 (6), council assembly shall consider this motion.

Housing solutions for Southwark

1. Council assembly regrets that too many families have been forced into often poor quality private rented accommodation by the failure over the past 25 years to build sufficient affordable social housing.
2. Council assembly notes the ever increasing and unsustainable housing benefit bill and welcomes the government's plans to tackle this.
3. Council assembly notes that plans to reform housing benefit were also in the Labour manifesto and regrets the emotive and hysterical language which is currently being used to scare tenants.
4. Council assembly notes the concern of many residents about the proposed changes to social housing tenures and to some of the proposed changes to housing benefit.
5. Council assembly expresses particular concern that new tenants will not be offered traditional secure tenancies which provide stability, support family networks and can improve social cohesion.
6. Council assembly fully supports the rights of secure tenants to live in their council home for as long as they wish, but believes the council should look at new ways of tackling under-occupancy of homes to make better use of existing council stock.
7. Council assembly believes that government's aims to tackle high rents charged by private landlords through a reduction in the local housing allowance may harm families rather than unscrupulous landlords.
8. Council assembly calls on the cabinet to investigate whether rent capping in the private rented sector could be a positive way of achieving the government's aim of reducing the overall housing benefit bill.
9. Whilst council assembly supports the principle that people should work if they are able, members are concerned that in light of the current economic climate the government should rethink plans to reduce by 10% housing benefit for those claiming jobseekers allowance for more than 12 months.
10. Council assembly calls on the cabinet to write to government to:
 - oppose the changes to secure tenancies
 - oppose plans to measure local housing allowance at the 30th percentile rather than the median
 - oppose plans to remove 10% of housing benefit from those who have been claiming jobseekers allowance for more than 12 months given the current state of the employment market
 - support a housing benefit solution for London, as suggested by Simon Hughes MP, which understands the particular needs and market in London
 - investigate the possibility of land value taxation or introducing rent control in some parts of the private rented sector

- fulfil promises of allowing local authorities to make their own decisions about new housing and rents for new and existing tenancies
- co-ordinate a cross party response to the government's housing consultation.

Note: If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

2. MOTION FROM COUNCILLOR MICHAEL MITCHELL (Seconded by Councillor Lewis Robinson)

Please note that, in accordance with council assembly procedure rule 2.9 (6), council assembly shall consider this motion.

Southwark Life

Council assembly calls on the cabinet to reduce the frequency of publication of Southwark Life from monthly to, at most, quarterly and to ensure the commensurate reduction in the overall cost of the publication.

Note: If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

3. MOTION FROM COUNCILLOR ADELE MORRIS (Seconded by Councillor Graham Neale)

Please note that, in accordance with council assembly procedure rule 2.9 (6), council assembly shall consider this motion.

Committing to localism

1. Council welcomes the Localism bill and agrees that more powers and decisions should be passed to local authorities and local residents.
2. notes the success of community councils in Southwark and the enthusiasm of our communities to engage in local decision making.
3. Council welcomes the removal of central government targets and ring fencing of budgets.
4. Council urges the cabinet to take initiative and leadership in ensuring that Southwark residents benefit from the new legislation, in particular:
 - Allowing local people to instigate local referendums
 - Devolving decisions on housing and planning to local people
 - Allowing councillors to vote on salary packages of senior council officers
 - Investigating how powers of general competence can be used in Southwark
 - Showing the context of spending in the publication of items over £500
 - Giving more powers to community councils and allowing communities to set their agendas for community council.

Note: If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Member Motions	Town Hall Peckham Road London SE5 8UB	Constitutional Team 020 7525 7228

Lead Officer	Ian Millichap, Constitutional Manager
Report Author	Sean Usher, Constitutional Officer
Version	Final
Dated	12 November 2010

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

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

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Councillors (All)	1 each	Officers	3
Group Offices		Ian Millichap	1
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Paul Green, Asst. to the Opposition Group	1	Robin Campbell	1
Libraries	6	Constitutional Team	40
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South London Press	1	Chris Cooper, Unison	1
Corporate Management Team	8	Tony O'Brien, UCATT	1
Annie Shepperd	1	Michael Davern, NUT	1
Eleanor Kelly	1	James Lewis, NASUWT	1
Deborah Collins	1	Pat Reeves, ATL	1
Gill Davies	1	Miss Sylvia Morris, NAHT	1
Romi Bowen	1	Irene Bishop, ASCL	1
Duncan Whitfield	1	Mick Young TGWU	1
Susannah White	1	Local M.P.	1
		Simon Hughes M.P.	
		Others	2
		Shahida Nasim, Audit Commission, Ground Floor, Tooley Street	1
		Mr. Mark Roelofsen	1
		Total:	139