

## Democracy Commission

Monday 12 July 2010

6.00 pm

Cambridge House, 131 Camberwell Road, London SE5 0HF

### Membership

Councillor Abdul Mohamed (Chair)  
Councillor Anood Al-Samerai  
Councillor Columba Blango  
Councillor Mark Glover  
Councillor Michael Mitchell  
Councillor Helen Morrissey  
Councillor Cleo Soanes

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Date: 9 July 2010

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

### *DRAFT*

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

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

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

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

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

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

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

### **1. Aims**

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

### **2. Membership**

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

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

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

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

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

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

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

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

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

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

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

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

### **5. Reporting**

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

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

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

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

## **6. Further work**

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

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

## **Background information on the Council Assembly's role and scope for change**

### **Introduction**

1. The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework. The policy framework will include the approval of strategies as defined in the constitution, like the corporate plan and the development plan documents. These are set out in part 3A, paragraph 9 of the constitution.
2. The council has the power to delegate any of its functions, within certain limitations set by law, e.g. there are some decisions the council assembly must take itself, such as setting the level of council tax. By law the cabinet has responsibility for the executive functions of the council, which have to be discharged by the leader or delegated by him to another decision maker. Council assembly will delegate the non-executive responsibilities of the council to its committees. Each meeting of the council and decision makers is listed in Part 3 of the constitution. This also sets out:
  - the roles and functions of the meeting or decision maker – this is a broad description of the areas of responsibility, sometimes known as the “terms of reference”
  - the matters reserved for decision by the meeting or decision maker.
3. Any area of responsibility that is not specifically listed under the matters reserved for a meeting or individual decision maker is deemed to be delegated to the senior officers in the relevant department (the most senior officers are the chief officers and the heads of service who report to them).

### **What the Council Assembly does**

4. All councillors and the Mayor, acting together as the full council, will have responsibility for the list of matters reserved to council assembly as set out in part 3A of the constitution. This lists those reports or matters which can only be decided by council assembly. All of these are required by statute or a direct result of the executive arrangements operated by the council. However in some areas e.g. the policy framework there is some scope for other plans and strategies to be added or subtracted such as policy on community councils, which was added to the constitution locally.
5. Part 3A includes [where law or statute requires a matter to be decided by council assembly this is marked with an asterisk (\*):
  - \*Appoints Mayor
  - \*Receives the Leader's report on the delegation of executive functions at the annual meeting
  - \*Establishes committees and appoints chairs and vice chairs, except chair of standards committee
  - \*Agrees constitution
  - \*Agrees the budget and sets the council tax
  - \*Agrees the Policy Framework plans and strategies, most of these are statutory requirements
  - \*Agrees licensing and gambling statements of policy
  - \*Confirms appointment of head of paid service i.e. chief executive

- \*Makes, amends, revokes, re-enacts or adopts by-laws or opposes making local legislation
- \*Adopt the local authority's code of conduct
- \*Agrees members' allowances scheme
- \*Confers title of Honorary Alderman or Freedom of the Borough
- \*Agree any application to the Secretary of State in respect of any housing land transfer
- \*To consider petitions submitted under the Council's petition scheme
- \*Taking decisions in respect of functions which are the responsibility of the cabinet which are not in accordance with the policy framework or budget agreed by council assembly
- \*Taking decisions in respect of functions which are not the responsibility of the executive and which have not been delegated by council assembly to committees, community councils, sub-committees or officers
- Receives reports for decisions and information from Cabinet
- Provides an opportunity councillors to ask questions to Cabinet (members' questions)
  - holds cabinet to account
  - often seen as only way for the opposition to get information
  - Maximum of 30 minutes allowed
- Debates members' motions:
  - Motions can be made on any subject for which the council has powers or duties or that affects Southwark
  - Principal means for members to raise issues
  - Generally 45 minutes to 1 hour per meeting dedicated debating motions
  - While it would be in order for council assembly to discuss a motion, if agreed the issue must be referred to the cabinet if it relates to consideration of any of the following:
    - to change or develop a new or existing policy
    - to instruct officers to implement new procedures
    - to allocate resources.
- Takes public questions
  - Anyone who lives or is business ratepayer can ask a question
  - On average 1 question per meeting or less
  - Questions can be on any subject for which the council has powers or duties or that affects Southwark
  - Maximum of 15 minutes allowed
  - Questions often directed to Cabinet if there is not a council assembly meeting due
  - Local issues raised at community councils

### **What the Council Assembly cannot do**

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

### **Development of Council Assembly**

7. Over the last few years the number of meetings was reduced. It was increased at the annual meeting in May 2010 with one extra meeting called in October so

there are currently a total of 7 meetings per year. Annual meeting (mayor making and constitutional), budget and council tax setting meeting and 5 ordinary meetings. It has suggested that in the future the annual meeting may be split into two separate meetings and the mayor making part combining with civic awards. Other changes include:

- Changes to rules about deputations: previously Council Assembly took the first 3 deputations put forward regardless of content. In 2008 the rules were changed to say that deputations for whom council assembly was not the main decision maker should be referred the relevant decision making body. The effect of this was to restrict the scope of deputations to those reports on the agenda for decision.
- Public questions introduced. Limited take up.

### Opportunities

8. Note: If changes are to be made to council assembly it should be recognised that for each meeting there is only a limited amount of time. If seeking to add new things then the Commission needs to consider how to free up time by looking at everything it does, identify what it absolutely has to do, and propose alternatives e.g. one option might be to adopt a more minimalist version on decision making leaving time to add more engaging items.
  - Reduce current activities
    - Use scrutiny more for holding cabinet to account rather than questions to council assembly
  - New powers / activities
    - Increase amount of decisions Council Assembly can take (in “strong leader” executive arrangements this is more limited to policy framework issues). Guidance says that council can specify certain other plans or strategies (statutory or non- statutory) for adoption or approval which are non executive functions.
    - Allow written and/or verbal questions
    - Allow more follow-ups to questions
  - Move council assembly around the borough. This is likely to be expensive based on costing for other meetings such as community councils e.g. venue availability, venue costs, sound system, security, support costs etc
  - Webcasting/broadcasting: Some initial work has been done on costs and benefits
  - Dedicate selected meetings to public involvement making them less formal with less deputations and more public questions
  - Council assembly as a forum at which all members of the council discuss and decide the local authority’s policy framework and budget. Guidance suggested that local authorities might wish to consider how the role of the meeting in policy determination could be enhanced by considering such things as: the frequency of meetings i.e. so more frequent at some times of the year and less frequent at others; structure and style of meetings to allow for debate on the policy framework, perhaps at more than one stage of the policy development process, including how proposals are presented; how public participation in council meetings can be encouraged.

### Constraints



## 9. Constraints include:

- By law decisions are taken based on reports circulated in advance of the meeting. The notice period is currently 7 clear working days. All decision making must be evidence based and supported by officer reports. (Member and Officer Protocol).
- It could be argued that there needs to be time for councillors to consider evidence, whips to influence and officers to advise prior to the meeting where decisions are taken.
- Most decisions are 'strongly whipped'
- Competing demands on Council Assembly time: if more time is spent on involving the public this will mean either less time on current business or overall time will have to increase
- Council Assembly is very expensive – appropriately £2,500 per meeting.

## Note:

- Not all subjects lend themselves to scrutiny-style debate – some are too complex with too many viewpoints that would need to be represented e.g. Southwark Plan or Licensing policy where there are many respondees to extensive public consultation exercises.

**Public participation, Incentives and Obstacles**

## 10. Current forms of public participation include:

- Petitions: new rules from central government set out where and when a petition is heard by the council i.e. depending on the number of signatories it will have to be heard either by a community council, the council assembly or the cabinet. In general the new rules are quite prescriptive but there are some changeable elements e.g. thresholds set for number of signatures.
- Deputations:
  - only allowed if there is a relevant report on the agenda to be decided on at that session (otherwise the deputation are advised to submit a request to a community council or cabinet)
  - strict time rules: 5 minutes speaking, 5 minutes for questions
- Public questions

## 11. Current incentives for people to attend Council Assembly:

- Belief that talking to all councillors will have more impact than to only a few i.e. community council or cabinet

## 12. Obstacles to public participation:

- People don't believe they can have an impact on decisions or policy through Council Assembly or they do not know how to use it to have an impact
- Size of the meeting (in general bigger meetings require more rules and formality to function effectively and tend towards having polarised format e.g. speakers versus audience)
- Little scope for public participation as its current functions require the main participants to be the councillors
- The existence of other more relevant decision making forums e.g. community councils, planning committees

- Physical requirements of the meeting (need for large room with good sound system, access to administration support e.g. photocopiers etc)
- Physical set-up of the chamber including set up of the balcony (small capacity, obstructions, etc)

**Author: Sharon Beckwith (written in consultation with Ian Millichap, Constitutional Manager, Democratic Services, Southwark Council)**

**DRAFT**  
**Workplan of the Democracy Commission**  
 July to October 2010

## July

- Officer desk research and preparation of evidence
- Commission establishes terms of reference and workplan
- Set up cross-divisional officer working group
- Preparation of communication platforms (website, mailing lists, texting lists, etc)
- Promotion of the democracy commission
- Identification and confirmation of witnesses
- Initial consultation of councillors (through political groups, presentations at existing training sessions, email)
- Set up opinion focus group for council assembly on 14 July and continue consult them as a sounding board
- Plan focus groups for councillors after council assembly on 14 July
- Make contact with groups, such as Forums and Tennant and Resident associations, and identify opportunities to gather views
- Update website with news from hearings, events and projects; facilitate and monitor online discussions
- Make contact with Schools with a view to consulting young people through School Councils, citizenship classes etc (Note that last day of school term is Friday 23 July. )
- Make contact with the Southwark youth council and the 8 local youth community councils

Specific dates and events in July:

6 July <sup>1</sup>	Agreement on terms of reference and workplan (closed meeting)
12 July	First public hearing: Strategic and legal perspectives on the relationship between Council Assembly and the public
14 July	Focus group attend Council Assembly
7 to 16 July	Make contact with schools and identify opportunities to involve students
21 July (Wednesday)	Council members focus group meeting

## August

- Further officer desk research and preparation of evidence
- Outreach: Visit groups (BME, youth, older people, people with disabilities, communities of interest, resident groups etc) and gather views from summer events, summer schemes, etc
- Summer events include:
  - Sunday 1 August: Carnaval del pueblo

<sup>1</sup> Also that date: [Licensing Sub-Committee](#) 10.00 am

- Thursday 12 August: Rockingham Youth Festival, Elephant & Castle (contact Kevin Dykes / events team)
- Saturday 14 August: Southwark Youth Carnival, Peckham to Burgess Park (events team); The Mix, Burgess Park (events team)
- Saturday and Sunday 21 & 22 August: **Nunhead Community Week**, Nunhead Green (events team)
- Sunday 22 August: **Afrifest**, Peckham Rye Common (events team);
- Friday 27 August: **Picnic in the Park**, Burgess Park
- Sunday 29 August: **Children's Festival**, Dulwich Park, contact: events team
- Commissioners and other Councillors gather views from constituents
- Councillor and resident focus groups
- Ad hoc meetings of commission members and officers who are available to report on progress and identify any action needed
- Update website with news from hearings, events and projects; facilitate and monitor online discussions

#### Specific dates in August

02 August – Monday	focus group / workshop / meeting
07 August -Saturday	Outreach at Rockingham Youth Festival, Elephant & Castle (contact Kevin Dykes / events team)
10 August – Tuesday	focus group / workshop / meeting
18 August – Wednesday	Focus group / workshop / meeting
23 August -Monday	Commission to participate in <b>Southwark Youth Council and Youth Community Councils Summer Event</b> , Southbank University: The purpose of the event is for SYC and the YCCs to host an event where Southwark young people will: Have the opportunity to meet with decision makers, discuss their concerns and priorities for action; Be provided with a range of useful information; Promote young people's involvement around decision making in their community.
26 August – Thursday	Focus group / workshop / meeting

#### September

- Presentation of evidence ( public hearings, one larger community focused event, themed workshops and one select committee style to agree final report)
- Outreach at Community Councils and community events
- Community events include:
  - Sunday 12 September: Eid Muslim Festival, Dulwich Park

- Sunday 12 September 12pm to 3pm: Community based fundraising event in support for "Help for Heroes" charity, Market Place, Southwark Park Road, SE16 3UQ (Bermondsey) - contact Carles Miralles
- Saturday 18 September: Bermondsey Street Festival
- Sunday 19 September Nunhead Green Day
- School based projects (debates, themed assemblies, citizenship curriculum)
- Commissioner visits (other authorities that have successfully engaged the public with their full council meetings)
- Assess evidence and draft report and recommendations
- Update website with news from hearings, events and projects; facilitate and monitor online discussions
- Attend meetings of the Multi Faith Forum management committee and the Disability Forum (September meeting dates to be confirmed)
- Note that Ramadan starts around 10<sup>th</sup> August and Eid is expected to be on Friday 10 Sept and first day of school term is Wednesday 1 September

2 September (Thursday, 10am)	Attend Pensioners' Forum Meeting
4 September (Saturday)	2 <sup>nd</sup> Public hearing 3 / Community focused event Engaging others in Council decision making  Public seminar to present and review evidence (including conclusions drawn from workshops and focus groups so far, video footage and feedback from events and outreach activities)
6 September (Monday evening)	Facilitated Commission workshop on constitutional change and work planning
9 September (Thursday, 6.30pm)	LGBT forum meeting -request agenda item to get views
16 September	Dulwich Community Council -agenda item or consultation during break to gather public views
17 September (Friday)	Workshop: Using communications to enhance engagement – strategies and technology
18 September (Saturday)	Commission workshop to gather input, assess and produce recommendations
20 September	Peckham Community Council - agenda item or consultation during break to gather public views
22 September	Camberwell Community Council - agenda item or consultation during break to gather public views
23 September (evening) <sup>2</sup>	Councillor workshop on engaging wider public and harder to reach communities
27 September 7pm	Bermondsey Community Council:

<sup>2</sup> Also that date: 7.00 pm [Audit and Governance Committee](#)

	-agenda item or consultation during break to gather public views
29 September (Wednesday evening)	Final commission meeting to approve draft report and recommendations ( this may need to be moved forward)

## October

- Draft report finalised and reviewed by CMT (if necessary) and constitutional support in time for dispatch date.

1 October	Final report and recommendations drafted
8 October	Council Assembly agenda dispatched: report to be distributed to all members
19 October	Presentation of report to Cabinet
20 October	Presentation of report to Council Assembly

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