

Democracy Commission

Friday 11 March 2011
5.00 pm
Room 217, 160 Tooley Street, London SE1 2TZ

Membership

Councillor Abdul Mohamed (Chair)
Councillor Columba Blango
Councillor Mark Glover
Councillor Michael Mitchell
Councillor Helen Morrissey
Councillor Paul Noblet
Councillor Cleo Soanes

INFORMATION FOR MEMBERS

Contact

Tim Murtagh on 020 7525 7187 or email: tim.murtagh@southwark.gov.uk
Webpage: www.southwark.gov.uk/democracy

Members of the panel are summoned to attend this meeting

Annie Shepperd
Chief Executive
Date: 4 March 2011



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Date: 4 March 2011



DEMOCRACY COMMISSION

MINUTES of the Democracy Commission held on Friday 8 October 2010 at 5.00 pm at 160 Tooley Street

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

**OTHER MEMBERS
PRESENT:**

**OFFICER
SUPPORT:** Stephen Douglass - Head of community engagement
Julie Timbrell - Project manager
Ian Millichap - Constitutional Manager
Norman Coombe - Principal Lawyer
Ian Marks - Senior Lawyer , Governance Team
John Bibby – Leaders Office

1. INTRODUCTION AND WELCOME BY THE CHAIR

2. APOLOGIES

1.1 Cllr Columba Blango gave apologies.

3. MINUTES OF THE LAST MEETING

3.1 The minutes were agreed. Cllr Glover noted that on page 4 his point was that we need to find a balance between involving residents in assembly meetings and allowing elected members sufficient time to debate issues.

4. FEEDBACK FROM OTHER LOCAL AUTHORITIES

- 4.1 The paper circulated on other Local Authorities reviews of Council Assembly was presented. The experiences of Nottingham City Council, Birmingham City Council and Bath & North East Somerset were considered.

5. REVIEWING AND AGREEING THE DRAFT RECOMMENDATIONS

- 5.1 Members agreed to consider the table of recommendations circulated under this item. This detailed areas of agreement and proposed amendments by the respective political groups represented on the commission.
- 5.2 Members agreed points 1 -3 of the table, where there was consensus.
- 5.3 On point 4 Cllr Anood Al-Samerai said that her understanding from the consultation undertaken by the commission was that more decision making powers would attract more people to meetings. There was a discussion around the scope for more plans to go to Assembly for decision. Officers advised that there is potential for some additional plans to be included in the policy framework agreed yearly by the Council Assembly, however officers cautioned members that the Assembly cannot decide something that is an 'executive function'. The Constitutional Steering Panel would be best place to consider if additional plans could be included in the policy framework. Generally high level plans can be decided by the Assembly. If a plan is not presently in the policy framework it is usually decided by Cabinet.
- 5.4 Cllr Mohamed noted that the cabinet had referred extra plans to Assembly, and made reference to the Accommodation Strategy.
- 5.5 It was noted that the Overview and Scrutiny Committee could refer particular plans for debate, but not decision, unless the plan was already in the policy framework.
- 5.6 Members also noted that many of the current plans may no longer be a requirement of the new government; some of the plans are also 3 year plans so may not be due to for consideration and furthermore, many of these plans may not be very engaging.
- 5.7 It was noted that the Council Assembly Business Panel could look forward and recommend plans and strategies that the Assembly would be well placed to debate. These would then need to be agreed in advance.
- 5.8 There was a discussion about the Council Assembly Business Panel and agreement that it would consist of a representative from all the political groups and advise the Mayor. It would meet twice a year.
- 5.9 Changes were agreed to point 5.1 and it was decided that the Constitutional Steering Panel should advise on an appropriate number of signatures needed to trigger a debate on a petition in Council Assembly. This would then come to Council Assembly for a final decision. The

Commission recommended 1,000 be this trigger.

- 5.10 It was decided that Community Councils will be able to raise issues via questions rather than motions. Point 5.5 will be deleted and 6.2 amended, as detailed in the attached and amended Southwark Democracy Commission Recommendations.
- 5.11 There was a discussion about public questions and whether the commission would endorse the recommendation for approximately 15 minutes pre-submitted questions by the public on the themed section of the meeting. There was a debate on whether the existing opportunity for public questions at the beginning of the meeting should remain. It was agreed that both opportunities for public questions should be endorsed by the commission.
- 5.12 There was a debate about themes; with suggestions that backbenchers should be able to able to present; however the majority view was that this should be undertaken by Cabinet. There was concern that the debating of themes does not restrict the ability of backbench members to bring issues of concern to Assembly. It was generally felt that those opportunities will still remain. The new formats success will depend on the agenda being sensibly managed by political groups, the Mayor and the Council Business Planning Panel, however the changes will be monitored for effectiveness and reviewed in 12 months time.
- 5.13 Cllr Anood Al-Samerai spoke in favour of the themed meeting slot being set used to debate an important plan or strategy, and for flexibility in approach. It was agreed that this slot may be used for a fuller Assembly debate on a plan or strategy.
- 5.14 Cllr Anood Al-Sameria suggested that the Democracy Commission recommendations included a section endorsing the new planed Decentralisation and Localism Bill and the recommendation that the Democracy Commission investigate how these new powers could be used to strengthen the Council Assembly. Other members indicated that this was inappropriate at this stage.
- 5.15 The recommendations were agreed by the committee. Cllr Al-Samerai indicted that she would put a motion to Assembly calling for an amendment on the Decentralisation and Localism Bill.

RESOLVED

It was agreed that the revised recommendations would be circulated to the committee for final agreement. Comments were requested by officers as possible so the document can be finalised by Wednesday 13 October to allow time to dispatch to with Cabinet and Council Assembly papers. (The revised and finalised recommendations are appended to the minutes.)

6. NEXT STAGE

- 6.1 The finalised recommendations will be put to the 19th October 2010 Cabinet meeting for endorsement.
- 6.2 The agreed recommendations will go to the 20th October 2010 Council Assembly meeting for debate and agreement. Following this they will be implemented by the Constitutional Steering Panel, Cabinet and the Chair; Cabinet lead Cllr Mohamed. Any constitutional changes arising from implementation of the recommendations will then need to be agreed by a subsequent Council Assembly.

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 14 March 2011	Meeting Name: Democracy Commission
Report title:		Stage 2 of the Democracy Commission Terms of Reference and Workplan	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

RECOMMENDATION

1. That the Democracy Commission considers and agrees the Terms of Reference for Phase 2 at Appendix 1.

That the Democracy Commission considers and agrees the workplan for the second phase of its work at paragraphs 16-21.

BACKGROUND INFORMATION

2. The Council Assembly at its meeting on 19 May 2010 agreed that the cabinet be tasked with establishing a democracy commission with the following aims:
 - To consider the avenues of democratic engagement with the council for local residents.
 - Specifically to fully review how council assembly can be changed to increase democratic engagement with local people.
3. On 15 June 2010 the cabinet agreed to establish a Democracy Commission with the following key recommendations:
 - Consider changes to the council's constitution to make the council's democratic functions more open and engaging.
 - Be focused and task-based to increase its ability to deliver recommendations for substantive change and so that it can be delivered within existing budgets.
 - That the first task should be to consider reforms to Council Assembly.
4. After considering the evidence, the commission made a number of recommendations aimed at making the content and format of council assembly meetings more engaging and responsive to the needs and concerns of residents. These are now being implemented, mainly through the introduction of themed debates at Council Assembly meetings from April 2011.
5. On 25 January 2011, cabinet resolved that the Democracy Commission be tasked with phase 2 of their work, focusing on the role and powers of community councils in the context of budgetary savings. The Democracy Commission will report their progress to council assembly in April 2011 and make their final recommendations in December 2011. The terms of reference for the Democracy Commission in relation to phase two can be found at Appendix 1.

KEY ISSUES FOR CONSIDERATION

Council Budget 2011/14

6. The review of community councils is to be undertaken within the context of the recently agreed council budget and the reductions in public expenditure. The task of the Commission will be to deliver a reduction of £344,000 in the total costs of community councils to take effect from 1 April 2012.
7. That all other aspects of the review into the role, function and effectiveness of community councils are framed within the aforementioned constraints.
8. Relevant information concerning the running costs of community councils in relation to their various functions will be gathered and presented to the Commission. It is suggested that this should be the initial task within the workplan of the Democracy Commission, which can be found below.

Role and function of Community Councils

9. The extent to which community councils have strengthened links into local communities will need to be established. It will be necessary to examine the role and function of community councils, and identify the ways in which they have fulfilled their remit or otherwise.
10. In summary, community councils are designed to build relationships with the local community through involvement in decision-making, greater transparency and accountability. They have a remit to act within the formal decision making procedures of the Council, yet create an informal enabling environment for local residents to participate actively. A copy of the relevant sections of the Southwark Constitution can be found at Appendix 2.
11. The role of Community Councils is to:
 - a) Promote involvement of local people in democratic process and bring decision making closer to the people
 - b) Take decisions on local matters through delegated decision-making powers over:
 - Local planning
 - Cleaner, Greener Safer Capital scheme
 - Community Council Revenue Fund
 - Traffic management
 - School governor appointments
 - Community project bank schemes
 - Highways and lighting improvement budget
 - Formal consultations
 - c) Conduct formal consultations on council wide policies and strategies
 - d) Take action on issues of concern to community members (e.g. through the petition scheme)
12. Officers will lead the relevant research, information-gathering and consultation work necessary to inform this area of the Commission's work, presenting

evidence back to members during its meetings.

13. The Localism and Decentralisation Bill which is currently being considered by parliament will also have implications for the role and function of Community Councils, for example, in the areas of planning and community empowerment. The Commission will need to take these ongoing developments into account as it carries out its work and may consider bringing in external experts to provide advice.
14. The recommendations made by the Democracy Commission during the first phase of its work will also have implications for Community Councils going forward, as they strengthen their link into Council Assembly. The introduction of themed debates at Council Assembly is to be linked to community engagement activity at Community Councils and other community forums prior to each meeting. Thus consolidating the community participation role of Community Councils and linking local residents into decision-making bodies of the council more effectively.

Workplan: Democracy Commission phase 2

15. The timeframe for the second phase of the Democracy Commission runs between April and December 2011; by which time the Commission will have undertaken its work and reported back to Council Assembly with its recommendations. This forms a similar structure to the first phase of the Commission's work.
16. It is suggested that the members of the Commission meet on a monthly basis in order to deliver this workplan (see timeframe in paragraph 19).
17. The following activities are to form part of the workplan:
 - Scrutiny of Community Council budgets across the Constitutional and Neighbourhoods teams
 - Qualitative research involving key stakeholders, including:

Stakeholder	Consultation method
Community Council Chairs and Vice-Chairs	Workshop/forum
Other Cllrs and cabinet members	Questionnaires
Regular attendees	Focus group & questionnaires
Other residents	Vox pops, focus group & questionnaires
Officers	Questionnaires

- Monitoring data on attendance and participation at community council meetings
 - Possible stakeholder event
 - Audit of best practice in area committee structures within other local authorities
 - Preparation of final report and recommendations
18. Much of the above work will be officer led, with regular updates on progress and information gathered being presented to the Commission during its schedule of meetings.

19. The Commission should also consider whether it would like to advise officers to engage any particular external experts/community leaders/active citizens/partners during the second phase of its work.
20. The following timeframe is suggested for phase two activities :

DEMOCRACY COMMISSION WORKPLAN APRIL – DECEMBER 2011	
March	PREPARATORY WORK <ul style="list-style-type: none"> • Draft workplan • Convene Democracy Commission meeting to agree terms of reference and workplan • Inform relevant teams and members
April	<ul style="list-style-type: none"> • Submit workplan to Council Assembly (April 6) • Start research • Democracy Commission meeting: <i>Budgets</i>
May	<ul style="list-style-type: none"> • Workshop with Chairs & Vice-Chairs • Democracy Commission meeting: <i>Role and purpose of Community Councils, Neighbourhoods and Boundaries</i>
June	<ul style="list-style-type: none"> • Focus groups • Distribute questionnaires • June round of community council meetings • Democracy Commission meeting: <i>Planning</i>
July	<ul style="list-style-type: none"> • Focus groups • Distribute questionnaires • Democracy Commission meeting: <i>Engagement and Promotion</i>
August	<ul style="list-style-type: none"> • “Community conversations” outreach – gathering vox pops from local people • Mid-project review <ul style="list-style-type: none"> ○ Information from other local authorities ○ Initial findings from focus groups and questionnaires ○ Attendance and monitoring information
September	<ul style="list-style-type: none"> • Further research/analysis • Stakeholder event (tbc) (share results and consult on potential recommendations) • Democracy Commission meeting: <i>Mid-project review</i>
October	<ul style="list-style-type: none"> • Draft recommendations • Further research/analysis • Democracy Commission meeting: <i>Setting Phase two recommendations</i>

Early November	<ul style="list-style-type: none"> • Democracy Commission meeting: <i>Agreeing Phase two recommendations</i>
December	<ul style="list-style-type: none"> • Cabinet to consider Democracy Commission recommendations
January 2012	<ul style="list-style-type: none"> • Make recommendations to Council Assembly

Policy implications

21. The terms of reference for the Democracy Commission phase two have been drawn up within the specific context of current council policies, plans and strategies. The information gathered during the second phase of the commission's work will provide opportunities for the council to engage in debate with residents and will potentially provide decision makers with new information when developing council policy.

Community impact statement

22. The aim of the Democracy Commission is to bring the Council closer to its residents, making it more accountable to them and more connected with their concerns. The work of the Commission will be led by the Community Engagement team that has significant experience in leading work of this nature, aimed at improving the voices of local people in decision-making. The engagement activity will be underpinned by principles of equality and human rights (including the new public sector equality duty which comes into force in April 2011) and will reflect the diverse residents of the borough.

23. The work of the first phase of 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. An Equalities and Human Rights Impact Assessment of the Democracy Commission recommendations was completed and presented to cabinet in earlier this year.

Resource implications

24. No additional budget is required for the setting up of the commission and stage two of its work. Any costs will be covered within existing resources. The commission will be required to bear in mind the need to keep under review the officer and other resources required to support its work and the implementation of its recommendations within the context of increasing resource constraints on the council.

25. The task of the Commission will be to deliver a reduction of £344,000 in the total costs of community councils to take effect from 1 April 2012 as agreed in the council's Policy and resources Strategy 2011-2014.

Consultation

26. The work of the commission so far has included public consultation and involvement: public meetings and conferences, questionnaires, focus group and recording vox pops. This work will be developed and improved upon during phase two.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Democracy Commission Phase 1 reports and agenda	Tooley Street, London SE1 2TZ	Julie Timbrell 020 7525 0514
Council assembly reports, agenda and minutes	Tooley Street, London SE1 2TZ	Lesley John 020 7525 7228
Cabinet report, agenda and minutes	Tooley Street, London SE1 2TZ	Paula Thornton 020 7525 4395

APPENDICES

No.	Title
Appendix 1	Terms of Reference of the Democracy Commission
Appendix 2	Extract from Southwark constitution - Community Councils

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Stephen Douglass, Head of Community Engagement	
Version	Final	
Dated	04 March 2011	
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
List other officers here		
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	04 March 2011	

Appendix 1

Terms of reference for Democracy Commission Phase 2: Community Councils

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. Task and approach

In its first phase the Commission made recommendations on changes to the Council assembly to make it more open and accessible to residents.

In its second stage of work the Commission will oversee a fundamental review of the 8 community councils that will include:

a) Recognition of the budget context:

The budget proposals 2011/14 set out the need in the context of significant reductions in public expenditure to deliver a reduction of £344,000 in the total cost of the community councils to take effect from 1st April 2012. The Commission will make recommendations to cabinet on how this reduction will be implemented to feed into the budget setting process for the 2012/2013 financial year.

b) Examination of the role and function of community councils

The Commission will need to consider why, how, when and where community councils meet, and their performance in relation to their role and function, such as:

- Whether the number and frequency of community council meetings is right
- Whether the current boundaries make sense in terms of representing distinctive areas and can be maintained in the resource context
- The extent to which they have succeeded in building stronger relationships with our communities.
- Whether the current functions and powers are the right ones to meet the aims of the community councils, particularly given the resource context noted above.

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

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

c) Establishing how community councils can be improved

The Commission is tasked with improving community councils, through:

- identification of good practice that can be shared across community councils
- gathering the opinions of residents
- recommending if and how community councils can be made more engaging to residents within the constraints noted above

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 Community Councils 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 the council's constitution as well as changes to the way it operates more generally.

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

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

Supporting officers will ensure that evidence, findings and actions that emerged from the first phase of work that have a bearing on the review of Community Councils are fed into the design of this stage of the Commission's work.

Appendix 2

Extract from Southwark Constitution

PART 3H: COMMUNITY COUNCILS

Role and functions

1. To promote the involvement of local people in the democratic process and to bring decision making closer to local people.
2. To take decisions about local matters. At present community councils have delegated authority in the following key areas: local planning applications, the cleaner, greener, safer capital programme, traffic management, appointment of local education authority governors to local nursery and primary schools and community project banks.
3. To act as a formal consultation mechanism on council wide policies and strategies.
4. To be a focal point for discussion and consultation on matters that affects the area.

MATTERS RESERVED FOR DECISION

Planning functions (non-executive function)¹

Decision making

1. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of fewer than 50 housing units or less than 3,500m² of commercial floor space or a mixed use development with less than 3,500m² of floor space, including applications for change of use, except where the application is clearly linked to another application which is to be considered by the planning committee:

- a) Those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval
- b) Those which are controversial, i.e. subject to 3 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) or raise a major issue of a planning nature except where they are straightforward refusals²

¹ The powers of the community council in respect of planning functions are formally delegated to it by the planning committee. For the purposes of decision making it is constituted as a sub-committee of the main committee. The planning committee will consider and determine all planning applications on or near community council boundaries, which will have a material impact on the area of one or more neighbouring community councils. The strategic director of regeneration and neighbourhoods will determine when boundary proximity is a material factor.

² To be determined by the strategic director of regeneration and neighbourhoods.

c) Those requested by a ward member to be determined by elected members,
subject to the request being agreed by the chair of the community council

d) All applications for the council's own developments except for the approval of:

- reserved matters and minor developments to which no relevant objections have been made
- developments that are proposed by community councils.

e) Those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.

2. To consider the confirmation of tree preservation orders:

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

Consultative/non decision making

3. To comment to planning committee on the proposed expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation where the site to which the agreement relates and the site(s) where expenditure will be incurred are in the same community council area.

4. To comment to planning committee on proposals for the designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995 affecting the area of the community council.

5. To comment to planning committee on proposals to adopt supplementary planning documents for development control purposes to guide the development of particular sites within the area of the community council.

6. To be consulted on all major and strategic schemes prior to consideration by the planning committee, subject to the consultation deadlines.

7. To receive regular information reports (at least quarterly) on local planning enforcement issues.

Environmental management (executive function)

Decision making

8. Recommendations to the strategic director of environment and housing, on local contract variations.³

³ Decisions regarding contract variation shall remain the responsibility of the strategic director (environment and housing).

9. Recommendations to the cabinet on issues concerning major changes to contracts.

10. Appointment of ward members to serve on warden schemes steering groups.

Consultative/non decision making

11. To consider regular reports on environmental management issues, including street cleaning, refuse collection, abandoned vehicles and leisure centres.

12. To participate in contract reviews and be able to suggest service improvements and identify local priority issues.

Cleaner, greener, safer capital programme (executive function)

Decision making

13. Approval of the allocation of funds to cleaner, greener, safer capital schemes of a local nature, using the resources identified by the cabinet, for example:

- designing out dumping and fly-tipping
- local playground improvements
- local parks
- improvement to local sports facilities
- improvement to local community centres and youth facilities
- eyesores and facelifts
- improving ward-level communication routes and pathways
- bins, street furniture etc.

14. To oversee and take responsibility for the development and implementation of the local schemes.

15. If successful in the bidding to the cabinet for strategic projects, to oversee and take responsibility for the development and implementation of the schemes.

Consultative/non decision making

16. Recommendation of bids to the cabinet for funding for capital schemes of a strategic nature as part of an open bidding process.

Traffic management functions (executive function)⁴

Decision making

17. Determination of the following local non-strategic matters:

- the introduction of single traffic signs
- the introduction of short lengths of waiting and loading restrictions
- the introduction of road markings
- the introduction of disabled parking bays
- the setting of consultation boundaries for consultation on traffic schemes.

⁴ In respect of traffic matters that have a potential impact on more than one community council, the strategic director of environment and housing shall determine if boundary proximity is a material issue.

18. Determination of objections to traffic management orders that do not relate to strategic or borough wide issues.