

# Council Assembly (Annual Meeting)

Monday 21 May 2018  
6.00 pm

Southwark Cathedral, Montague Close, London Bridge SE1 9DA

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

Eleanor Kelly  
Chief Executive

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## 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.

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### Contact

Virginia Wynn-Jones / Andrew Weir on 020 7525 7055 or 020 7525 7222 or email: [virginia.wynn-jones@southwark.gov.uk](mailto:virginia.wynn-jones@southwark.gov.uk); [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk); [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk)

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Date: 11 May 2018



# Council Assembly (Annual Meeting)

Monday 21 May 2018

6.00 pm

Southwark Cathedral, Montague Close, London Bridge SE1 9DA

## Order of Business

Item No.	Title	Page No.
1.	<b>ELECTION OF THE MAYOR</b>	
	To elect a Mayor for the municipal year 2018/19.	
	<b>PART A - OPEN BUSINESS</b>	
2.	<b>PRELIMINARY BUSINESS</b>	
	<b>2.1. ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE</b>	
	To receive any announcements from the Mayor, members of the cabinet or the chief executive.	
	<b>2.2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT</b>	
	In special circumstances an item of business may be added to an agenda within seven working days of the meeting.	
	<b>2.3. DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
	<b>2.4. APOLOGIES FOR ABSENCE</b>	
	To receive any apologies for absence.	

**3. REPORTS**

<b>3.1. APPOINTMENT OF LEADER AND EXECUTIVE FUNCTIONS - 2018/19</b>	1 - 5
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Council assembly is asked to appoint a leader of the council and note the appointment by the leader of cabinet members, any deputy cabinet members, the establishment of any cabinet committees and the leader's report on the delegation of executive functions.

<b>3.2. ESTABLISHMENT OF COMMITTEES, COMMUNITY COUNCILS, PANELS AND RELATED MATTERS 2018/19</b>	6 - 18
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Council assembly is asked to establish committees, community councils and panels for the coming municipal year 2018/19 and to appoint up to three representatives to attend the Local Government Association General Assembly.

<b>3.3. NOMINATIONS TO LONDON COUNCILS COMMITTEES, GREATER LONDON EMPLOYMENT FORUM, BOROUGH LEAD MEMBERS AND LONDON COUNCILS LIMITED 2018/19</b>	19 - 24
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Council assembly is asked to agree nominations to the London Councils committees, the Greater London Employment Forum and London Council Limited.

Council assembly is also asked to nominate borough lead members for the following areas: Children and Young People; Crime and Public Protection; Culture, Tourism and Sport; Economic Development / Regeneration; Employment and Skills; Health and Adult Services; Housing; Planning / Infrastructure.

**4. AMENDMENTS**

Any member of the council may submit an amendment to a report or motion on the agenda. The amendments will be circulated to all members in a supplemental agenda.

**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**

Date: 11 May 2018

<b>Item No.</b> 3.1	<b>Classification:</b> Open	<b>Date:</b> 21 May 2018	<b>Meeting Name:</b> Council Assembly (Annual Meeting)
<b>Report title:</b>		Appointment of Leader and Executive Functions – 2018/19	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

1. That council assembly consider the following executive issues for the coming municipal year 2018/19:
  - Appoint a leader of the council
  - Notes the appointment by the leader of cabinet members
  - Notes the appointment of any deputy cabinet members
  - Notes the establishment and appointment of any cabinet committees
  - Notes the leader's report on the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and community councils
  - Notes that as a consequence the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

### Appointment of leader of the council

2. That council assembly appoint a leader of the council.
3. That council assembly notes that the leader's term of office shall commence from 21 May 2018, and end at the start of the first annual meeting of the council following the next ordinary election<sup>1</sup>, unless otherwise specified by a resolution of council assembly (see paragraphs 14 - 17).

### Appointment of the cabinet

4. That the leader reports to council assembly on the appointment of members of the cabinet and determination of their executive functions.

- Note:
1. The leader will report on appointments to the cabinet and on individual portfolios.
  2. The leader can appoint between two and nine members to form a cabinet.
  3. The leader must appoint a deputy leader.

### Appointment of deputy cabinet members

5. That the leader reports to council assembly on the appointment of deputy cabinet members and determination of their duties and responsibilities.

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<sup>1</sup> Article 6.3 of the Constitution

Note: The leader will report on any changes to deputy cabinet members and on individual responsibility for specific tasks designated by the leader, following consultation with the monitoring officer.

### **Establishment and appointment of cabinet committees**

6. That the leader reports on the establishment of any cabinet committees.

Note:

1. The leader to establish any cabinet committees, set terms of reference and nominate cabinet members to serve on the committees, including appointing a chair and vice-chair.
2. There are three cabinet committees: Cabinet (Livesey Trust) Committee, Better Placed Joint Committee and Joint IT Committee (Brent, Lewisham and Southwark).

### **Delegation of executive functions**

7. The leader will report on the delegation of executive functions between full cabinet, individual decision makers, chief officers and community councils (see paragraphs 18 - 21)
8. That council assembly notes the leader's report on any changes to the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and community councils.
9. That council assembly notes that as a consequence of recommendation 6 the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

### **BACKGROUND INFORMATION**

10. The constitution is updated as and when changes are required. The recommendations in this report are based on the current constitution.

### **KEY ISSUES FOR CONSIDERATION**

#### **Leader and cabinet**

11. The Local Government and Public Involvement in Health Act 2007 required the council to make changes to its governance and decision making arrangements. At an extraordinary meeting of council assembly on 4 November 2009 the council agreed that the current executive leader and cabinet model be adopted. The new arrangements commenced immediately after the elections in May 2010.
12. Under the executive "leader and cabinet" model there is a leader of the council and a cabinet of at least two but no more than nine other councillors. The leader is responsible for all executive functions, and decides which of these functions are going to be delegated to other cabinet members, local committees or council officers. The cabinet is appointed by the leader.
13. On 11 June 2014, council assembly appointed Councillor Peter John as leader of the council and his term of office commenced from that date and shall end at the

start of the first annual meeting of the council following the next ordinary election<sup>2</sup>, which is on 21 May 2018.

### **Appointment of leader of the council**

14. The Local Government Act 2000 provisions on executive arrangements were updated by the Localism Act 2011 and the new provision for electing a leader and agreeing the term of office is less prescriptive. It states that a council operating leader and cabinet executive arrangements must make provision for the election of a leader, but it may make provision with respect to their term of office. So, the council no longer has to make provision for a four year term, or indeed any defined term. Under the new provisions, the constitution will retain the clause that allows for the leader to be removed by a resolution of the council assembly.
15. The new provisions apply at this annual meeting (constitutional). The meeting will appoint a leader of the council and at the same time have the opportunity of setting a different term of office and/or end point of the leader's term of office; otherwise the status quo would prevail. Currently the constitution states that the leader is appointed for four years and the term ends at the annual meeting following borough-wide elections, at which the new leader is to be appointed.
16. In a report to the constitutional steering panel (CSP) on 5 March 2014, it was reported that in officers' view the current term of office arrangements in the constitution should be maintained. There is some merit in maintaining stable leadership and stability to the council's constitutional and executive arrangements over the four year period between elections. This enhances transparency and accountability for executive decision making. It should be noted by way of balance, the constitution includes a number of measures to hold the executive to account including scrutiny committees, call-in of executive decisions, urgent implementation procedures requiring involvement of the chair of the overview and scrutiny committee and a means of removing the leader from office if a resolution is approved by council assembly.
17. Some of the alternatives reported to CSP for the annual meeting (constitutional) included reducing the length of the term, appointing the leader annually or changing the end point of the leader's term of office to the fourth day after the next borough wide elections.

### **Report of the leader of the council and delegation of executive functions**

18. Each year the elected leader must appoint their cabinet. In accordance with the constitution this can consist of a minimum of two and up to a maximum of nine nominated members, whose portfolios are determined and allocated by the leader. The leader must appoint a deputy leader.
19. The leader will be invited to report on the delegation of executive functions, appoint a deputy leader and appoint other cabinet members and determine their portfolios.
20. The leader will report on any further delegations including:
  - The extent of any authority delegated to cabinet members individually, including details of the limitation on their authority
  - The terms of reference and membership of any cabinet committees

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<sup>2</sup> Article 6.3 of the Constitution

- The nature and extent of any delegation of executive functions to community councils, any other authority or joint arrangement
- The nature and extent of any delegation to officers with details of any limitation on that delegation.

21. The leader may also decide to delegate executive functions to the health and wellbeing board. During the year the leader may vary the executive scheme of delegation by giving notice to the monitoring officer. A variation may be permanent or relate to a particular decision.

### **Deputy cabinet members**

22. The leader will also report on the appointment of any deputy cabinet members and determine their roles. Deputy cabinet members may hold responsibility for specific tasks designated by the leader, in consultation with the monitoring officer. Deputy cabinet members cannot take part in any formal decision making.

23. Whilst a deputy cabinet member may be a member of a committee, scrutiny committee or scrutiny sub-committee, he or she will not be permitted to take decisions or scrutinise any of their own deputy cabinet member tasks or duties. Deputy cabinet members shall not be the chair or vice-chair of a committee or sub-committee which takes decisions or scrutinises matters relating to their tasks or duties. The chairs of the licensing and planning committees shall not be deputies.

24. The duties and responsibilities of deputy cabinet members will be:

- To assist cabinet members with specific aspects of their portfolio
- To contribute to the process of setting policy direction, development and review by assisting cabinet members to develop specific aspects of their individual portfolio
- To represent the relevant cabinet member at non-decision making meetings
- To assist cabinet members in the drafting and preparation of reports, responses to questions and other work related to the cabinet deputy's duties
- To promote the core values, corporate priorities and objectives of the council.

### **Role of council assembly**

25. Following receipt of the leader's report, council assembly will note as a consequence that the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

### **Appointments to panels, boards and forums**

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



**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Appointment of Executive Functions 2013/14 Council Assembly May 2013 report.  The Council's Constitutional	160 Tooley Street, London, SE1 2TZ	Virginia Wynn-Jones 020 7525 7055

**APPENDICES**

Appendix	Title
None.	

**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Author</b>	Virginia Wynn-Jones, Principal Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	10 May 2018	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	10 May 2018	

<b>Item No.</b> 3.2	<b>Classification:</b> Open	<b>Date:</b> 21 May 2018	<b>Meeting Name:</b> Council Assembly (Annual Meeting)
<b>Report title:</b>		Establishment of Committees, Community Councils, Panels and Related Matters 2018/19	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

1. That council assembly notes the appointment of political group leaders, deputies and whips (information to be circulated separately).
2. That council assembly notes the new division of seats and percentage allocation of each political group on the council as follows:

**Table 1: Division of seats**

Group	Total	%
Labour	49	77.78
Liberal Democrat	11	17.46
Vacancy (London Bridge and West Bermondsey ward)	3	4.76
<b>Total</b>	<b>63</b>	<b>100.00</b>

3. That council assembly establishes the following committees and community councils for the coming municipal year 2018/19.

**Table 2: Ordinary Committees - Total number of seats 29**

Note: This table is based on the committees as agreed by council assembly on 13 May 2017. The allocation prior to the borough wide elections on 3 May 2018 is shown in brackets.

Committee	Total	Lab	Lib Dem	Con
Committee 1 Appointments Committee	7 (7)	6 (6)	1 (1)	0 (0)
Committee 2 Planning Committee	8 (8)	6 (5)	2 (2)	0 (1)
Committee 3 Audit, Governance and Standards Committee	7 (7)	5 (5)	2 (2)	0 (0)
Committee 4 Corporate Parenting Committee	7 (7)	6 (6)	1 (1)	0 (0)
<b>Total</b>	<b>29 (29)</b>	<b>23 (22)</b>	<b>6 (6)</b>	<b>0 (1)</b>

**Table 3: Other committees - Total number of seats 26**

Committee	Total	Lab	Lib Dem	Con
Overview and Scrutiny Committee	11 (11)	8 (8)	3 (3)	0 (0)
Licensing Committee	15 (15)	12 (11)	3 (3)	0 (1)

**Table 4: Community councils**

1.	Bermondsey and Rotherhithe
2.	Borough, Bankside and Walworth
3.	Camberwell
4.	Dulwich
5.	Peckham and Nunhead

Note: The membership of community councils is set out in Article 8 of the constitution (see paragraphs 41 to 45 of this report).

### Health and wellbeing board

4. That the health and wellbeing board be established as a committee of the council under the Health and Social Care Act 2012 with the membership set out in paragraph 39 of the report.
5. That it be noted that the local authority membership is nominated by the leader of the council. In accordance with committee procedure rules, the board is chaired by the leader.

### Appointment of chairs and vice chairs

6. That council assembly considers whether it wishes to appoint chairs and vice chairs for the following committees and community councils:

#### Committees

- Appointments committee
- Planning committee
- Audit, governance and standards committee
- Corporate parenting committee [see note 1 below]
- Overview and scrutiny committee
- Licensing committee

#### Community councils

- Bermondsey and Rotherhithe
- Borough, Bankside and Walworth
- Camberwell
- Dulwich
- Peckham and Nunhead

#### Notes:

1. In 2017/18, the cabinet member responsible for children's services chaired the corporate parenting committee. Council assembly is asked to formally approve this appointment in 2018/19.

2. All outstanding appointments will be referred to the first meeting of the respective committee or community council in the 2018/19 municipal year.

### Establishment of the council's panels

7. That council assembly establishes the following council panels (see paragraph 56):

**Table 5: Panels - Total number of seats 16**

Panel	Total	Lab	Lib Dem	Con
Council assembly business panel	4 (5)	3 (3)	1 (1)	0 (1)
Constitutional steering panel	4 (5)	3 (3)	1 (1)	0 (1)
Pensions advisory panel	3 (3)	2 (2)	1 (1)	0 (0)
Voluntary bodies appointments panel	5 (5)	4 (4)	1 (1)	0 (0)
<b>Total</b>	<b>16 (18)</b>	<b>12 (12)</b>	<b>4 (4)</b>	<b>0 (2)</b>

Note: This table is based on the panels established in 2017/18. The allocation prior to the borough wide elections on 3 May 2018 is shown in brackets.

### Appointments of chair to constitutional steering panel and voluntary bodies appointments panel

8. That council assembly appoints a chair to the following panels:

- Constitutional steering panel [see note 1 below]
- Voluntary bodies appointments panel.

Notes:

1. The constitutional steering panel in 2017/18 was chaired by the group whip of the majority group. Council assembly is asked to formally approve this appointment in 2018/19.
2. That it be noted that the council assembly business panel is chaired by the Mayor.

### Urgency committee

9. That the role of the urgency committee between a municipal election and the annual meeting of council assembly, as agreed by council assembly on 26 March 2014, be noted as set out in paragraphs 58 and 59.

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

10. That council assembly appoints up to three representatives and allocates the seven votes to representatives to attend the LGA General Assembly (see paragraphs 58 to 60).

### Other appointments to joint committees/outside bodies

11. That council assembly notes the cabinet and other committees will make appointments to all other outside committees and bodies for the municipal year 2018/19 as required by part 3Q of the constitution.

### BACKGROUND INFORMATION

12. The constitution is updated as and when changes are required. The recommendations in this report are based on the current constitution and previous decisions of the council.

### KEY ISSUES FOR CONSIDERATION

#### Division of seats

13. As a result of the 3 May 2018 local elections, the political composition of the council is as below. Please note that this will change after the London Bridge and West Bermondsey ward election on 14 June 2018 and a further report will be made to council assembly on 11 July 2018.

**Table 6: Division of seats**

Group	Total	%
Labour	49	77.78
Liberal Democrat	11	17.46
Vacancy (London Bridge and West Bermondsey ward)	3	4.76
Total	63	100.00

#### Proportionality – the legal position

14. The size and composition of the council’s regulatory and other committees are established in accordance with the number of seats each political group has on the council as a whole – this is known as “proportionality”.
15. The Local Government and Housing Act 1989 covers the allocation of seats to political groups. It makes no provision for single independent councillors so they do not form part of the proportionality considerations. The political balance rules require the council to ensure that the political groups represented on council have proportionate representation on the committees of the council. Political groups have to constitute two or more members and be actively constituted as a group in accordance with the above regulations.
16. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as is reasonably practicable:
- (i) That not all the seats on a committee or sub-committee are allocated to the same political group
  - (ii) That the majority group must have the majority of seats on each committee or sub-committee

Note: As the Labour Group has an overall majority on the council, this principle has been applied.

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

Notes:

1. The ordinary committees are: appointments; planning; audit, governance and standards; corporate parenting (see also paragraphs 19 to 21).
  2. The licensing committee is appointed under the Licensing Act 2003, the overview and scrutiny committee is appointed under section 9F of the Local Government Act 2000 and the health and wellbeing board is appointed under the Health and Social Care Act 2012 and is to be treated as if appointed under section 102 of the Local Government Act 1972 (subject to modifications of the effect of section 102 made by the Secretary of State). None of the aforementioned committees are treated as an ordinary committee.
- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.

Note: This rule applies to all committees, sub-committees and joint committees, except for the licensing committee.

17. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.

### **Appointments to seats**

18. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of an authority or committee to exercise its power to make appointments in such a way as to give effect "to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group".

### **Ordinary committees**

19. The regulatory and other committees are the "ordinary committees" of the council. In 2017/18 the annual meeting established the following:
- Appointments committee
  - Planning committee
  - Audit, governance and standards committee
  - Corporate parenting committee
20. The proportionality is based on the total number of seats compared to the overall allocation of seats each political group has on the council. As the Labour Group has an overall majority on the council, it has been allocated a majority on each committee.
21. Council assembly is exercising a matter reserved to it in Part 3A (4) of the constitution to establish committees. It is for council assembly to agree the committees it wishes to

establish, to set the total number of seats and allocate them to the committees numbered 1 to 4 in the Table 2 in paragraph 3 above.

### **Appointments committee**

22. The appointments committee determines appointments to posts of chief officers, chief finance officer and monitoring officer and also acts as a panel for the purpose of advising council assembly on matters relating to the dismissal of the head of paid service, the chief finance officer or the monitoring officer as prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
23. At least one member of the cabinet shall serve on the appointments committee.

### **Audit, governance and standards committee**

24. The audit, governance and standards committee provides independent assurance of the adequacy of the council's governance arrangements, independent scrutiny of the council's financial and non-financial performance, has oversight of the financial reporting process of the council and ensures that its members and co-opted members maintain high standards of conduct and requires such authorities to adopt a code of conduct for their members.
25. The Chartered Institute of Public Finance and Accountancy (CIPFA's) guidance (Audit Committees Practical Guidance for Local Authorities, 2005) states that although audit committees are not mandatory, "Audit committees are an essential element of good governance". It goes on to say "Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an audit committee, independent from the executive and scrutiny functions."
26. No more than one member of the cabinet may be a member of the audit, governance and standards committee and no cabinet member may chair the committee. The chair may be a deputy cabinet member as this role does not include the exercise of any delegated powers.
27. No more than one member of the overview and scrutiny committee may be a member of the audit, governance and standards committee and no member of the overview and scrutiny committee may chair the committee. In 2017/18, no members of the cabinet sat on the audit and governance committee or the standards committee and no overview and scrutiny committee member sat on the committees.

### **Overview and scrutiny committee**

28. The overview and scrutiny committee (OSC) is the coordinating scrutiny body and appoints a number of scrutiny sub committees. It questions cabinet members and can "call-in" decisions taken by the cabinet, individual cabinet members, community councils taking decisions on executive functions and key decisions taken by chief officers.
29. OSC co-ordinates councillor calls for action and scrutiny of health, crime and disorder, considers requests for scrutiny reviews and approves scrutiny work programmes. It receives and comments on reports from scrutiny sub-committees, and reviews overview and scrutiny procedures.
30. The committee can also appoint joint committees with other local authorities.

31. The overview and scrutiny committee is not an ordinary committee, but it is one to which the proportionality requirements apply. Scrutiny sub-committees will be established by the overview and scrutiny committee at its first meeting and it will consider the allocation of places on sub-committees including members who are not part of any political group.
32. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.
33. The overview and scrutiny procedure rules provide that the overview and scrutiny committee will consist of the chair, vice chair and the chairs of the scrutiny sub-committees provided that the proportionality rules are not compromised. Each political group is permitted to nominate members who are not cabinet members should it be necessary to maintain proportionality and/or if there are fewer chairs of scrutiny sub-committees than places on the overview and scrutiny committee.
34. The overview and scrutiny committee and any sub-committee which scrutinises the council's education functions will contain in its membership four voting education representatives in addition to its councillor members, comprising one Church of England, one Roman Catholic Church and two parent governor representatives.
35. No member of the cabinet shall serve on any scrutiny committee.

#### **Health and wellbeing board**

36. The Health and Social Care Act 2012 enables the local authority to arrange for any of its functions to be exercised by the board should it so wish. The health and wellbeing board was first constituted by council assembly on 27 March 2013. The board will not have the power to perform any of the functions given to the health overview and scrutiny committee, and it will itself be subject to overview and scrutiny as a committee of the council. Members of scrutiny committees who are members of the health and wellbeing board should not be involved in the scrutiny process if the health and wellbeing board undertakes executive functions, which is then subject to scrutiny, as this may create a conflict of interests. The proportionality requirements do not apply to the health and wellbeing board.
37. It will be for the leader of the council under the 'strong leader' model to decide whether any executive functions should be delegated to the board. Until such a decision is taken, the board will operate in accordance within the council's existing decision-making framework and normal council budget setting processes.
38. The health and wellbeing board must include six statutory members which are:
  - At least one councillor, who will be (or be nominated by) the leader
  - The director of adult social services of the local authority
  - The director of children's services of the local authority
  - The director of public health of the local authority
  - A representative of local healthwatch
  - A representative of the clinical commissioning group.
39. The proposed membership of the board is set out below:
  - Leader of the Council
  - Cabinet Member for Adult Care and Financial Inclusion



- Cabinet Member for Public Health and Social Regeneration
- Cabinet Member for Children and Schools
- Opposition Spokesperson for Health (Southwark Councillor)
- NHS Southwark Clinical Commissioning Group x 4
- Chief Executive, Southwark Council
- Strategic Director of Children's and Adults' Services
- Director of Health and Wellbeing (Director of Public Health)
- Chief Executive, Community Southwark (Voluntary Sector)
- Executive Director, Southwark Law Centre (voluntary sector)
- Chief Executive, King's College Hospital NHS Foundation Trust (King's Health Partners)
- Chief Executive, South London and Maudsley (SLAM) NHS Foundation Trust (King's Health Partners)
- Healthwatch Southwark representative
- Southwark Headteachers representative

Note: The health and wellbeing board membership is currently under review. This is to ensure that the right partners are represented on the board. Any proposed change to the membership will be put forward to the health and wellbeing board for agreement.

40. All members of the health and wellbeing board are subject to Southwark's Code of Conduct for elected members when acting as a member of the board and will be subject to declarations of disclosable pecuniary interests. As a consequence it is recommended that substitutes should not be permitted at meetings of the committee.

### **Community councils**

41. Community councils take decisions about local matters and have some responsibility for decisions in the following key areas: the neighbourhoods fund, the cleaner, greener, safer and devolved highway capital programmes and the community project banks. Community councils also offer an important mechanism for formal consultation on council wide policies and strategies.
42. The Local Government Boundary Commission for England (LGBCE) reviewed ward boundaries in Southwark, and these new boundaries came into force in May 2018 at the time of local government election.
43. On 14 March 2018, council assembly agreed that community councils are established which match the new ward boundaries to the previous boundaries as closely as possible. This was to ensure that there was no gap in community representation and a smooth transition into a new council. Boundaries were redrawn using the following criteria:
- To retain the five community council areas
  - To keep boundaries as close to current boundaries
  - To reflect the borough's communities as far as possible

44. The current five community councils areas are as follows:

**Table 7: Community councils areas divided by geographical areas**

<b>Name of community council</b>	<b>Members from electoral wards serving on Community councils</b>
Bermondsey and Rotherhithe	London Bridge & West Bermondsey, North Bermondsey, South Bermondsey, Old Kent Road (North), Rotherhithe and Surrey Docks wards.
Borough, Bankside and Walworth	Borough & Bankside, St George's, Chaucer, Newington, North Walworth and Faraday wards.
Camberwell	Camberwell Green, St Giles and Champion Hill wards.
Dulwich	Goose Green, Dulwich Village, Dulwich Hill and Dulwich Wood wards.
Peckham and Nunhead	Old Kent Road (South), Peckham, Rye Lane, Nunhead & Queen's Road and Peckham Rye wards.

45. As this measure does result in a discrepancy in number of members in each area, and also results in the split down the Old Kent Road that the previous composition had, council assembly agreed that this would be an interim measure until November 2018, by which time members will have had the opportunity to bring forward their considered proposals to be in place for the remainder of the term.

#### **Licensing committee**

46. Section 6 of the Licensing Act 2003 requires that each licensing authority must establish a licensing committee of at least 10, but no more than 15 members of the authority. The power to establish the committee rests with council assembly. Council agreed in December 2004 that the licensing committee should comprise 15 members in order to achieve maximum flexibility and provide a sufficient pool of members to ensure quorate sub-committees.
47. There is no requirement in the Licensing Act 2003 that the licensing committee should be proportionate. Council assembly agreed in December 2004 to establish the current committee on a proportionate basis.
48. The Licensing Act 2003 makes no provision to appoint reserve members.
49. In accordance with the constitution, a licensing sub-committee with delegated authority will be established to hear licence applications including Licensing Act 2003, Gambling Act 2005, street trading and other licensing responsibilities granted by statute. The sub-committee will include members of the licensing committee with a quorum of three members and a reserve. Sub-committees shall be summoned as required to deal with any business and the membership will be based on the allocation process agreed by the licensing committee on 6 December 2007.

#### **Appointment of chairs and vice chairs**

50. Chairs and vice chairs may be appointed directly by council assembly or the appointments may be delegated to the first meeting of the relevant committee.

51. In the case of the corporate parenting committee, it is proposed that the cabinet member with responsibility for children's services be appointed chair. This is in line with the decision of the annual meeting last year.
52. The health and wellbeing board is chaired by the leader of the council, in accordance with committee procedure rule 8.13.

### **Reserve members**

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

### **Establishment of the council's panels**

56. Council assembly will consider the establishment and composition of the following council panels. Panels are not required to be proportionate. This is a matter of local choice for the local authority.
  - **Council assembly business panel** – The panel is chaired by the Mayor and consists of two representatives from the majority group (one of whom is the whip) and the whips of the other political groups represented on the council. The panel acts as an advisory panel to the Mayor on council assembly matters, including the setting of themes for debate.
  - **Constitutional steering panel** – The panel is responsible for reviewing and recommending amendments to the constitution. It is also responsible for making recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Aldermen and to recommend changes to the members' allowances scheme. In 2017/18 the panel was chaired by the chief whip of the majority group.

In 2017/18, council assembly established a panel with a membership comprising the group whip and two other members from the majority group and the whips of the other political groups represented on the council. In accordance with current practice groups can nominate a reserve to attend in the absence of a representative.

- **Pensions advisory panel** – The panel has a composition of three members, officers, independent advisors and a trade union representative. The purpose of the panel is to advise the chief finance officer when performing functions relating to the council's pension scheme.

- **Voluntary bodies appointments panel** – The panel has a composition of four Labour and one Liberal Democrat member. The panel will be responsible for recommending the appointment of charity trustees to specific Southwark charities.

### **Council assembly dates**

57. A calendar of council assembly meetings for the 2018/19 municipal year was agreed at council assembly on 14 March 2018. This meeting agreed the council assembly dates, in accordance with the relevant statutory provision.

### **Urgency committee**

58. On 26 March 2014, council assembly established the urgency committee, together with planning and licensing (urgency) sub-committees, to function during the interim period between a municipal election and the annual meeting of council assembly. The urgency committees will exercise the non-executive functions of the council, other than those reserved by law to council assembly for decision, in cases where in the opinion of the chief executive it was necessary to act urgently. The urgency committees have normally only met to consider issues that are time sensitive and cannot wait for the annual meeting to establish the decision making arrangements. The leader shall exercise any urgent executive matters.

59. Council assembly on 26 March 2014 agreed that the urgency arrangements should be as follows:

- Urgency committee - The urgency committee will deal with non-executive functions only that are not reserved by law to council assembly, and are not planning or licensing applications. The urgency committee arrangements comprise the leaders of the two largest political groups following the borough-wide elections.
- Executive arrangements – Executive decisions will be exercised by the leader (if personally re-elected or his nominee, a relevant cabinet member). If the leader (or relevant cabinet member) is required to take an executive decision, because the normal scrutiny arrangements would not have been established by the annual meeting, executive decisions would be treated in a similar way to urgent implementation decisions or an urgent decision outside the budget and policy framework. If the leader is not re-elected the urgency committee shall exercise the executive functions.
- Planning and licensing – Separate arrangements exist for a planning (urgency) sub-committee and a licensing (urgency) sub-committee. Each licensing (urgency) sub-committee convened to hear an urgent application will comprise of three licensing members who will be selected using the current procedure from the pool of re-elected councillors who previously served on the licensing committee. The arrangements are set out in more detail in Part 3N of the council's constitution.

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

60. In 2017, the Local Government Association informed the council that it was now entitled to seven votes and advised that votes can be allocated amongst the representatives as the local authority sees fit. The LGA encourages local authorities with three or four representatives to allocate at least one position and vote to a minority group

representative. Council assembly can agree any combination of representatives and votes:

61. For 2017/18, council assembly appointed three representatives and allocated seven votes:

<b>Representative</b>	<b>No. of votes</b>	<b>Group</b>
Councillor Peter John	3	Labour
Councillor Stephanie Cryan	3	Labour
Councillor Adele Morris	1	Liberal Democrat

#### **Establishment of sub-committees**

62. Sub-committees for planning, overview and scrutiny and audit, governance and standards committees will be established at a special meeting that immediately follows the conclusion of this annual meeting or can be established at the first meeting of the relevant parent committee.

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Appointment of Leader and Executive Functions 2016-17 Report - Council Assembly 14 May 2016	Southwark Council Constitutional team 160 Tooley Street, London, SE1 2QH	Chidilim Agada 020 7525 3310
Establishment of committees and other constitutional issues 2016-17- Report - Council Assembly 14 May 2016		
Agenda and minutes for the following meetings: <ul style="list-style-type: none"> <li>• Licensing Committee 6 December 2007</li> <li>• Council Assembly 8 December 2004</li> <li>• Council Assembly 29 February 2012</li> <li>• Council Assembly 23 May 2012</li> <li>• Council Assembly 27 March 2013</li> <li>• Council Assembly 26 March 2014</li> <li>• Council Assembly 11 June 2014</li> <li>• Council Assembly 16 May 2015</li> <li>• Council Assembly 16 March 2016</li> <li>• Council Assembly 13 May 2017</li> </ul>		

**APPENDICES**

<b>Appendix</b>	<b>Title</b>
Appendix 1	Political Group Leaders, Deputies and Whips (to be circulated separately)
Appendix 2	Nominations for Chairs and Vice Chairs (to be circulated separately)

**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Author</b>	Chidilim Agada, Head of Constitutional Services	
<b>Version</b>	Final	
<b>Dated</b>	10 May 2018	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	10 May 2018	

<b>Item No.</b> 3.3	<b>Classification:</b> Open	<b>Date:</b> 21 May 2018	<b>Meeting Name:</b> Council Assembly (Annual Meeting)
<b>Report title:</b>		Nominations to London Councils Committees, Greater London Employment Forum, Borough Lead members and London Councils Limited 2018/19	
<b>Ward(s) or groups affected:</b>		None	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

1. That council assembly consider and agree nominations to the London Councils committees, the Greater London Employment Forum and London Councils Limited, details listed in Appendix 1 of the report.
2. That council assembly nominate borough lead members/relevant portfolio holders for the areas listed in paragraph 8 of the report.

## BACKGROUND INFORMATION

3. The council nominates representatives to serve on the London Councils committees on an annual basis. The nomination of representatives to the London Councils committees and forums fall within the terms of reference of the cabinet. However, because the deadline for the submission of nominations to London Councils is 31 May 2018 and the next available cabinet meeting is in June 2018, council assembly is being asked to agree the nominations for 2018/19 in order to meet the deadline set by London Councils.

## KEY ISSUES FOR CONSIDERATION

### Joint committees

4. The Local Government Act 2000 and regulations enables local authorities to make use of joint arrangements with other authorities. Under these arrangements, a "joint committee" can be established in agreement with other local authorities to promote the economic, social or environmental well being of the area.
5. In this report the council is invited to make nominations to the following joint committees:
  - London Councils Leaders' Committee (s101 Joint Committee)
  - London Councils Transport and Environment Committee (Associated Joint Committee)
  - London Councils Grants Committee (Associated Joint Committee)
  - London Councils Pensions CIV (Common Investment Vehicle) Sectoral Joint Committee
6. Council assembly may only nominate cabinet members as representatives or deputies to the joint committees. The nominations need not reflect the political

composition of the local authority as a whole. This is set out in Article 9 on joint arrangements in the council's constitution. London Councils advise that the deputies should have some knowledge of the policy area concerned, can be kept informed of the member body's activities and be able to act as substitute if the principal nominee is unable to attend a meeting.

### **Greater London Employment Forum**

7. The Greater London Employment Forum acts as the regional employer for London for those staff employed under the National Joint Council for Local Government Services. The representative is usually the lead cabinet member for human resources issues.

### **Borough lead members**

8. The London Councils Executives who lead on particular policy areas need to consult and liaise with relevant borough lead members on matters of major importance and are seeking to identify borough lead member / relevant portfolio holders (by way of nominations) for the following areas:

- Children and Young People
- Crime and Public Protection
- Culture, Tourism and Sport
- Economic Development / Regeneration
- Employment and Skills
- Health and Adult Services
- Housing
- Planning / Infrastructure

### **London Councils Limited**

9. The council is required to appoint a representative to the company, London Councils Limited. The London Councils advise that the borough's representative on the Leaders' Committee is normally appointed unless a council specifically indicates otherwise.
10. All formal London Councils committee and forum meetings are held during the day on weekdays.

### **Legal implications**

11. There are no specific legal implications.

### **Community impact statement**

12. The council is being invited to nominate to the London Councils committees, the Greater London Employment Forum and the London Councils Limited company. The nominations process has no direct impact on the community.



**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Correspondence from London Councils dated 6 March 2018	160 Tooley Street London SE1 2QH	Paula Thornton 020 7525 4395

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Nominations to London Councils Committees, Greater London Employment Forum, London Councils Limited Company

**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Author</b>	Virginia Wynn-Jones, Principal Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	10 May 2018	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
<b>Date final report sent to Constitutional Team</b>		10 May 2018

## APPENDIX 1

### NOMINATIONS TO LONDON COUNCILS COMMITTEES, GREATER LONDON EMPLOYMENT FORUM, LONDON COUNCILS LIMITED

Name	Remit	Member Status	No. of Places to be filled	Notes
<b>London Councils Leaders' Committee</b> (S101 Joint Committee)	The London Councils main decision-making forum. It sets policy and takes decisions on the latest developments affecting London local government.	Council Representative	1 representative and up to 2 deputies	Representative usually Leader of the Council, but another cabinet member can be nominated.  Representative and deputies must be members of the cabinet.
<b>London Councils Transport and Environment Committee</b> (Associated Joint Committee)	The Transport and Environment Committee (TEC), provides a range of operational services such as parking and traffic appeals, the London night-time and weekend lorry ban, the Freedom Pass and Taxicard schemes. TEC aims to ensure that London boroughs' concerns and best practice are taken fully into account in the development and implementation of the whole range of transport and environment policies generated by government departments, the European Union, and the Mayor of London. The committee deals with a wide array of issues, including congestion charging, CCTV camera traffic enforcement, waste, air quality and public protection.	Council Representative	1 representative and up to 4 deputies	Representative usually cabinet member for transport and / or environmental issues.  Representative and deputies must be members of the cabinet.

Name	Remit	Member Status	No. of Places to be filled	Notes
<b>London Councils Grants Committee</b> (Associated Joint Committee)	London Councils invests in voluntary organisations on behalf of all the London boroughs. The funding is provided by the London Boroughs Grant Scheme. The operation of the scheme is managed by the grants committee which comprises representatives from the 32 London Boroughs and the Corporation of London.	Council Representative	1 representative and up to 4 deputies	Representative preferably cabinet member with responsibility for partnerships with the voluntary sector.  Representative and deputies must be members of the cabinet.
<b>London Councils Pensions Common Investment Vehicle (CIV) Sectoral Joint Committee</b>	This committee fulfills two primary functions, first, to act as a platform for shareholder meetings and decision making, and second as a forum for members to consider the structure and performance of the CIV Operator and Fund as well as steering the development of both. The person nominated will also be the nominated person who will have power to act for the local authority in exercising its rights as a shareholder of the ACS Operator.	Council Representative	1 representative and up to 2 deputies	Preferably cabinet member with responsibility for pensions.
<b>Greater London Employment Forum (GLEF)</b>	The purpose of the GLEF is to provide a forum where London employer and employee representatives can meet to discuss and debate employment matters of concern to the London authorities and their workforces and, where appropriate, recommend areas/opportunities for regional agreement and working.	Council Representative	1 representative and 1 deputy	Representative expected to be cabinet member for human resources matters.

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

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MUNICIPAL YEAR 2018/19**

**NOTE:** Original held by Constitutional Team; all amendments/queries to  
Virginia Wynn-Jones Tel: 020 7525 7055

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Councillor Maggie Browning		Eleanor Law, Labour Group Office	1
Councillor Jack Buck		Steffan John, Liberal Democrat Group Office	1
Councillor Victor Chamberlain			
Councillor James Coldwell		<b>Officers</b>	
Councillor Stephanie Cryan		Eleanor Kelly	1
Councillor Helen Dennis		Duncan Whitfield	1
Councillor Dora Dixon-Fyle		Doreen Forrester-Brown	1
Councillor Karl Eastham		Chidilim Agada	1
Councillor Gavin Edwards			
Councillor Paul Fleming		<b>Constitutional Team</b>	<b>17</b>
Councillor Barrie Hargrove		(Copies to Virginia Wynn-Jones, 2 <sup>nd</sup> Floor, Hub 2, Tooley Street)	
Councillor Jon Hartley		<b>Others</b>	
Councillor Sirajul Islam		Elizabeth Olive, Audit Commission, Ground Floor, Tooley Street	1
Councillor Peter John			
Councillor Nick Johnson			
Councillor Eleanor Kerslake			
Councillor Sarah King			
Councillor Sunny Lambe			
Councillor Richard Leeming			
Councillor Richard Livingstone			
Councillor Rebecca Lury			
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Councillor Victoria Mills			
Councillor Adele Morris			
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Councillor Margy Newens			
Councillor Jason Ochere			
Councillor Victoria Olisa			
Councillor Catherine Rose			
Councillor Jane Salmon			
Councillor Johnson Situ			
Councillor Michael Situ			
Councillor Charlie Smith			
Councillor Leanne Werner			
Councillor Dan Whitehead			
Councillor Bill Williams			
Councillor Kieron Williams			
Councillor Ian Wingfield			
		<b>Total:</b>	<b>43</b>
		<b>Last updated:</b> 11 May 2018	