

# **SOUTHWARK COUNCIL**

## **CONSTITUTION**

**Updated: 7 June 2017**

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## Southwark's constitution – introduction

### The council

#### Council composition

Southwark is made up of 21 wards, with 63 councillors (three from each ward) leading the council. Each of these councillors sits on the council assembly, which is the 'sovereign body' of the council. The assembly is chaired by the Mayor of Southwark.

The council assembly is responsible for approving the budget, developing policies, making constitutional decisions and deciding on local legislation.

Three political parties are represented on the council. The Labour party holds 48 seats, the Liberal Democrat party 13 seats and the Conservative party two seats. The council is controlled by the Labour party.

A cabinet, which is a senior group of councillors working in a similar way to the government's cabinet, is headed by the leader. The leader is elected by council assembly for a term of four years. The leader appoints a cabinet made up of up to ten councillors, each holding a special 'portfolio' of responsibility. The cabinet is responsible for leading the community planning and consultation process, searching for best value, drafting the budget, deciding on policies, and taking decisions on resources and priorities. The portfolio responsibilities are currently:

- Councillor Peter John – Leader of the Council
- Councillor Stephanie Cryan – Deputy Leader of the Council and Cabinet Member for Housing
- Councillor Maisie Anderson – Public Health and Social Regeneration
- Councillor Fiona Colley – Finance, Modernisation and Performance
- Councillor Barrie Hargrove – Communities and Safety
- Councillor Richard Livingstone – Adult Care and Financial Inclusion
- Councillor Victoria Mills – Children and Schools
- Councillor Johnson Situ – Business, Culture and Social Regeneration
- Councillor Mark Williams – Regeneration and New Homes
- Councillor Ian Wingfield – Environment and the Public Realm

The majority opposition party in Southwark Council is the Liberal Democrat party who have spokespeople for each portfolio within the cabinet.

#### What is the constitution?

The constitution is a written legal document that guides the council on its decision making processes. The legal framework for the constitution is agreed by central government. It provides a basis and framework for the councillors and officers to work within, and ensures honesty, accountability and lawful decision making.

Southwark Council has agreed a constitution which sets out how the council operates, how decisions are made and the procedures which are followed to ensure that the decisions are efficient, open, and accountable to local people. Some of these procedures are required by law; others are a matter for the council to choose. The constitution may be amended from time to time according to the law and the opportunities contained in the constitution for making such changes.

### **What is contained within the constitution?**

Article 1 of the constitution commits the council to clear, open and accountable decision making, which is inclusive and provides an opportunity for community involvement whilst ensuring effective and efficient use of resources. The rights of residents in relation to the constitution are set out in this introduction.

The constitution is divided into a number of sections: Part 2 contains the 12 articles describing the key individual components involved in council business including how the council operates, its committees and the functions of chief officers; Part 3 sets out who is responsible for taking decisions, including council assembly, cabinet, committees, community councils and officers; Part 4 sets out the procedure rules governing how the council takes decisions. The access to information procedure rules set out the requirements placed on the council to make information easily available. Reports and decisions are published and available to the community. The constitution includes the financial standing orders and contract standing orders. More detailed ways of working are set out in the member and officer protocol and the communication protocol at the end of the constitution.

## **How the council decision making process operates**

### **Council assembly**

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 10 of the constitution.

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.

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).

## Executive functions

The cabinet is responsible for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis. These are called “executive functions”. A decision on an executive function can be taken by the leader, the full cabinet, cabinet committees, individual cabinet members, community councils or officers. Part 3 of the constitution defines who should take these decisions in the absence of any particular delegation by the leader.

## Full cabinet

The role of the full cabinet is to:

- lead the community planning process and search for best value, with advice from overview and scrutiny committees, community councils and any other appropriate people or organisations
- draft the budget and policy framework to be approved by council assembly
- take decisions on resources and priorities, together with local people and agencies in the community, to deliver the budget and policies as approved by council assembly
- oversee the services delivered by the council
- make sure that consultation on the development of the council's policy framework, other important documents and key decisions is carried out
- be the means of forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The full cabinet meets every six weeks, normally at 4.00pm. The cabinet procedure rules govern the way it takes decisions.

**Individual decision making.** This means that an individual cabinet member will make decisions on their area of responsibility.

**Chief officer decisions.** Matters kept for chief officers normally relate to the day to day running of departments and major decisions that chief officers are able to take.

## Forward plan

One essential part of the decision making process is a statutory document called the ‘forward plan’.

This document is published by the council and sets out all forthcoming **key decisions** that the cabinet, individual cabinet members and officers intend to decide in the next four months and provisionally for a further eight months. It also includes budget and policy framework decisions where the full cabinet is scheduled to make a recommendation to council assembly. Not all decisions will be set out in this document; routine and day to day decisions will be delegated to officers in the course of daily duties and work. Key decisions are defined as:

### 1. Those which are above a general financial level

Key decisions are those which result in the council incurring spending or savings of £500,000 or more.

## 2. Those which have a significant impact on communities

Key decisions are those which are likely to be significant in terms of their impact on communities and specifically in one ward or more.

A fuller explanation is set out in the protocol on key decisions in the constitution.

### Regulatory and other committees

The council assembly delegates responsibility to undertake the non-executive functions of the council to the following committees:

- **Planning committee** – to decide on large planning applications.
- **Planning sub-committee** – to decide on other planning applications at a certain level.
- **Licensing committee** – to approve the council's policies in relation to all licensing and registration matters.
- **Licensing sub-committee** – to consider licensing applications.
- **Appointments committee** – to appoint senior officer posts within the council's structure.
- **Corporate parenting committee** – responsible for overseeing and monitoring services provided to looked after children in the borough.
- **Audit, governance and standards committee** – to consider the internal audit annual report, risk management and governance, including approving the statement of accounts on an annual basis, to maintain high standards of conduct among elected councillors and co-opted members and investigate complaints against those who have contravened the code of conduct.
- **Health and wellbeing board** – to prepare and publish a joint strategic needs assessment (JSNA) and a joint health and wellbeing strategy to meet the needs identified in the JSNA in relation to the local authority's area.

### Community councils

The role of community councils is to promote the involvement of local people and to bring decision making closer to local people. Community councils take decisions about some local matters and at present have some responsibility for decisions in the following key areas: the cleaner, greener, safer capital and revenue programmes, traffic management, community council fund and agreeing schemes for the community project bank. Community councils also offer an important mechanism for formal consultation on council wide policies and strategies.

Community councils are divided by geographical areas as follows:

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

The membership of community councils includes those councillors who are members for the electoral wards wholly or partly contained within the area of each community council. Each community council meets five times a year. Prior to two of these meetings, there are shorter, public decision making meetings; which will be focused on Cleaner Greener Safer funding allocation, the Neighbourhood Fund, devolved highway capital programmes and other relevant executive decisions will be divided amongst these two meetings as appropriate. Community councils meet in local venues around the borough.

## Public participation and involvement in the constitutional process

The council welcomes the public and community views as part of the constitutional process. The ways within the council for these views to be considered are through consultation processes, attendance at local meetings (e.g. community council meetings) or contact with a local ward councillor.

There are various ways to achieve this involvement and these are set out below. In case of deputation requests, it is normally expected that there has been some initial contact with council officers, prior to this request, to resolve the issue at a local level. When this has not been possible, the opportunity exists for members of the community to contact members at the public meeting to tell them of their concerns and suggestions for improvement.

### General

- **Consultation** – the council will ask local people what they think about how we are developing and delivering services and what they think our policies should be.
- **Contact** the appropriate department within the council.
- **Local meetings** – community council, residents meeting, area forums or any other local meeting are available.
- **Complaint procedure** if early contact has not solved the query/problem.
- **Complain to the Local Ombudsman** if council procedures have not been followed and if the council's complaints procedure has not worked.
- Contact with a **local ward councillor**.
- **Complain about a local ward councillor** if someone believes that a councillor's behaviour has breached the members' code of conduct: [https://www.southwark.gov.uk/downloads/download/140/complaint\\_form-breach\\_of\\_the\\_member\\_code\\_of\\_conduct](https://www.southwark.gov.uk/downloads/download/140/complaint_form-breach_of_the_member_code_of_conduct).
- **Freedom of information requests.** The Freedom of Information Act 2000 (FOI) gives the public a general right to obtain information held by the council. Further information can be obtained via the following link on the council's website which also gives advice on how these requests can be made: <http://www.southwark.gov.uk/foi>

### Meetings

- **Attend a council meeting.** All meetings are open to the public except when the meeting will discuss a confidential report. Dates of meetings can be found in the council's diary: <http://moderngov.southwarksites.com/mgCalendarMonthView.aspx?GL=1&bcr=1>

- **Looking at public council meeting documents.** Most meeting papers and decisions are published on the council's website:  
<http://moderngov.southwarksites.com/uuCoverPage.aspx?bcr=1>.  
Some information may not be open to the public because of the nature of the business transacted or the nature of the proceedings. This must meet legal requirements that are set out in the access to information procedure rules in the constitution.
- **Deputations.** A deputation is a request to speak at a council meeting from a group of people resident or working in the borough about an issue of local concern. There are several places for requests to be heard including council assembly, cabinet or community council meetings.
- **Petitions.** A petition is a statement about a local issue, supported by the signatures of local residents or those directly affected. A petition can be submitted by a person of any age who lives, works or studies in Southwark. A member of the public or a councillor can present a petition at a local community council meeting, the cabinet, to other council committees or council assembly. For more information about presenting a petition to the council please refer to the Southwark Council's petition scheme document at  
<http://moderngov.southwarksites.com/Published/StdDataDocs/3/3/3/0/SD00000333/PetitionScheme.pdf>.
- **Public questions** can be raised at community council meetings, cabinet or council assembly.
- **Themed debate.** At most council assemblies, councillors discuss themes or issues. Members of the public can contribute in a number of ways, including getting involved in discussions at local forums, or by submitting community evidence on the theme.

## Maintaining high standards

The standards of conduct or behaviour for councillors are set out in the code of conduct for members in Part 5 of the constitution. The code includes a number of duties and responsibilities including the need to:

- champion the needs of residents
- exercise independent judgement
- make the decision-making process open and transparent
- behave in accordance with legal obligations
- treat people with respect.

Members are required to disclose their interests and register these by notifying the council of any changes. A 'disclosable pecuniary interest' is an interest of the member or their partner (which means spouse or civil partner, a person with whom the member is living as husband or wife, or a person with whom the member is living as if they are civil partners).

Southwark council has formed an audit, governance and standards committee to help maintain high standards of conduct. The committee will establish a sub-committee to consider complaints of misconduct against elected councillors and co-opted members who have contravened the code of conduct.

The relationship between members and officers is governed by the rules set out in the member and officer protocol. The way that the council uses publicity is governed by the communication protocol.

## Scrutiny of decisions

The council's scrutiny function provides a critical challenge to delivery of public services in Southwark through the power to make inquiry into matters of local concern.

Scrutiny work is undertaken by the council's overview and scrutiny committee and its sub-committees, and can take a number of forms:

- reviews into individual topics
- "call in" – scrutiny of decisions of the cabinet before they are implemented
- "councillor call for action" – consideration of matters of ward concern brought forward by individual councillors
- Call to account of officers on receipt of a petition of 500 or more signatures (please see the petitions scheme for more information) from the general public
- Interviews with individual cabinet members.

## Contacts

The council's website contains contact details for staff who deal with council meetings, including the constitutional team, community council team and the scrutiny team. You can contact the teams at:

- Constitutional team: 020 7525 7055 or [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk)
- Scrutiny team: 020 7525 4350 or [scrutiny@southwark.gov.uk](mailto:scrutiny@southwark.gov.uk)

You can also write to these teams at: Southwark Council, PO Box 64529, London SE1 5LX.

Other contacts within the council can be found at:

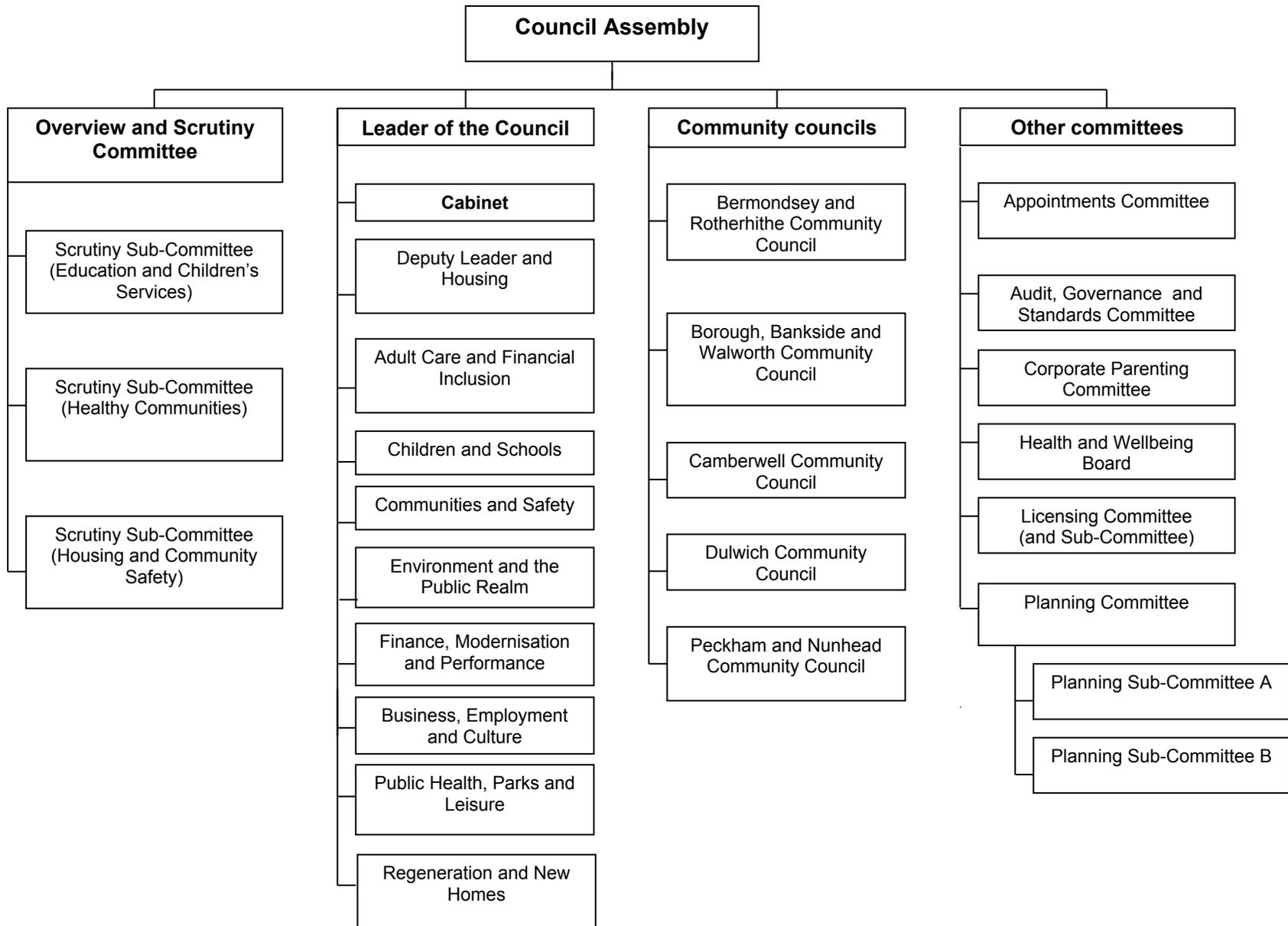
- <http://www.southwark.gov.uk/Public/Home.aspx>

## Useful links

A copy of the council's constitution can be accessed via the following link on the council's website:

[http://www.southwark.gov.uk/info/10058/about\\_southwark\\_council/375/councils\\_constitution](http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution)

# COUNCIL DECISION MAKING STRUCTURE



## PART 2 – ARTICLES

### Article 1 – The constitution

#### 1.1 Powers of the council

The council will exercise all its powers and duties in accordance with the law and this constitution.

#### 1.2 Purpose of the constitution

The purpose of the constitution is to:

- a) enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations
- b) support the active involvement of citizens in the process of local authority decision making
- c) help councillors represent their constituents more effectively
- d) enable decisions to be taken efficiently and effectively
- e) create a powerful and effective means of holding decision makers to public account
- f) ensure that no one will review or scrutinise a decision in which they were directly involved
- g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions
- h) provide a means of improving the delivery of services to the community.

#### 1.3 Principles of decision making

All decisions of the council will be made in accordance with the following principles:<sup>2</sup>

- a) the link between strategy and implementation must be maintained
- b) decision making generally, whether by individual officers, individual cabinet members or the cabinet collectively, should have reference to the policy framework

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<sup>2</sup>(a) and (b) local additions; (c) to (g) statutory guidance; (c) law and probity added to modular constitution principle.

- c) respect for human rights, law and probity
- d) due consultation and the taking of professional advice from officers
- e) proportionality (i.e. the action must be proportionate to the desired outcome)
- f) a presumption in favour of openness
- g) clarity of aims and desired outcomes.

#### 1.4 Interpretation of the constitution

Where the constitution permits the council to choose between different courses of action, the council will always choose that option which it thinks is closest to the purposes stated above.

#### 1.5 Changes to the constitution

- a) Subject to b) and c) below, any changes to the constitution which can only be approved by the council assembly will require the prior consideration of the proposal by the constitutional steering panel.
- b) The constitution and its appendices will be changed as follows:

Part	Title	Changes by:
1.	<b>Introduction</b>	Agreed by council assembly, subsequently updated by the proper constitutional officer as necessary. Changes notified to all members by proper constitutional officer.
	Decision making structure	Maintained and published by the proper constitutional officer.
2.	<b>Articles</b>	Agreed by council assembly. Exception – in article 10.02, head of paid service to determine and publicise a description of overall departmental structure showing the management structure.
3.	<b>Who takes decisions?</b>	Any executive function or local choice function to be discharged by the cabinet: Agreed by the leader Any other function: Agreed by council assembly. Exceptions – proper constitutional officer to: (1) update list of plans and strategies to be agreed by cabinet (in Part 3B) (2) update the details of cabinet members (3) maintain Part 3S: Appointments to outside bodies, as required.
4.	<b>Procedure rules</b>	
	Access to information	Agreed by council assembly.
	Budget and policy framework	Agreed by council assembly.
	Council assembly	Agreed by council assembly.
	Committee	Agreed by council assembly.
	Community council	Agreed by council assembly.

Part	Title	Changes by:
	Cabinet	Agreed by council assembly.
	Overview and Scrutiny	Agreed by council assembly.
	Contract standing orders (CSOs)	Agreed by council assembly, with minor changes (as defined in the CSOs) being made by the monitoring officer, after consultation with the chief finance officer. Changes notified to all members by proper constitutional officer.
	Financial standing orders (FSOs)	Agreed by council assembly, with minor changes (as defined in the FSOs) being made by the chief finance officer, after consultation with the monitoring officer. Changes notified to all members by proper constitutional officer.
	Officer employment	Agreed by council assembly.
<b>5.</b>	<b>Codes</b>	
	Code of conduct	Agreed by council assembly.
<b>6.</b>	<b>Protocols</b>	
	Member and officer	Agreed by council assembly.
	Communication	Agreed by council assembly.
	Members' allowances scheme	Agreed by council assembly.
<b>7.</b>	<b>Other information</b>	
	List of councillors	Maintained and published by the proper constitutional officer.
	Overall departmental structure showing the management structure.	Determined and published by the chief executive (Article 10.02).
	Glossary	Maintained and published by the proper constitutional officer.
	Index	Maintained and published by the proper constitutional officer.
	Other	Background information on constitution and decision making including flow charts. Maintained and published by the proper constitutional officer.

- c) Any minor typographical or non-contentious housekeeping changes to the constitution can be made by the proper constitutional officer. These changes will be notified to all members.
- d) For the purpose of the constitution the proper constitutional officer will be designated by the chief executive and will include his/her authorised representative.

## Article 2 – Members of the council

### Roles and functions of all councillors

2.1 All councillors will:

- a) represent their communities and bring their views into the council's decision making process, i.e. become the advocate of and for their communities

- b) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances
- c) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole
- d) maintain the highest standards of conduct and ethics
- e) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making functions
- f) sit on council assembly.

### **Article 3 – Council assembly**

#### **3.1 Council assembly**

All councillors sit on the council assembly. The assembly is chaired by the Mayor of Southwark.

The council assembly is responsible for approving the budget, agreeing the policy framework, making constitutional decisions and deciding on local legislation.

### **Article 4 – Role and function of the Mayor**

#### **4.1 Title of the person chairing council assembly meetings**

The person elected to chair the meetings of the council assembly shall be referred to as the Mayor.

#### **4.2 Role and function of the Mayor**

The Mayor will be elected by the council at the annual council assembly meeting. The Mayor may then appoint a Deputy Mayor.

The Mayor will have the following roles and functions:

- a) to uphold and promote the purposes of the constitution and to interpret the constitution when necessary
- b) to preside over meetings of the council assembly so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community
- c) to ensure that the council assembly meeting is a forum for the debate of matters of concern to the local community and the place at which councillors who are not on the cabinet are able to hold the cabinet to account
- d) to promote public involvement in the council's activities

- e) to attend such civic and ceremonial functions as the council and the Mayor determine appropriate
- f) to receive any request from the leader for a council assembly meeting to be convened to reconsider a decision in respect of the budget and policy framework, in accordance with the council's conflict resolution mechanism.

#### 4.3 Role of the Deputy Mayor

The Deputy Mayor may, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge all the functions which the Mayor might otherwise discharge, except that the Deputy Mayor shall not take the chair at a meeting of the council assembly unless specifically appointed by the meeting to do so.

### Article 5 – Overview and scrutiny committee and sub-committees

- 5.1 The council will appoint an overview and scrutiny committee to discharge the functions conferred by section 9A of the Local Government Act 2000. The overview and scrutiny committee will appoint sub-committees and determine their terms of reference.

The overview and scrutiny committee will also discharge those functions of the council relating to the scrutiny of the health service contained in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, except where a function is reserved to the council.

Where an NHS body or health service provider consults the council and another authority or authorities about a proposal for a substantial development of or variation to the health service affecting each council's area, the overview and scrutiny committee will appoint a joint overview and scrutiny committee with the other authority or authorities for the purposes of that consultation.

- 5.2 Within their terms of reference, the overview and scrutiny committee and its sub-committees will:
- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions
  - b) make reports and/or recommendations to council assembly and/or the cabinet in connection with the discharge of any functions
  - c) consider any matter affecting the area or its inhabitants.

#### 5.3 Specific functions

##### 1. Policy development and review

Overview and scrutiny committee and its sub-committees may:

- a) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- b) conduct research, community and other consultation in the analysis of policy issues and possible options
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- d) question members of the cabinet and chief officers about their views on issues and proposals affecting the area
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
- f) decide whether to consult with community councils as part of the consideration of the budget and policy framework.

## 2. **Health and wellbeing**

Overview and scrutiny committee and its sub-committees must acknowledge, and respond to, a referral of a matter for review and scrutiny received from a local Healthwatch organisation.

Overview and scrutiny committee and its sub-committees may:

- a) review and scrutinise the work of the Health and Wellbeing Board
- b) review and scrutinise any matter relating to the planning, provision and operation of the health service in its area (but in doing so it must invite comments from interested parties and consider information provided by a Local Healthwatch organisation or contractor)
- c) make reports and recommendations to a NHS body or health service provider and the council on any matter it has scrutinised
- d) consider consultations from a NHS body or health service provider and to make comments
- e) question members or employees of a NHS body or health service provider.

## 3. **Scrutiny**

Overview and scrutiny committee and its sub-committees may:

- a) review and scrutinise the decisions made by and performance of the cabinet and council officers both in relation to individual decisions and over time

- b) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas
- c) consider referrals from members on any of the functions of the committee/sub-committee
- d) question members of the cabinet and chief officers and relevant partner authorities about their decisions and performance, whether generally in comparison with local area agreements, service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- e) make recommendations to the cabinet and/or council assembly arising from the outcome of the scrutiny process or refer entire reports produced as the result of the scrutiny process to be debated and noted at council assembly
- f) give notice of its recommendations to the cabinet and/or council assembly and publish recommendations
- g) give notice of its recommendations to the relevant partner authority
- h) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee/sub-committee and local people about their activities and performance
- i) question and gather evidence from any person (with their consent).

#### 4. **Crime and disorder**

Overview and scrutiny committee and its sub-committees may:

- a) act as the crime and disorder committee within the meaning of section 19 of the Police and Justice Act 2006
- b) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions
- c) make reports or recommendations to the local authority with respect to the discharge of those functions
- d) make recommendations to the cabinet and/or council assembly with respect to any matter which is a local crime and disorder matter in relation to a member of the authority
- e) consider any crime and disorder matters referred by any member of the council.

#### 5.4 **Annual report**

The overview and scrutiny committee will report annually to council assembly on the workings of the overall scrutiny function, and may make recommendations for future work programmes and amended working methods if appropriate.

#### **5.5 Key tasks of chairs of overview and scrutiny committee and sub-committees**

Overview and scrutiny committee and sub-committee chairs will:

- a) lead the scrutiny function
- b) propose to the appropriate committee/sub-committee a programme of work devised in consultation with senior management
- c) achieve a balance of service interests
- d) achieve broad coverage across all services over time
- e) propose arrangements for the involvement of community or other non-councillor representatives
- f) own and present the resulting reports (to the council assembly or the cabinet, including any minority views which might be reported separately).

### **Article 6 – The cabinet**

#### **6.1 Role**

The cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this constitution. The role and functions of the cabinet are set out in part 3B of this constitution.

#### **6.2 Form and composition**

The cabinet will consist of the leader together with no less than two and no more than nine councillors appointed to the cabinet by the leader.

#### **6.3 Leader**

The leader will be a councillor elected to the position of leader by the council assembly. The leader will hold office until:

- a) he/she resigns from the office by giving notice in writing to the monitoring officer
- b) he/she is suspended from being a councillor under part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension)
- c) he/she is no longer a councillor

- d) he/she is removed from office by resolution of the council assembly.
- e) his/her term of office ends.

The leader's term of office shall commence from the day of his/her election, which will be held at the first annual meeting of the council following the ordinary elections or if a vacancy occurs, the next meeting of the council and will end at the start of the first annual meeting of the council following the next ordinary elections.

#### 6.4 Other cabinet members

Other cabinet members shall be appointed by the leader and hold office until:

- a) they resign from office by giving notice in writing to the leader and the monitoring officer
- b) they are suspended from being councillors under part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
- c) they are no longer councillors
- d) they are removed by the leader.

If a cabinet member ceases to be a member of the cabinet because of reasons (a) to (d) above, the leader has the discretion as to whether or not to appoint a replacement.

During the course of the year the leader has the discretion to change cabinet portfolios.

The leader also has the discretion to change the membership of cabinet committees during the course of the year. Before the leader removes a member of the cabinet he/she will consult with the deputy leader.

The leader shall immediately communicate any such changes to the monitoring officer who shall circulate a formal notification to all members.

The leader can appoint two councillors to share one portfolio position, provided the total number of cabinet members does not exceed nine councillors. Within that portfolio, the leader will split the responsibilities between the two councillors to enable clear lines of accountability on different issues and enable clarity around individual decision making.

Both members in a job share will be able to attend, participate in and vote at cabinet as full cabinet members.

#### 6.5 Deputy leader of the council

The leader shall appoint one of the members of the cabinet to be his/her deputy.

The leader may, if he thinks fit, remove the deputy leader from office. Where a vacancy occurs in the office of deputy leader, the leader must appoint another person in his/her place.

The deputy leader shall hold office until:

- a) he/she resigns from office by giving notice in writing to the leader and the monitoring officer
- b) he/she is suspended from being a councillor under part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
- c) he/she is no longer a councillor
- d) he/she is removed by the leader.

#### **6.6 Non-availability of leader and deputy leader**

If for any reason the leader is unable to act or the office of leader is vacant, the deputy leader must act in his/her place.

If for any reason:

- a) The leader is unable to act or the office is vacant, and
- b) The deputy leader is unable to act or the office of deputy leader is vacant,

the cabinet must act in the leader's place or must arrange for a member of the cabinet to act in his/her place.

#### **6.7 Who may make executive decisions**

The executive functions of the council may be discharged by:

- a) the cabinet as a whole
- b) a committee of the cabinet
- c) an individual member of the cabinet
- d) community councils
- e) an officer
- f) joint arrangements
- g) another local authority.

#### **6.8 Delegation by the leader**

At the annual meeting of the council, the leader will present to the council a written record of delegations made by him/her for inclusion in the council's scheme of delegation at part 3 of this constitution. The document presented

by the leader will contain the following information about executive functions in relation to the coming year:

- a) the extent of any authority delegated to cabinet members individually, including details of the limitation on their authority
- b) the terms of reference and constitution of such cabinet committees as the leader appoints, the names of cabinet members appointed to them, the vice-chair of the committees and the frequency of its meetings
- c) the nature and extent of any delegation of executive functions to community councils, any other authority or any joint arrangements and the names of those cabinet members appointed to any joint committee for the coming year
- d) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

During the course of the year the leader may provide written notice of any change to the delegation of executive functions to the monitoring officer, who shall circulate a formal notification to all members.

#### **6.9 Key tasks of cabinet members**

Cabinet members will participate in the cabinet and implement agreed policies by taking responsibility for any portfolio allocated by the authority, including providing a lead on and proposing new policy, strategy, programming, budget and service standards, and leading performance review, as well as acting as spokespersons within and outside the authority for the service/function.

#### **6.10 Deputy cabinet members**

Other members of the council may, from time to time, be designated by the leader as deputy cabinet members to work with cabinet members on specific tasks or duties. Such a deputy cabinet member will not be a cabinet member and may not exercise any delegated powers given to the cabinet member, but may work closely with the relevant cabinet member. 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.

The leader shall notify the monitoring officer of the appointment of a deputy, including the responsibilities allocated and the period for which the deputy will act.

### **Article 7 – Regulatory and other committees**

### 7.1 Regulatory and other committees

The council will appoint committees to undertake non-executive functions. Council assembly will delegate powers to these committees to discharge their relevant functions.

### 7.2 Key tasks of chairs of regulatory and other committees

Chairs of the authority's committees will take specific responsibility for the development of that committee's work plan and represent the service or function of the committee within and outside the authority as necessary to enable it to deliver its objectives consistently to corporate standards.

## Article 8 – Community councils

### 8.1 Composition

#### Composition of community councils

The council will appoint community councils (defined as “area committees” in legislation) as set out in the table below. Community councils do not need to be politically balanced. In addition community councils can only include members of the local authority who are members for the electoral wards wholly or partly contained within the area for which the community council has functions.

Name of community council	Members from electoral wards serving on community councils
Bermondsey and Rotherhithe	Grange, Livesey (north of Old Kent Road), Riverside and Rotherhithe, South Bermondsey and Surrey Docks wards
Borough, Bankside and Walworth	Cathedrals, Chaucer, East Walworth, Faraday and Newington wards.
Camberwell	Brunswick Park, Camberwell Green and South Camberwell wards.
Dulwich	College, East Dulwich and Village wards.
Peckham and Nunhead	Livesey (south of Old Kent Road), Nunhead, Peckham, Peckham Rye and The Lane wards.

**Note on voting rights of Livesey ward members.** In respect of Livesey ward members they shall serve as:

- voting members on Peckham and Nunhead community council
- voting members on Bermondsey and Rotherhithe community council.

### 8.2 Cabinet members on community councils

A member of the cabinet may serve on a community council if otherwise eligible to do so as a councillor.

### 8.3 Key tasks of chairs of community councils

Chairs of community councils will take specific responsibility for the development of the community council's work plan, propose arrangements for the involvement of the community, and participate in consultation and decision making in the local area.

## Article 9 – Joint arrangements

The Local Government Act 2000 and regulations enable local authorities to make use of joint arrangements with other authorities and delegate to other local authorities.<sup>3</sup>

### 9.1 Arrangements to promote well being

The council, or the cabinet, in order to promote the economic, social or environmental well being of its area, may:

- a) enter into arrangements or agreements with any person or body
- b) cooperate with, or facilitate or coordinate the activities of, any person or body
- c) exercise on behalf of that person or body any functions of that person or body.

### 9.2 Joint arrangements

- a) The council may establish joint arrangements with one or more local authorities and/or their cabinets to exercise functions which are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b) The cabinet may establish joint arrangements with one or more local authorities to exercise functions, which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c) The cabinet may appoint only cabinet members to a joint committee under paragraph b) above, and those members need not reflect the political composition of the local authority as a whole.
- d) Details of any joint arrangements including any delegations to joint committees will be found in the council's scheme of delegations in part 3 of this constitution.

### 9.3 Access to information

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<sup>3</sup> A detailed schedule of arrangements with other authorities will be partly dependent on decisions taken by other councils.

- a) The access to information procedure rules in part 4 of this constitution apply to joint arrangements.
- b) If all the members of a joint committee are members of the cabinet in each of the participating authorities then its access to information regime is the same as that applied to the cabinet.
- c) If the joint committee contains members who are not on the cabinet of any participating authority then the access to information rules in part VA of the Local Government Act 1972 will apply.

#### 9.4 Delegation to and from other local authorities

- a) The council may delegate non-executive functions to another local authority or, in certain circumstances, the cabinet of another local authority.
- b) The cabinet may delegate executive functions to another local authority or the cabinet of another local authority in certain circumstances.
- c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the council meeting.

#### 9.5 Contracting out

The council, for functions which are not executive functions, and the cabinet, for executive functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994,<sup>4</sup> or under contracting arrangements where the contractor acts as the council's agent under usual contracting principles, provided there is no delegation of the council's discretionary decision.

## Article 10 – Officers

### 10.1 Management structure

- a) **General.** The council may engage such staff (referred to as officers), as it considers necessary to carry out its functions.
- b) **Chief officers.** The council will engage, on the advice of the head of paid service, persons for the posts designated as chief officers for prescribed service portfolios. The head of paid service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers.

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<sup>4</sup> Government guidance suggests that councils may wish to make clear those functions to which this section currently or potentially applies.

- c) **Head of paid service, monitoring officer, chief finance officer and scrutiny officer.** The council assembly will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief executive	Head of paid service
Director of law and democracy	Monitoring officer
Strategic director of finance and governance	Chief finance officer
Head of overview and scrutiny	Scrutiny officer

Such posts will have the functions described in article 10.2 – 10.5 below.

### 10.2 Functions of the head of paid service

- a) **Undertaking duties of head of paid service.** The head of paid service shall undertake all duties designated under section 4 of the Local Government and Housing Act 1989. These are personal functions and must be undertaken by the head of paid service personally. Where the head of paid service is also the chief executive he/she may delegate other functions that are not included in section 4.
- b) **Discharge of functions by the council.** The head of paid service will report to council assembly on the manner in which the discharge of the council's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- c) **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

### 10.3 Functions of the monitoring officer

- a) **Legal proceedings.** The monitoring officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where he/she considers that such action is necessary to protect the council's interests.
- b) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the council assembly (or to the cabinet in relation to an executive function) if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c) **Supporting the standards committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the standards committee.

- d) **Conducting investigations.** The monitoring officer will arrange for investigations into matters referred to him or her and make reports or recommendations in respect of them to the standards committee.
- e) **Advising whether executive decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the cabinet are in accordance with the budget and policy framework.
- f) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity, and budget and policy framework issues to all councillors and to officers. The monitoring officer shall also provide advice to officers and members in relation to interests.
- g) **Appointment of a deputy.** The monitoring officer shall appoint a deputy to act in his/her absence and when the monitoring officer is unable to act as defined in section 5 of the Local Government and Housing Act 1989.
- h) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.
- i) **Proper officer for freedom of information.** The monitoring officer will act as the “qualified person” for the purposes of freedom of information requests and application of the public interest tests.

#### 10.4 Functions of the chief finance officer

- a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the council assembly or to the cabinet in relation to an executive function and the council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the council is about to enter an item of account unlawfully.
- b) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the council.
- c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.
- d) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

- e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

### 10.5 Functions of the scrutiny officer

- a) To promote the role of the authority's overview and scrutiny committee or committees.
- b) To provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees.
- c) To provide support and guidance to:
- i. members of the authority
  - ii. members of the cabinet of the authority, and
  - iii. officers of the authority

in relation to the functions of the authority's overview and scrutiny committee or committees.

- d) **Restrictions on functions.** The scrutiny officer may not be the head of paid service, monitoring officer or chief finance officer.

### 10.6 Duty to provide sufficient resources to the monitoring officer and chief finance officer

The council will provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## Article 11 – Documents

### 11.1 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the monitoring officer or other person authorised by him/her, unless any enactment is otherwise authorised or required, or the council has given requisite authority to some other person.

Any contract, other than ones to which contract standing orders apply, with a value exceeding the current threshold for services/supplies under the EU public procurement directive<sup>5</sup> entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing and must be either:

- a) signed by at least two officers of the authority

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<sup>5</sup> The current thresholds (net of VAT) under the EU public procurement directive are as follows:

- supplies and services – £156,442
- works – £3,927,260

- b) made under the common seal of the council attested by at least one officer.

### 11.2 Common seal of the council

The common seal of the council will be kept in a safe place in the custody of the monitoring officer. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the monitoring officer should be sealed. The affixing of the common seal will be attested by the monitoring officer or some other person authorised by him/her.

## Article 12 – Suspension and publication of the constitution

### 12.1 Suspension of the constitution

**Limit to suspension.** The articles of this constitution may not be suspended. The procedure rules listed in the council assembly procedure rules may be suspended by the council assembly to the extent permitted within the rules and the law.

The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the constitution set out in article 1.

### 12.2 Publication

- a) The proper constitutional officer will make copies of this constitution available to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on their first being elected to the council. Printed copies of the constitution are available to members on request.
- b) The proper constitutional officer will ensure that the introduction to the constitution is made widely available within the area and is updated as necessary.
- c) The constitution will be published on the council's website.

## PART 3: WHO TAKES DECISIONS?

### Introduction

This section of the constitution sets out who can take what decision.

Each meeting of the council and decision makers are listed in this section. Each part provides details of:

- the role 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 – these can only be taken by the named meeting or decision maker.

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 senior officers are the chief officers and the heads of service who report to them.

Any issue that is delegated can be taken by the parent body, i.e. the body who originally delegated the decision. Although in practice any decision maker can refer a decision up to a parent body, all decision makers should endeavour to exercise the authority as delegated to it by council assembly unless exceptional circumstances apply.

### Strong leader and delegations by the leader

During the course of the year the leader of the council can at any time vary the delegation of executive functions in a number of ways:

- On the forward plan the leader can specify that a decision is to be taken by a particular decision maker. Any variations approved via the forward plan process must be accompanied by a notice of variation form. The proper constitutional officer will notify all councillors of the change at the same time the forward plan is published.
- By submitting a notice of variation to the monitoring officer, the leader can change the delegations set out in the constitution. The proper constitutional officer will then notify all councillors of the change.
- In a report to full cabinet by agreeing a separate recommendation, the leader can give authority to delegate to a cabinet member or chief officer individually, including details of the limitation on their authority.
- By removing or replacing members of the cabinet or making changes to portfolios.

The decision maker can further delegate a decision, but there are some limitations. Cabinet can delegate to cabinet committees and chief officers, but not to individual cabinet members; however, the leader can make such delegations. Individual cabinet members can delegate to chief officers.

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## **PART 3A: COUNCIL ASSEMBLY**

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### **ROLE AND FUNCTIONS**

Council assembly is responsible for setting up the decision making structure of the council including its committees. It does this annually. Council assembly takes a number of decisions including agreeing the annual budget, setting the council tax, agreeing policy framework strategies and plans. It makes decisions on local legislation and bylaws. The meeting also appoints to outside bodies unless the appointment is an executive function or has been delegated by council assembly.

The council assembly will question the cabinet. The meeting will receive reports from the cabinet, overview and scrutiny committee and officers. It will also debate matters of local importance and consider members' motions.

### **MATTERS RESERVED FOR DECISION**

The following matters are reserved to the council assembly for decision:

1. Electing the Mayor.
2. Adopting the local authority's code of conduct.
3. Electing the leader.
4. Establishing committees and community councils.
5. Agreeing and amending terms of reference for committees and community councils except for executive functions.
6. Deciding the composition of committees and sub-committees.
7. Agreeing the budget and determining the level of local taxation. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds including reserves and balances, setting the council tax and decisions relating to the control of the council's borrowing requirement, the treasury management strategy and the setting of virement limits.
8. Agree the capital strategy and programme at least once every four years and as necessary in the event of a significant change in circumstances, and the approval of virements over £10,000,000 between capital projects or programme headings as set out in the overall programme.
9. Agreeing the constitution, subject to the provisions in Article 1.05 on changing the constitution.
10. Agreeing the policy framework comprising the following plans and strategies:
  - Children and young persons' plan
  - Corporate plan

- Development plan documents (which form part of the development plan framework)
  - Policy on the community councils
  - Sustainable community strategy
  - Treasury management strategy (including prudential borrowing arrangements)
  - Youth justice plan.
11. Agreeing the following policies:
    - Licensing statement
    - Gambling statement.
  12. Agreeing any application to the Secretary of State in respect of any housing land transfer. Housing land transfer means the approval or adoption of applications to the Secretary of State (whether in draft form or not) for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.
  13. 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 the council assembly.
  14. Subject to the urgency procedure contained in the access to information procedure rules in part 4 of this constitution, making decisions about any matter on the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
  15. All local choice functions set out in part 3 of this constitution which the council assembly decides should be undertaken by itself rather than the cabinet.
  16. Taking decisions in respect of functions which are not the responsibility of the cabinet and which have not been delegated by council assembly to committees, community councils, sub-committees or officers.
  17. Making or confirming the appointment of the head of paid service.
  18. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills.
  19. Determining the scheme and amounts of members' allowances.
  20. Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the council assembly.
  21. Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough.
  22. All other matters which, by law, must be reserved to council assembly.

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**PART 3B: CABINET**

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**ROLE AND FUNCTIONS**

The cabinet has responsibility for the following areas. The issues listed are the “executive functions” of the council.

**Local leadership**

1. To provide community leadership in the borough.
2. To lead the community planning process and the search for best value, with input and advice from overview and scrutiny committees/sub-committees, community councils and any other bodies or persons as appropriate.
3. To take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policy framework as agreed by council.
4. To ensure consultation on the development of the council’s policy framework, other key strategic documents and key decisions.
5. To be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
6. To oversee and take responsibility for effective joint work with partner agencies.

**Policy**

1. To draft the budget and policy framework for approval by council assembly.
2. To have responsibility for drafting the sustainable community strategy and recommending it to council assembly.
3. To formulate the council's overall policy objectives and priorities, recommending them to council assembly for approval where appropriate.
4. To determine the council’s strategy and programme in relation to the policy and budget framework set by the council.
5. To determine the authority’s strategy and programme in relation to the social, environmental and economic needs of the area.
6. To exercise the council's functions in relation to community engagement and the local strategic partnership, including the formulation of council strategies for communication, consultation, capacity building and active citizenship, and their coordination and implementation with particular reference to the provisions of relevant legislation.
7. To promote human rights, equality of opportunity and the interests and particular needs of all those who experience discrimination or disadvantage by virtue of their race, gender, disability, sexuality, or age.

8. To monitor the implementation and coordination of the statutory functions and obligations of the council with respect to equality of opportunity and non-discrimination, including its function as an employer.
9. To oversee and promote initiatives on best value across the council.
10. To set the strategic direction for the council's democratic renewal initiatives.
11. To consider and promote strategic and council wide initiatives to improve the quality, efficiency and effectiveness of the council's services to the public.

### **Financial management and resources**

12. To have responsibility for the strategic management of the council's resources, financial, land, property and staffing, and to take decisions on such matters in the context of the budget and policy framework agreed by council.
13. To have responsibility for the council's revenue and capital budgets, including the council tax base, the housing revenue account, ensuring effective financial control and the achievement of value for money, within the provisions of financial standing orders.
14. To have responsibility for the operation of the council's risk management function.
15. To have responsibility for audit issues.
16. To have overall responsibility for acquisitions and disposal of any interest in land, buildings or the real and leasehold property of the council and to have responsibility for land and property used for operational purposes.

### **General**

17. To oversee the authority's services.
18. To have responsibility for all staffing and human resource matters including the number and type of staff, equalities issues and health and safety, subject to the authority's personnel policies and procedures except for staff appointments and dismissals.
19. To have responsibility for all equalities and diversity matters concerning both employment policy and practices and service delivery and the active promotion of the council's equalities policies.
20. To have responsibility for the council's role as corporate parent.
21. To affiliate to and appoint representatives to outside bodies where such appointments are a function of the cabinet.
22. To delegate to appropriate committees of the cabinet and to chief officers and to receive regular information reports from them with particular reference to value for money; service implementation and development; client/customer

- service and performance; and the performance and achievement of equalities objectives.
23. To agree the reduction or cessation of any service.
  24. To agree the authority's response to consultation papers.
  25. To consult with scrutiny and take into account the final reports of scrutiny inquiries.
  26. To consider whether the council should give evidence before a Royal Commission, government committee or similar body.
  27. To be responsible for all cabinet matters even if not expressly set out in this part of the constitution.

### **Plans and strategies to be approved by the cabinet**

- Asset management plan
- Employment strategy
- Enterprise strategy
- Food law enforcement plan
- Green travel plan
- Housing investment programme
- Housing renewal policy
- Housing strategy
- Local area agreement (LAA)
- Medium term resources strategy (including the housing revenue account)
- Renewal areas strategies
- Road safety plan
- Schemes for financing schools
- Special education needs action plan
- Statement of community involvement
- Supplementary planning documents
- Waste strategy
- Youth strategy.

Note: This list is not exhaustive.

### **The cabinet makes decisions in the following circumstances:**

1. Matters reserved to the cabinet are as set out in Part 3C.
2. Matters reserved to individual cabinet members are as set out in Part 3D, except where, in any particular case, the leader, deputy leader and/or the chief executive directs that the decision should be reserved to the cabinet; or the individual member refers the decision to the cabinet.
3. Matters reserved to cabinet committee(s) are as set out in Part 3E.

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**CABINET PORTFOLIOS 2017/18**

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**Leader of the Council – Councillor Peter John**

To provide leadership of the council, by setting the strategic direction and key priorities and representing the council in the community and in negotiations with regional and national organisations. The leader will appoint the deputy leader and other members of the cabinet and has the discretion to change cabinet member portfolios during the year. In the absence of a cabinet member the leader will have responsibility for all relevant matters within the remit of the cabinet.

The leader will have particular responsibility for:

- performance management of the cabinet;
- communications;
- jobs and growth, with the cabinet member for business, employment and culture;
- the Bakerloo Line extension, with the cabinet member for regeneration and new homes;
- strategic partnerships and relationships with government and the Mayor of London;
- legal services;
- electoral registration;
- constitutional services;
- the workforce strategy, together with the cabinet member for finance, modernisation and performance;
- the 30 year housing strategy;
- improved further education provision for the borough, with the cabinet member for business, employment and culture and the cabinet member for children and schools.

**Deputy Leader and Cabinet Member for Housing – Councillor Stephanie Cryan**

To deputise for the Leader of the Council in his absence by representing the borough at external events, within the council and when necessary chairing cabinet.

To be responsible for the housing portfolio, including housing management, community housing services, homelessness and sheltered housing, housing allocations, the housing investment programme and leasehold management.

To work closely with the cabinet member for adult care and financial inclusion (with regard to the housing needs of vulnerable adults) and to work closely with the leader and cabinet member for regeneration and new homes with regard to delivering the long-term housing stock strategy and 11,000 new council houses.

The cabinet member will have particular responsibility for:

- relationships with tenants and residents associations;
- housing asset strategy including delivering a quality kitchen and bathroom for every council tenant;
- meeting tenant and leaseholder expectations of major works contracts;

- housing services;
- housing allocations;
- community housing including homelessness and sheltered housing
- housing repairs;
- engaging with council tenants and leaseholders;
- delivering a new agency – My Southwark Homeowners Service
- rehousing arrangements as part of major regeneration projects;
- quality of estate environment including communal repairs, cleaning and pest control;
- lettings policy and policy on illegal subletting and estate security;
- response to the government's housing reforms.

### **Cabinet Member for Public Health and Social Regeneration – Councillor Maisie Anderson**

To promote and develop sport and leisure in the borough including sport development and delivery of free swimming and gym use for all residents. To increase the quality of and residents access to the borough's parks and green spaces.

To improve the health of the borough including the council's responsibilities for public health. The portfolio holder will work closely with the cabinet member for children and schools (with regard to children's health, play and teenage pregnancy), with the cabinet member for adult care and financial inclusion (with regard to health in older people). With the Cabinet Member for Business, Culture and Social Regeneration, be responsible for improving consultation and communication with local residents about Southwark's regeneration. To ensure that the wider social aspects of regeneration benefit local communities.

The cabinet member will have particular responsibility for:

- the council's public health role;
- swimming and gym use;
- the council's relationship with the NHS;
- local health services;
- trees;
- bio-diversity;
- reducing teenage conception rates;
- performance of the council's leisure contractor;
- leisure investment;
- working with grassroots sport and leisure communities;
- promoting sport and increasing physical activity;
- play and leisure activities for young people;
- healthier high streets with the cabinet member for regeneration and new homes;
- air quality;
- parks;
- Social regeneration (with the Cabinet Member for Business, Culture and Social Regeneration);
- Regeneration consultations and resident communication (with the Cabinet Member for Business, Culture and Social Regeneration).

### **Cabinet Member for Finance, Modernisation and Performance – Councillor Fiona Colley**

To ensure sound business planning and financial probity within the council, including the medium term resource strategy and all financial management of the general fund, the housing revenue account, the capital programme and the management of capital receipts. To keep council tax low by delivering value for money across all our high quality services.

The portfolio holder will be responsible for oversight of the development and implementation of the council's budget and for the development and delivery of the council's corporate modernisation programme to transform the way it works - to secure savings, improve customer services and deliver value for money for local residents and businesses.

To be responsible for performance management across the council and the integration of the council's budget and Fairer Future Plan enabling the council to deliver on the cabinet's priorities and to cope with financial constraints, together with its partners.

The cabinet member will have particular responsibility for:

- council tax and business rate collection;
- corporate IT;
- customer services – including face to face, telephone and digital services;
- corporate procurement, corporate debt strategy, income management and audit & risk management and anti-fraud;
- property and asset management strategy including acquisitions and disposal – with the cabinet member for regeneration and new homes in relation to major regeneration schemes;
- human resources;
- workforce strategy - with the leader;
- corporate strategy, including the Fairer Future Plan, performance management, shared services, service delivery modernisation;
- developing and delivering a more efficient, effective and sustainable council;
- digital strategy;
- broadband in Rotherhithe;
- response to the government's welfare reforms;
- commercialisation and traded services;
- no recourse to public funds.

### **Cabinet Member for Communities and Safety – Councillor Barrie Hargrove**

To improve the council's engagement with all Southwark's communities, including those hardest to reach.

To champion volunteering throughout Southwark. To promote equality and diversity and be a champion for Southwark's varied and diverse communities.

To deliver a safer Southwark through oversight of council initiatives and services concerned with community safety, tackling anti-social behaviour, enforcement policy, emergency planning and business continuity. The portfolio holder will work with the police to deliver a domestic violence strategy and further roll out of the women's safety charter. The cabinet member will work closely with the cabinet member for

children and schools (to work to reduce the number of young people who are victims of crime or commit offences).

The cabinet member will have particular responsibility for:

- relationships with the voluntary and community sector;
- community councils and community engagement;
- relationships with faith communities;
- Southwark diversity standard;
- equalities and equal opportunities;
- volunteering;
- developing networks of community volunteer champions;
- working to ensure Southwark has a strong voluntary and community sector.
- crime & drugs strategy and alcohol control zones;
- licensing policy;
- lobbying to increase Southwark's police;
- environmental health;
- trading standards;
- Southwark anti-social behaviour unit;
- domestic violence strategy;
- women's safety charter;
- the community warden service;
- noise nuisance;
- CCTV and other safety measures in public places.
- licensing and standards of private rented sector landlords;
- Cleaner, Greener, Safer programme.

### **Cabinet Member for Adult Care and Financial Inclusion – Councillor Richard Livingstone**

To safeguard the needs of vulnerable adults, the provision of personal social services, services to older people, services to people with disabilities, services to those with HIV/AIDS and/or those with drug and alcohol problems, services to those with mental health needs and "supporting people". The portfolio holder will work closely with the cabinet member for housing (with regard to the housing needs of vulnerable adults).

To promote financial inclusion and lead the council work to crack down on payday lenders and other irresponsible lenders.

The cabinet member will have particular responsibility for:

- relationship with the credit union;
- financial inclusion;
- Southwark Smart Savers;
- payday lenders and responsible lending (with the cabinet member for regeneration and new homes);
- adult social care, including personalisation;
- Southwark an Age Friendly borough;
- the council's contribution to the freedom pass and approach on the taxicard scheme;
- older people and pensioner poverty;
- ethical care and improving the quality of homecare;

- disability and supporting vulnerable people;
- financial advice for students.

The cabinet member will work with the deputy cabinet member for mental health.

### **Cabinet Member for Children and Schools – Councillor Victoria Mills**

To assume the statutory role of lead member for children's services in accordance with the guidance produced by the Department for Education (DfE), including responsibility for children's social care and early years, the inclusion agenda, and work to implement the children and young people's plan. The portfolio holder will hold political accountability and exercise leadership over all areas included in DfE guidance. They will work closely with the cabinet member for public health, parks and leisure (with regard to children's health, play and teenage pregnancy) and with the cabinet member for communities and safety (with regard to children's safety and youth offending).

The cabinet member will have particular responsibility for:

- 18 year old employment, education and training guarantee with the cabinet member for business, employment and culture;
- youth offending;
- universal services for people aged 0-19;
- early intervention;
- child protection and specialist services for most vulnerable children, young people and their families;
- raising the quality of children's services;
- school place provision and admissions;
- expanding affordable childcare and nurseries;
- free healthy school meals and free fruit in schools;
- raising school standards and attainment;
- the youth fund;
- capital investment in schools;
- safeguarding children;
- corporate parenting including fostering and adoption;
- Southwark Scholars;
- further education (16-18).

The cabinet member will work with the deputy cabinet member for young people and careers.

### **Cabinet Member for Business, Culture and Social Regeneration – Cllr Johnson Situ**

To promote business growth and employment, including helping Southwark residents into 5,000 jobs and 2,000 apprenticeships. Develop and deliver a new Southwark Business Forum and working with the cabinet member for regeneration and new homes to ensure that Southwark's employers and job-seekers get a good deal out of development.

To promote and develop arts and culture in the borough, including museums and heritage. To promote our libraries and encourage more people to use them.

The cabinet member will lead the council's work on improving our high streets, business space and new shops. To work with the Cabinet Member for Public Health and Social Regeneration to ensure that our regeneration delivers not just new homes for local people, but social change and improvement for Southwark residents. With the Cabinet Member for Public Health and Social Regeneration, be responsible for improving consultation and communication with local residents about Southwark's regeneration. To ensure that the wider social aspects of regeneration benefit local communities.

The cabinet member will have particular responsibility for:

- economic development and employment;
- business improvement districts;
- the council's relationship with Jobcentre Plus;
- employment and enterprise support;
- better business space;
- Fairtrade;
- promoting fair pay and the London Living Wage;
- business engagement;
- Southwark Business Forum
- adult learning, post-18 further education and training;
- libraries;
- events;
- civic issues;
- working with organisations in the borough's thriving culture communities;
- increasing access to arts and culture including for vulnerable groups;
- 18 year old employment, education and training guarantee with the cabinet member for children and schools;
- Social regeneration (with the Cabinet Member for Public Health and Social Regeneration);
- Regeneration consultations and resident communication (with the Cabinet Member for Public Health and Social Regeneration);
- Southwark Arts Scholars.

The cabinet member will work with the deputy cabinet member for cultural strategy.

#### **Cabinet Member for Regeneration and New Homes – Councillor Mark Williams**

To deliver regeneration which benefits our communities. To facilitate the sustainable regeneration of Southwark's communities in partnership with local residents and businesses. To work with the Cabinet Member for Business Culture and Social Regeneration, and the Cabinet Member for Public Health and Social Regeneration to ensure that our regeneration delivers not just new homes for local people, but social change and improvement for Southwark residents.

To lead on the delivery of strategic transport projects necessary for the delivery of regeneration in the borough such as the delivery of the Bakerloo Line.

To deliver on Southwark's commitment to build more homes of every kind including 11,000 new council homes.

The cabinet member will have particular responsibility for:

- the council's relationship with Transport for London;
- extension of the Bakerloo Line, with the leader;
- regeneration in the borough [all aspects of development control and planning in Rotherhithe (Canada Water), Bermondsey, Borough & Bankside and Walworth (Elephant & Castle and Aylesbury Estate), Camberwell, Peckham, Nunhead and Dulwich] including transport strategy in regeneration;
- community infrastructure levy and allocation of section 106 funds;
- development of the local development framework;
- planning policy and continuing improvements in planning performance;
- high street planning and with the cabinet member for public health, parks and leisure making high streets healthier;
- Delivery of 11,000 new council houses.

### **Cabinet Member for Environment and the Public Realm – Councillor Ian Wingfield**

To continue to improve the borough's environment and champion sustainability, including having responsibility for waste management, increasing recycling and reducing waste to landfill. To continue reducing the borough's carbon emissions and increase the use of green energy including with SELCHP.

To be responsible for street scene and highway infrastructure, traffic management and parking enforcement.

The cabinet member will have particular responsibility for:

- markets and business space;
- street cleaning including litter and dog fouling;
- recycling and landfill;
- refuse collection;
- carbon reduction and climate change;
- green energy;
- cemeteries and crematorium services;
- marinas and internal waterways;
- flooding and flood defences;
- roads and road safety;
- parking;
- street scene;
- cycling and walking strategy.

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### **All deputy cabinet members**

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.

Deputy cabinet members will:

- be appointed by the leader using his “strong leader” responsibilities
- hold responsibility for specific tasks designated by the leader, following consultation with the monitoring officer
- be able to attend cabinet meetings but could not take part in any formal decision making
- have access to information on a “need to know” basis only and this access would be proportionate to their defined role or duties
- be called to account when acting in their official capacity.

The following deputy cabinet members have appointed by the leader:

**Deputy Cabinet Member for Air Quality** – Councillor Octavia Lamb

**Deputy Cabinet Member for Community Involvement (Digital)** – Councillor Jon Hartley

**Deputy Cabinet Member for Community Energy** – Councillor James Coldwell

**Deputy Cabinet Member for Childcare Costs** – Councillor Catherine Rose



## ADDENDUM

### Cabinet member:

Cllr Maisie Anderson – Cabinet Member for Public Health and Social Regeneration

### Division of responsibilities:

Cllr Richard Livingstone – Cabinet Member for Adult Care and Financial Inclusion

- the council's public health role;
- local health services;
- the council's relationship with the NHS;
- healthier high streets with the cabinet member for regeneration and new homes.

Cllr Ian Wingfield – Cabinet Member for Environment and the Public Realm

- air quality;
- parks;
- trees;
- bio-diversity.

Cllr Barrie Hargrove – Cabinet Member for Communities and Safety

- swimming and gym use;
- performance of the council's leisure contractor;
- leisure investment;
- working with grassroots sport and leisure communities;
- promoting sport and increasing physical activity;
- play and leisure activities for young people.

Cllr Victoria Mills

- reducing teenage conception rates;

Cllr Johnson Situ – Cabinet Member for Business, Culture and Social Regeneration

- sole responsibility for social regeneration issues, rather than sharing with Cllr Anderson.

### Cllr Peter John

Leader of Southwark Council

Labour Councillor for South Camberwell.

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**PART 3C: FULL CABINET**

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**MATTERS RESERVED FOR COLLECTIVE DECISION MAKING**

1. All matters reserved to the cabinet by council assembly for decision.
2. Decisions on matters reserved to the cabinet in accordance with the provisions of contract standing orders in part 4 of the constitution.
3. Approval for recommendation to council assembly of those proposals and plans contained in the council's budget and policy framework.
4. Decisions regarding the strategic management of the council including decisions on major reorganisations and major reallocations of functions between departments or chief officers.
5. Approval to the creation of posts at grade 17 and above.
6. Approval of major terms and conditions of employment outside the national and provincial schemes.
7. Decisions regarding the strategic aspects of the regulation and control of the council's finances.
8. Approval of new fees and charges and agreement of charging levels in line with the medium term resources strategy.
9. Approval of virements over £1,000,000 and up to £10,000,000 between capital projects or programme headings as set out in the overall programme approved by council assembly.
10. Approval of policy and procedures governing the council's relationship with the voluntary sector.
11. Approving write-offs of debt of a value of over £50,000.
12. Amendments to the council's equal opportunities policy.
13. Agreement to the disposal of leasehold and freehold interests in land and property where the market value is more than £750,000 excluding Right to Buy and Leasehold Reform Act cases.
14. All disposals at less than best consideration where the market value is more than £250,000 or where ministerial consent is required, unless the disposal is required by statute.
15. Acquisition of land and property, outside any scheme already agreed by members, where the market value is more than £100,000.
16. The acquisition of land and property which involves the use of compulsory purchase orders.

**Education issues**

17. Approval of school admissions policies where the council is the admissions authority.
18. Approval of the co-ordinated admissions process for primary and secondary schools in Southwark<sup>1</sup>.
19. All school organisation final decisions on statutory proposals e.g. whether to close a school.

**Planning issues**

20. To adopt preferred options of development plan documents.
21. To adopt supplementary planning documents taking account of comments from the planning committee.

**Notes**

- a) All matters not reserved as above or to individuals or to cabinet committees (see 3D and 3E) are delegated to the appropriate chief officer and heads of service. All delegated matters can always be decided by the parent body. See also Part 3O: Matters delegated to officers.
- b) Cabinet committees have the power within the role and functions delegated to them to decide all matters reserved to cabinet.

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<sup>1</sup> The leader has agreed that if there are no changes to the primary school admissions process in a given year, this decision is delegated to the cabinet member responsible for schools for that year. (See record of delegation at cabinet on 19 March 2013.)

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## **PART 3D: INDIVIDUAL CABINET MEMBERS**

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### **MATTERS RESERVED FOR DECISION**

#### **Introduction**

There are occasions when matters affect more than one portfolio; on such occasions the decision will be referred to a meeting of the full cabinet<sup>1</sup>.

In discharging any functions that have been delegated, a cabinet member must act lawfully. This means that the cabinet member must act within the scope of the authority that is delegated to him or her in accordance with any limits within the delegation, this constitution, council policies, procedure rules and the members' code of conduct.

#### **Budget**

1. Proposing revenue and capital budget allocations to the cabinet, in relation to their areas of responsibility.
2. Agreement of significant programmes in relation to these objectives.
3. Agreement of changes to existing fees and charges, in relation to their areas of responsibility and in line with the medium term resources strategy, other than any set by council assembly as part of the budget process.
4. Approving the submission of bids for additional resources from government and other agencies, in relation to their areas of responsibility, where member level agreement is required by the external agency.
5. Matters reserved to individuals above specific financial thresholds:
  - Approving write offs of debt for their portfolio area of a value of £5,000 – £50,000.
  - Approving grants to voluntary organisations over £2,500.

#### **Service planning and delivery**

6. Agreement of statutory and other strategies, in relation to their areas of responsibility, except where they relate to crosscutting issues.
7. Agreement to significant policy issues, in relation to their areas of responsibility.
8. Agreement of performance standards and key policy objectives, in relation to their areas of responsibility.
9. Agreement to policy and performance priorities for the short and medium term in relation to their areas of responsibility and taking into account the needs of the council as a whole.

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<sup>1</sup> In the event an issue affects both parts of the shared cabinet portfolio the leader of the council will decide who deals with it.

10. Agreement of service plans, in relation to their areas of responsibility.
11. To consider any inspection report by an external agency and:
  - agree the action plan, including recommendations for no action, where there are no significant policy implications
  - make recommendations to the cabinet, including recommendations for no action, where there are significant policy implications.
12. Agree reports when there are any significant changes associated with the delivery of an agreed plan.
13. Sign off any plan or strategy or programme when completed or take decisions where no further significant cabinet approval is required.
14. Monitor the effectiveness and appropriateness of the plan or strategy or programme within the portfolio holders responsibility and agree any necessary changes.

### **Tenders and contracts**

15. Decisions on matters reserved to individual cabinet members in accordance with the provisions of contract standing orders in part 4 of the constitution.

### **Partnerships and consultation**

16. To approve responses to consultation documents from government, Greater London Authority, Local Government Association, London Councils and other bodies relating to significant changes affecting their portfolio area, which would not require changes to the budget and policy framework.
17. Agreeing broad consultation arrangements, in relation to their areas of responsibility.
18. To promote effective partnerships, between the council and other agencies and bodies affecting the community, in relation to their areas of responsibility.
19. To deal with petitions in their portfolio area in accordance with council procedure.
20. To agree the following school organisation decisions:
  - Agreement to carry out the initial consultation where the council is proposing to make a statutory change to a school
  - Following the outcome of the initial consultation process, to agree to publish the statutory notice
  - Approval of the co-ordinated admissions process for primary schools in Southwark if there are no changes from the previous year<sup>2</sup>.
21. To agree draft local development framework documents for consultation, such as supplementary planning documents.

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<sup>2</sup> See record of delegation at cabinet on 19 March 2013.

**Transport issues**

22. To decide to implement a traffic and highway improvement project, subject to statutory consultation.
23. To determine statutory objections to a traffic and highway improvement project.

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## **PART 3E: CABINET COMMITTEES**

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### **CABINET (LIVESEY TRUST) COMMITTEE**

#### **ROLE AND FUNCTIONS**

1. To act as trustee and administer the functions of the trust on behalf of the council.
2. To hold one meeting in the municipal year
3. To produce an annual report
4. To produce accounts (if any)
5. To deal with any changes to membership and attendance
6. To appoint co-optees (if any).

#### **MATTERS RESERVED FOR DECISION**

7. The matters reserved for decision are set out in the roles and functions of the committee.

#### **Notes**

- a) The delegation to the committee was approved by the leader of the council (see notice of variation to executive scheme of delegation dated 20 July 2015).
- b) The committee shall be comprised of five members of the cabinet. This should be the current cabinet member with portfolio responsibility for culture plus four others. The committee shall be granted power to co-opt additional members. Any such co-opted members would be non voting members.

### **BETTER PLACED JOINT COMMITTEE**

#### **Joint Committee of the London Boroughs of Lambeth, Lewisham and Southwark**

#### **ROLE AND FUNCTIONS**

The London Boroughs of Lambeth, Lewisham and Southwark have established a joint committee to discharge executive functions on behalf of the three boroughs, in so far as they relate to joint activities or areas of common concern in relation to growth, economic development and skills. Over time the committee may consider other areas.

The committee will:

1. Provide oversight and decision-making of the Pathways to Employment pilot
2. Work together to transform local public services in employment support

3. Work collectively with employers, colleges and other stakeholders on jobs and skills, where appropriate
4. Represent the collective interests of the constituent boroughs to national and local government and other bodies, where appropriate
5. Jointly bid for funding, training and employment programmes e.g. EU funding and oversight of that funding
6. Manage and allocate spending of funding and other financial resources within its remit.
7. Take on additional responsibilities and funding delegated from government where the committee judges this to be in the best interest.

The governance arrangements provide flexibility so that these functions can be added to or amended over time.

The joint committee does not have power to exercise non-executive functions on behalf of the three boroughs.

#### **MATTERS RESERVED FOR DECISION**

8. The matters reserved for decision are set out in the roles and functions of the joint committee.

#### **Application of constitution and procedure rules to the joint committee**

##### **Membership**

9. Each council shall appoint its Leader / Mayor to sit on the joint committee. Each council should also appoint a named substitute (to be an executive member for those operating executive governance arrangements) to attend in the Leader / Mayor's absence.
10. Partners and stakeholders will be invited to be part of/or send representatives to the meetings of the joint committee as appropriate; they will attend in an advisory capacity only.

##### **Quorum**

11. The quorum for meetings will be at least one member from each of the boroughs.

##### **Voting**

12. Each member of the joint committee will have one vote and all business coming or arising before the joint committee shall be decided by a majority of the members of the joint committee present and voting (in accordance with paragraph 39 of Schedule 12 to the Local Government Act 1972).

##### **Overview and scrutiny**

13. Decisions of the joint committee are subject to scrutiny and 'call in' by each or any of the three boroughs.

14. Each of the three boroughs has established overview and scrutiny arrangements for the joint committee.
15. In the event that a decision of the joint committee or any sub-committee is 'called in' the chief executive (or an officer designated by the chief executive) for the relevant borough will attend the relevant scrutiny committee together with the member or their substitute nominated from that borough to be on the joint committee.

### **Administration**

16. Administrative support for the meetings of the joint committee will be provided by Southwark Council and the chief executive of Southwark Council will be formally designated as clerk to the joint committee with responsibility for the provision of administrative support.

### **Lead borough / Accountable body arrangements**

17. Where necessary a lead borough shall be identified from amongst the parties to implement any necessary activities. Subject to any change from joint committee members, below details the initial roles and responsibilities of joint committee members:
  - a) London Borough of Lambeth – lead accountable body for procuring and contracting with third parties
  - b) London Borough of Southwark – lead accountable body for administering the joint committee
  - c) London Borough of Lewisham – lead accountable body for bidding for and holding grant funding and managing community budget staff.
18. Any changes to this will be accepted by unanimous agreement by voting members.

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## **PART 3F: PLANNING COMMITTEE AND PLANNING SUB-COMMITTEES**

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### **ROLE AND FUNCTIONS**

1. To comment on local development framework documents in respect of all significant planning matters and make recommendations to the cabinet.
2. To consider the future process by which the decisions with respect to planning applications are to be taken.
3. To consider and determine all the following applications:
  - strategic and major planning applications (as defined in the matters reserved to the committee)
  - designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance
  - any other planning responsibilities of the authority created by statute (and delegated to the committee).
4. It is the responsibility of the planning committee to consider strategic planning applications and to establish planning sub-committees to consider applications and other matters reserved as defined in the constitution
5. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
6. To consider expenditure of section 106 monies.
7. To comment on national and regional consultation documents proposing significant changes to strategic planning policies and make recommendations to the cabinet.

### **MATTERS RESERVED FOR DECISION**

#### **Matters reserved for decision by the planning committee**

8. 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 50 or more housing units or more than 3,500m<sup>2</sup> of commercial floor space or a mixed use development with more than 3,500m<sup>2</sup> of floor space, including applications for change of use, or 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 5 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:

- i) where in the opinion of the appropriate chief officer the objection can be overcome by the imposition of an appropriate condition, or
  - ii) where the application clearly complies with the relevant planning policies, in which case the decision may be taken by officers, or
  - iii) where the application is a straightforward refusal.
- c) those requested by two councillors to be determined by elected members, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.
- d) applications for the council's own developments which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations).
- 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.
9. To consider the expenditure of funds over £100,000 of strategic importance secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.
10. 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.
11. To consider and determine all planning applications of strategic importance in the borough, including:
- a) applications which require referral to the Mayor of London
  - b) applications which are required to be notified to the Secretary of State as departures from the development plan document (including the unitary development plan)
  - c) applications where the submission of an environmental impact assessment is required by regulation or following a screening application
  - d) applications for the development of metropolitan open land
  - e) applications for the development of contaminated land
  - f) specific applications not covered by the above but determined as strategic by the appropriate chief officer.
12. To comment on drafts of the local development framework during their consultation periods and make recommendations to the cabinet, as appropriate.

13. To comment on draft supplementary planning documents during their consultation periods and make recommendations to the cabinet, as appropriate.
14. To report to the cabinet on matters relating to the implementation of planning policy.
15. To comment on national and regional consultation documents proposing significant changes to strategic planning policies (e.g. London Plan, Cross River Tram) and make recommendations on the council's response to the cabinet, as appropriate.
16. To consider planning enforcement cases where the appropriate chief officer<sup>1</sup> decides that the matter is of a strategic or controversial nature and should be referred to the committee to consider and determine the taking of enforcement steps.

### **Matters reserved for decision by a planning sub-committee**

17. 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 10-49 housing units or 1,000m<sup>2</sup> - 3,500m<sup>2</sup> of commercial floor space or a mixed use development with more than 1,000m<sup>2</sup> - 3,500m<sup>2</sup> of floor space, including applications for change of use, or 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 5 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) except:
    - i) where in the opinion of the appropriate chief officer the objection can be overcome by the imposition of an appropriate condition, or
    - ii) where the application clearly complies with the relevant planning policies, in which case the decision may be taken by officers, or
    - iii) where the application is a straightforward refusal.
  - c) those requested by two councillors to be determined by elected members, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.
  - d) applications for the council's own developments which are controversial, i.e. subject to 5 or more relevant objections (a "relevant objection" is defined as

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<sup>1</sup> The appropriate chief officer has a broad discretion to refer enforcement matters to the committee. In practice, the sort of enforcement cases likely to be considered appropriate for member decision would be in particular:

- where officers propose not to take enforcement action on a controversial issue
- on matters of strategic importance
- on matters which, though minor individually, have a considerable cumulative effect
- where a decision could set a precedent establishing or varying priorities for enforcement action.

Operational or routine enforcement issues will not be referred to the committee.

any objection except an objection which clearly does not raise any material planning considerations).

18. To consider applications for the development of metropolitan open land.
19. To consider the 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.
20. To consider the confirmation of tree preservation orders which are the subject of a sustained objection (a “sustained objection” is defined as an objection that is maintained despite an attempt by officer to resolve it, or which officer consider incapable of resolution by negotiation).
21. To consider applications requested by two councillors to be determined by the planning sub-committee, subject to the request being agreed by the chair of the planning committee in consultation with the appropriate chief officer.

#### **Notes**

- a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

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## **PART 3G: LICENSING COMMITTEE AND SUB-COMMITTEES, THE HEAD OF SERVICE AND OFFICER PANEL EXERCISING LICENSING FUNCTIONS**

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### **ROLE AND FUNCTIONS**

1. To approve the council's policies in respect of all licensing and registration matters except the licensing and gambling statements of policy.
2. To consider the future process by which the decisions with respect to licensing applications are to be taken.
3. To establish policies and procedures for considering and determining additional licensing functions conferred on the authority by statute.
4. To consider and determine the following applications:
  - the grant, renewal, variation or transfer of any general safety certificate in respect of a sports stadium or regulated stands
  - street trading and markets
  - film classification
  - any other licensing responsibilities of the authority created by statute and delegated to the committee.
5. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
6. To consider and determine the revocation of licences and registrations reserved to the licensing committee.
7. To consider the designation of new sites for street trading and markets.
8. To establish sub-committees under the relevant statutory provisions empowered to discharge any and all of the authority's licensing functions.

### **MATTERS RESERVED FOR DECISION**

#### **Matters reserved for decision by the licensing committee**

9. Approve the council's policies in respect of all licensing and registration matters, except the statement of licensing policy and the statement of gambling policy.<sup>1</sup>
10. To establish policies and procedures for considering and determining additional licensing functions conferred on the authority by statute.

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<sup>1</sup> The approval of the licensing and gambling statements of policy is a matter reserved to council assembly.

## **Matters reserved for decision by the licensing committee and its sub-committees**

### Licensing Act 2003

11. Any application for a personal licence which is the subject of a police objection.
12. Any application for a personal licence by a person with unspent criminal convictions.
13. Any application for a premises licence or a club premises certificate which is the subject of a relevant representation.
14. Any application for a provisional statement which is the subject of a relevant representation.
15. Any application to vary a premises licence or club premises certificate which is the subject of a relevant representation, except a minor variation.
16. Any application to vary a premises licence or club premises certificate which is the subject of a relevant representation.
17. Any application to vary a designated premises supervisor which is the subject of a police objection.
18. Any application for a transfer of a premises licence which is the subject of a police objection.
19. Any applications for interim authorities which are the subject of a police objection.
20. Any application to review a premises licence or club premises certificate.
21. Any decision to object when the local authority is a consultee and not the relevant authority considering the application.
22. Any determination of a police objection to a temporary event notice.

### Gambling Act 2005

23. Any application for a premises licence where representations have been received and not withdrawn.
24. Any application for a variation to a licence where representations have been received and not withdrawn.
25. Any application for a transfer of a licence where representations have been received from the Gambling Commission.
26. Any application for a provisional statement where representations have been received and not withdrawn.
27. Any application to review a premises licence.
28. Any application for a club gaming/club machine permits where representations have been received and not withdrawn.

29. Cancellations of club gaming/club machine permits.
30. Decision to give a counter notice to a temporary use notice.

#### **Other reserved decisions**

31. Any application for the grant, renewal, variation or transfer of any sex establishment licence.
32. New designations for sites for street trading and markets.
33. Revocation of street trading licences and markets.
34. To determine the revocation of any licence following successful prosecution of the holder for breach of licence terms, conditions and restriction.
35. Any application for consent to provide hypnotism or like entertainment.
36. Any application for the grant, renewal, variation or transfer of any general safety certificate in respect of a sports stadium or regulated stands.
37. Any application for the grant, renewal or variation of any scrap metal licence which involves the applicant making representations.
38. Revocation of any scrap metal licence.

#### **Matters delegated to the head of service and considered by the licensing officer panel**

The panel to make recommendations to the head of service on the following matters:

39. All films submitted for local classification under the Cinemas Act 1985.
40. Any opposed application for the grant, renewal or transfer of a special treatments licence.

#### **Matters delegated to the head of service**

41. Any minor variation to a premises licence or club premises certificate where such variations will not impact adversely on the licensing objectives, falling into the following categories:
  - Minor change to the structure or layout of a premises
  - Small adjustments to licensing hours
  - The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions
  - The addition of certain licensable activities such as the addition of live music unless there is likely to be an adverse impact on the licensing objectives.

#### **Notes**

- a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager. All matters reserved to the licensing officer panel can always be decided by the licensing committee or its sub-committees.

- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.
- c) Minor variations now fall under delegated authority following an amendment to the guidance to section 41 of the Licensing Act 2003 (as amended) to be determined at officer level (as set out in the relevant departmental scheme of management).

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## **PART 3H: COMMUNITY COUNCILS**

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### **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: the neighbourhoods fund, cleaner, greener, safer and devolved highway capital programmes 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)**

##### Consultative/non decision making

5. To comment to planning committee or its sub-committees 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.
6. 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.
7. 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.
8. To be consulted on all major and strategic schemes prior to consideration by the planning committee, subject to the consultation deadlines.

#### **Environmental management (executive function)**

##### Consultative/non decision making

9. Recommendations to the appropriate chief officer on local contract variations.
10. Recommendations to the cabinet on issues concerning major changes to contracts.
11. Appointment of ward members to serve on warden schemes steering groups.
12. To consider regular reports on environmental management issues, including street cleaning, refuse collection, abandoned vehicles and leisure centres.
13. To participate in contract reviews and be able to suggest service improvements and identify local priority issues.

## **Neighbourhood fund<sup>1</sup>, cleaner, greener, safer and devolved highway capital programmes (executive function)**

### Decision making

14. To approve the allocation of neighbourhood funds, cleaner, greener, safer and devolved highway capital schemes of a local nature using the resources and criteria identified by the cabinet.
15. In the event that a programme variation decision is required before the next scheduled meeting of a community council the appropriate chief officer shall be authorised to determine this, in consultation with the relevant chair of the community council and relevant ward members. Variation decisions shall include any allocation or reallocation of funds or variation in projects (this list is not exhaustive).
16. 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

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

### **Consultation/non-decision making**

18. To be consulted on the Local Implementation Plan (LIP) programme before it is submitted to Transport for London.
19. To be consulted on strategic traffic and highway improvement projects.
20. To be consulted on any non-strategic traffic and highway improvement project that has been referred to community council.

### **Community project bank (executive function)**

#### Decision making

21. To approve projects for inclusion within the community project bank.

#### **Notes**

- a) All matters not reserved as above are delegated to the appropriate chief officer and head of service. All delegated matters can always be decided by the parent body. See also Part 3O: Matters delegated to officers.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

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<sup>1</sup> The neighbourhood fund was established in December 2014 by amalgamating the Community Council Fund and the Cleaner Greener Safer revenue scheme. This required some consequential constitutional changes (see notice of variation to executive scheme of delegation dated 4 March 2015)

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**PART 3: APPOINTMENTS COMMITTEE**

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**ROLE AND FUNCTIONS**

1. To make recommendations to council assembly as to the appointment of the head of paid service.
2. To appoint the monitoring officer.
3. To appoint the chief finance officer.
4. To appoint to the posts designated in accordance with article 10.01(b) as chief officers.
5. To act 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).

**MATTERS RESERVED FOR DECISION**

6. The matters reserved for decision are as set out in the roles and functions of the committee.

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## **PART 3J: CORPORATE PARENTING COMMITTEE**

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### **ROLE AND FUNCTIONS**

1. To secure real and sustained improvements in the life chances of looked after children, and to work within an annual programme to that end.
2. To develop, monitor and review a corporate parenting strategy and work plan.
3. To seek to ensure that the life chances of looked after children are maximised in terms of health educational attainment, and access to training and employment, to aid the transition to a secure and productive adulthood.
4. To develop and co-ordinate a life chances strategy and work plan to improve the life chances of Southwark looked after children.
5. To recommend ways in which more integrated services can be developed across all council departments, schools and the voluntary sector to lead towards better outcomes for looked after children.
6. To ensure that mechanisms are in place to enable looked after children and young people to play an integral role in service planning and design, and that their views are regularly sought and acted upon.
7. To ensure performance monitoring systems are in place, and regularly review performance data to ensure sustained performance improvements in outcomes for looked after children.
8. To receive an annual report on the adoption and fostering services to monitor their effectiveness in providing safe and secure care for looked after children.
9. To report to the council's cabinet on a twice yearly basis.
10. To make recommendations to the relevant cabinet decision maker where responsibility for that particular function rests with the cabinet.
11. To report to the scrutiny sub-committee with responsibility for children's services after each meeting.
12. To appoint non-voting co-opted members.

### **MATTERS RESERVED FOR DECISION**

13. There are no specific matters reserved to this committee.
14. The reason for this is that the role and function of the committee is to review and monitor the council's role as a corporate parent. This involves the participation of members on a cross political group committee. However any specific actions the committee might identify as necessary would be executive functions and need to be taken by a cabinet decision maker, in accordance with cabinet responsibility for functions.

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## **PART 3K: AUDIT, GOVERNANCE AND STANDARDS COMMITTEE**

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### **ROLE AND FUNCTIONS**

#### **Introduction**

The purpose of the audit, governance and standards committee is to provide:

1. Independent assurance of the adequacy of the council's governance arrangements, including its standards regime, the risk management framework and the associated control environment.
2. Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.
3. Oversight of the financial reporting process.
4. Scrutiny of the treasury management strategy and policies.
5. A framework to promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives.

#### **Audit activity**

6. To approve the internal audit charter
7. To approve the risk based internal audit plan, including resource requirements.
8. To approve any significant proposed advisory services, additional to those included in the audit plan.
9. To receive information on the appointment, departure, resignation or change in chief audit executive.
10. To receive in-year summaries of internal audit and anti-fraud activity and the internal audit annual report and opinion and to consider the level of assurance it can give over the council's corporate governance arrangements.
11. To receive reports dealing with the management and performance of the provider of internal audit services, including the performance of the chief audit executive.
12. To receive reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
13. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
14. To consider specific reports as agreed with the external auditor.
15. To comment on the scope and depth of external audit work and to ensure it gives value for money.

16. To have oversight over the appointment of the external auditor.
17. To commission work from internal and external audit.

### **Accounts**

18. To review and approve the annual statement of accounts and specifically to consider compliance with appropriate accounting policies and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
19. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Treasury management**

20. To review and scrutinise the treasury management strategy and policies.

### **Governance activity**

21. To review any issue referred to it by the chief executive or a strategic director, or any council body.
22. To monitor the effective development and operation of risk management in the council.
23. To monitor the effective development and operation of corporate governance in the council and to agree actions necessary to ensure compliance with best practice.
24. To monitor council policies on 'whistle-blowing', the 'corporate anti-fraud strategy' and the council's complaints processes.
25. To receive reports from the statutory officers under the council's whistle blowing policy.
26. To provide strategic oversight on the use of the powers regulated by the Regulation of Investigatory Powers Act 2000 and to receive in-year reports on operational use.
27. To oversee the production of and agree the council's annual governance statement.
28. To review the council's compliance with its own and other published standards and controls.
29. To receive reports on retrospective contract related decisions as set out in contract standing orders.
30. To receive reports from the monitoring officer on any serious breach of the contract standing orders or procurement guidelines.

**Standards activity**

31. To advise the council on the adoption or revision of the members' code of conduct, the member and officer protocol and the communication protocol.
32. To monitor the operation of the members' code of conduct, the member and officer protocol and the communication protocol.
33. To monitor and advise on training provided for councillors, co-opted members and church and parent governor representatives.
34. To deal with any standards related complaints referred to it and any report from the monitoring officer on any matter which is referred to him or her.
35. To receive reports from the monitoring officer on unlawful expenditure and probity issues.
36. To consider the withholding of allowances from individual members (including elected members and co-opted members) in whole or in part for non-attendance at meetings, or, for elected members only, for failure to attend required training.
37. To establish the following sub-committees:
  - to consider complaints of misconduct against elected councillors and co-opted members
  - to consider civic awards.

**Annual report**

38. To report annually to all councillors on its work and performance during the year.

**MATTERS RESERVED FOR DECISION****Matters reserved for decision by the main committee**

39. The matters reserved for decision to the committee are as set out in the role and functions, other than those functions delegated to the relevant sub-committee.

**Matters reserved for decision by the conduct sub-committee**

40. To consider complaints of misconduct against elected councillors and co-opted members.

**Matters reserved for decision by the civic awards sub-committee**

41. To grant civic awards.
42. To consider the process by which the decisions with respect to civic awards applications are to be taken and to make recommendations to the standards committee.
43. To appoint non-voting co-opted members of the civic awards sub-committee.

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## **PART 3L: HEALTH AND WELLBEING BOARD**

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### **ROLE AND FUNCTIONS**

1. The Health and Social Care Act 2012 requires the local authority to establish and participate in the health and wellbeing board. The board shall be established as a committee of the council (section 102 of the Local Government Act 1972, subject to regulations issued by government).
2. The Health and Social Care Act 2012 states that the health and wellbeing board will have various functions. These include those conferred on it directly, such as the duty to encourage integrated working and in particular encourage the use of National Health Service Act 2006 powers to pool health budgets. It also includes duties conferred jointly on the local authority and its partner clinical commissioning groups (CCGs) but which must be discharged by the board. These joint duties include the preparation and publication of joint strategic needs assessments (JSNAs) and joint health and wellbeing strategies (JHWSs).

### **MATTERS RESERVED FOR DECISION**

3. To prepare and publish a JSNA and a JHWS to meet the needs identified in the JSNA in relation to the local authority's area.
4. To recommend the final version of the JHWS to be signed off by cabinet and the CCG governing body.
5. To involve third parties in preparation of the JSNA and JHWS including the Local Healthwatch and people living or working in the area, having regard to guidance from Secretary of State.
6. Together with each of its partner clinical commissioning groups, to have regard to the JSNA and JHWS in the exercise of any function.
7. When developing the JHWS, consider extent to which needs could be met more effectively by making arrangements under National Health Service Act 2006, to pool health budgets.
8. To appoint additional members as the board sees fit beyond the statutory membership. It is noted that the local authority may also appoint such additional members as it sees fit (in consultation with the board if an appointment is made after the establishment of the board). The board will determine if these members are voting or non-voting.
9. To establish any sub-committees or working parties including appointment of chair, terms of reference and membership. The board shall identify the resources to support the body and the time period for which the body is established.
10. To consider the working programme of the board including its aims and priorities and to keep these under review.

## Membership

11. The health and wellbeing board includes the following voting members:

- Local authority councillors, who will be (or be nominated by) the leader of the council\*
  - The leader of the council\*
  - The cabinet member for health and adult social care\*
  - The cabinet member for children’s services\*
- The chief executive of the council
- The strategic director of children's and adults' services\*
- The director of public health\*
- Three representatives from the clinical commissioning group\*
- A representative of Southwark HealthWatch\*
- A representative from King’s Health Partners
- Southwark Borough Commander, Metropolitan Police Service
- The chief executive of Community Action Southwark.

\* = Denotes a statutory member of the board.

## Notes

- a) At the current time none of the council’s executive functions are delegated to the health and wellbeing board. Any decision for the board to exercise any local authority executive functions would be determined by the leader of the council, under the “strong leader” arrangements.
- b) The board will operate in accordance within the council’s existing decision-making framework and normal council budget setting processes.

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## PART 3M: URGENCY ARRANGEMENTS AND COMMITTEES

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### Introduction

In the interim period between a full municipal election and the council assembly (annual meeting), council assembly will operate urgency arrangements to deal with decision making and will constitute the urgency committees for non executive functions, planning and licensing. Separate arrangements shall apply for executive functions during this period.

### ROLE AND FUNCTIONS

1. To exercise all the functions of the council, that are not reserved by law to council assembly for decision in cases where, in the opinion of the chief executive it is necessary to act urgently in order to secure the efficient and expeditious conduct of the council's business.
2. To consider planning and licensing applications as set out in part 3 of the constitution, through sub-committees comprised of those councillors who have been re-elected and served on the relevant committees (or in the case of planning have undertaken the required training) prior to the municipal election.

### MATTERS RESERVED FOR DECISION

3. The matters reserved for decision are as set out in the roles and functions.

### Notes

- a) **Executive functions:** The urgency arrangements for executive functions are set out below:
  - (1) The leader of the council (if personally re-elected or his nominee, who must be a cabinet member) will take all executive urgent decisions which shall be recorded on a record of decision.
  - (2) In the absence of a formal call-in process in this period, the urgent decision may only be taken if the leader of the other largest political group (or his/her nominee) or if he/she is unable to act the outgoing Mayor is satisfied the proposed decision is a matter of urgency.
  - (3) In the event the leader of the other largest political group (or his/her nominee) or outgoing Mayor is not satisfied that the matter is urgent and concludes it can be reasonably deferred, he/she must set out their reasons for doing so after having taken account of the decision making principles in the constitution and having sought the advice of the council's monitoring officer and chief finance officer. The decision would be referred to the relevant executive decision maker to consider after the annual meeting.
- b) **Urgency committee:** The urgency committee, together with its sub-committees, will consider non-executive decisions. If the leader is not personally re-elected (or the leader is unable to act), then any executive decisions will also be dealt with by the urgency committee. The membership of the urgency committee will comprise of the leaders (or nominee) of the two largest political groups of the council (1 reserve member each – deputy leaders (or nominee)). It will be possible for one member

of the urgency committee to refer any decision as a recommendation to a meeting of the council assembly.

- c) **Licensing (urgency) sub-committee:** The urgency sub-committee will be comprised of those members of the licensing committee who served on the relevant committee in the year prior to the elections and are re-elected. <sup>1</sup>
- d) **Planning (urgency) sub-committee:** The urgency sub-committee will be comprised of three Labour and two Liberal Democrat members. It should be noted that only members who have received the necessary planning training are able to take part in the consideration of planning applications.

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<sup>1</sup> In the event a sub-committee is required to be called to hear an urgent licence application, it will be composed of three members and a reserve and the membership will be based on the allocation process agreed by the licensing committee.

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## **PART 3N: PANELS**

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### **SOUTHWARK COUNCIL LOCAL PENSION BOARD**

#### **ROLE AND FUNCTIONS**

##### **Regulatory**

1. The responsibility of the local pension board, as defined by sections 5(1) and (2) of the Public Services Pensions Act 2013, is to assist the administering authority (Southwark Council), the scheme manager, in ensuring the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) including:
  - (i) securing compliance with the LGPS regulations and other legislation relating to the governance and administration of the LGPS and any statutory pension scheme that is connected with it
  - (i) securing compliance with requirements imposed in relation to the LGPS and any connected scheme by the Pensions Regulator
  - (ii) such other matters as the LGPS regulations may specify.
2. The administering authority retains ultimate responsibility for the administration and governance of the Southwark Council LGPS. The role of the board is to assist the administering authority to fulfill that responsibility

##### **Reporting**

3. To provide an annual report to be incorporated in the statutory annual pension report which is published on the council's website.

#### **Constitution of the board**

4. The board shall consist of five members and be constituted as follows:
  - (i) two employer representatives (voting)
  - (ii) two scheme member representatives (voting)
  - (iii) one independent chair (non voting).
5. Each member of the local pension board must have a nominated substitute.
6. All members of the local pension board and substitute members must be conversant with the regulations governing the local government pension scheme and any document recording policy about the administration of the fund, and the law relating to pensions. Members of the pension board should aim to reach decisions by consensus. Where an agreement cannot be reached, then the local pensions board will agree how this will be resolved. Decisions/recommendations of the board will be submitted to the relevant officer or body within the council.
8. Any breach brought to the attention of the pension board, whether potential or actual, shall be referred to the council's monitoring officer in the first instance and where required to the national LGPS Advisory Board or the Pensions Regulator.

#### **PENSIONS ADVISORY PANEL**

#### **ROLE AND FUNCTIONS**

The chief finance officer will take into account the pension advisory panel's advice when performing the following functions.

1. Establishing and reviewing the strategic investments objectives.
2. Reviewing the definition of the investment return target most likely to satisfy this investment objective.
3. Considering what constraints, if any, should apply to the invested assets and monitor compliance.
4. Establishing and reviewing the strategic asset allocation (benchmark) that is likely to meet the investment return target.
5. Considering and reviewing the appropriateness of the fund structure i.e. the delegation of powers to managers, setting boundaries for the manager's discretion and considering which manager return targets are likely to achieve the investment return target.
6. Monitoring the performance of the investment managers at least once every three months, and from time to time consider the desirability of continuing or terminating the appointment of investment managers. In monitoring performance of investment managers, the panel should consider:
  - the investments made by the managers
  - their input to the process and the value of their advice
  - investment returns and risk against established targets
  - manager compliance with the fund's requirements
  - discussion of results with managers.
7. Considering policy matters in relation to the pension scheme and the council's early retirement policy.
8. Considering applications, from other bodies, for membership of the council's pension scheme.
9. Monitoring early retirements.
10. Monitoring costs incurred in administering the pension scheme, including:
  - management and other direct costs
  - transaction (dealing) costs.

### **Constitution of the pensions advisory panel**

11. The pensions advisory panel will be constituted as follows:
  - three members (two members from the majority group and one member of the majority opposition) who have received the appropriate training; one of those members will chair the panel
  - three officers (the chief finance officer, an officer with specialist knowledge on the pensions scheme and the head of human resource or their equivalents)
  - two independent advisers (non-voting)
  - a representative appointed by the constituent trade unions representing beneficiaries (non-voting).

12. Decisions should aim to be reached by consensus. Where agreement cannot be reached, then a majority vote will apply. Voting rights are restricted to members and officers, with the chair having the casting vote if required.
13. Decisions of the panel will be treated as advice to the chief finance officer.
14. To be quorate at least three voting members of the panel must be present, plus at least one independent adviser. At least one of the voting members must be an officer.

## **VOLUNTARY BODIES APPOINTMENTS PANEL**

### **ROLE AND FUNCTIONS**

1. To make recommendations on appointments to Southwark charities.

#### **Note**

Any recommendations to be submitted to the monitoring officer.

## **CONSTITUTIONAL STEERING PANEL**

### **ROLE AND FUNCTIONS**

1. To oversee, review and recommend amendments to the constitution.
2. To make recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Aldermen.
3. To recommend changes to the members' allowances scheme.

## **COUNCIL ASSEMBLY BUSINESS PANEL**

### **ROLE AND FUNCTIONS**

1. To plan a programme of council assembly meetings, including setting the themed debates, ensuring a balanced business agenda and the need to make meetings more engaging.

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**PART 30: MATTERS DELEGATED TO OFFICERS**

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1. All matters not reserved to the council assembly, to the cabinet, or to a committee for decision, are delegated to the appropriate chief officer and/or head of service. The powers of the chief finance officer include the requirement under the pension regulations to review investments made by the investment manager at least once every three months, and to administer all other functions relating to The London Borough of Southwark's pension fund in accordance with the relevant legislation and regulations.
2. In cases where the council is a creditor of a deceased person and seeks recovery of a debt from the deceased person's estate, the strategic director of children's and adults' services is the council's nominee for the purpose of taking out letters of administration<sup>1</sup>.
3. Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the council.
3. It is the responsibility of and duty of chief officers to ensure that where appropriate matters of a controversial nature, or involving significant changes in policy, are consulted upon with the relevant cabinet member and recorded or reported to the cabinet, council assembly and committee as appropriate.
4. In respect of awarding grants of £2,500 and under, the decisions are delegated for officer decision following consultation by the chief officer/head of service, with the appropriate cabinet member. All such grants are to be circulated to members in advance and reported to the cabinet.
5. The proper constitutional officer will maintain a list of "proper officers".

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<sup>1</sup> This was agreed by the Leader of the Council in a notice of variation dated 16 October 2015.

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**PART 3P: LOCAL ACT FUNCTIONS**


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This section allocates responsibility for functions and powers which the council gets from Local Acts.

	<b>Function</b>	<b>Responsibility</b>
	Any function under a Local Act other than a function specified or referred to in regulation 2 or schedule 1.	
	<p><b>London Local Authorities Act 2000</b></p> <p>Service of penalty charge notice on basis of information provided by camera etc. (section 4).</p> <p>Service of penalty charge notice where parking attendant prevented from issuing a notice (section 5).</p> <p>Cleansing relevant land of refuse and litter (section 19).</p> <p>Licensing – see references to different licensing functions referred to below.</p> <p>Licensing of buskers (part V).</p>	<p></p> <p>Non-executive</p> <p>Non-executive</p> <p>Non-executive</p> <p>Non-executive</p> <p>Non-executive</p>
	<p><b>London Local Authorities Act 1996</b></p> <p>Penalty charge notices in respect of bus lane infringements (section 4).</p> <p>Fire safety and entertainment licensing:</p> <ul style="list-style-type: none"> <li>• Approval of policies in respect of entertainment licences</li> <li>• Register of all licensed premises for public entertainment</li> <li>• Grant of unopposed transfers and variations of entertainment and night café</li> <li>• Licences</li> <li>• Grant of unopposed renewals for entertainment and night café licences</li> <li>• Hearing and determining applications in respect of entertainment licences.</li> </ul>	<p></p> <p>Non-executive</p> <p>Non-executive</p>
	<p><b>London Local Authorities Act 1995</b></p> <p>Making of special temporary prohibitions within a special parking area (section 9).</p> <p>Notice requiring removal of unauthorised advertisement hoardings etc. (section 11).</p>	<p></p> <p>Non-executive</p> <p>Non-executive</p>

<b>Function</b>	<b>Responsibility</b>
Notice requiring removal of signs on buildings (section 12).	Non-executive
Appointment of deputies to the fire authority (section 44).	Non-executive
Near beer: <ul style="list-style-type: none"> <li>• Approval of policies</li> <li>• Authority to license near beer premises.</li> </ul>	Non-executive
<b>London Local Authorities Act 1994</b>	
Consent to distribution of free literature (section 4).	Non-executive
Night café licensing: <ul style="list-style-type: none"> <li>• Approval of policies in respect of night café licences</li> <li>• Hearing and determination of applications for night café licences</li> <li>• Delegation of authority to director to license premises or persons in respect of night cafés.</li> </ul>	Non-executive
Street trading: <ul style="list-style-type: none"> <li>• Regulation of street trading and associated issues</li> <li>• Renewal of licences.</li> </ul>	Non-executive
Making of regulations relating to dangerous structure fees (section 8).	Non-executive
<b>London Local Authorities Act 1991</b>	
Removal of distribution containers on the highway (section 22).	Non-executive
Licensing of special treatment premises (part II): <ul style="list-style-type: none"> <li>• Approval of policies in respect of special treatment licences</li> <li>• Hearing of and determination of applications made to the council in respect of special treatment licences</li> <li>• Licensing of premises or persons in respect of special treatment establishments</li> <li>• To grant unopposed renewals, transfers and variations for special treatment licences.</li> </ul>	Non-executive
<b>London Local Authorities (No.2) Act 1990</b>	
Crime prevention measures (section 5): <ul style="list-style-type: none"> <li>• Crime prevention policies.</li> </ul>	Non-executive
Restoration of gas and water and electricity.	Non-executive
<b>London Local Authorities Act 1990</b>	

	<b>Function</b>	<b>Responsibility</b>
	Removal of shopping or luggage trolleys found in the open air (section 43).	Non-executive
	Night café licensing: <ul style="list-style-type: none"> <li>• Approval of policies in respect of night café licences</li> <li>• Hearing and determining of applications for night café licences</li> <li>• Licensing of premises or persons in respect of night cafés.</li> </ul>	Non-executive
	Street trading: <ul style="list-style-type: none"> <li>• Regulation of street trading and market trading together with the provision, maintenance and management of storage accommodation</li> <li>• Policies etc. (see above)</li> <li>• Renewal of licences etc.</li> </ul>	Non-executive
	<b>Greater London Council (General Powers) Act 1986</b>	
	Consent for demolition of works under street (section 5).	Non-executive
	Consent for construction which causes obstruction to access to vaults and cellars (section 6).	Non-executive
	Consent for in-filling of vaults and cellars (section 7).	Non-executive
	Powers relating to certain retaining walls (section 8).	Non-executive
	<b>Greater London Council (General Powers) Act 1984</b>	
	Registration of sleeping accommodation (part IV).	Non-executive
	Provisions relating to the sale of goods by competitive bidding (part VI) these provisions include the registration of premises or stalls.	Non-executive
	Power to make charge in respect of approval of plans etc. relating to drains (section 36).	Non-executive
	Removal of occupants of buildings in vicinity of dangerous structures etc. (section 38).	Non-executive
	<b>Greater London Council (General Powers) Act 1982</b>	
	Determination of charges for London Building Acts, consents etc. (section 3).	Non-executive
	<b>Greater London Council (General Powers) Act 1981</b>	

	<b>Function</b>	<b>Responsibility</b>
	Provisions relating to control by borough council of overcrowding in certain hostels - this includes the ability of the council to serve notices (part IV).	Non-executive
	<b>Greater London Council (General Powers) Act 1979</b>	
	Control of Browntail moth (section 8).	Non-executive
	Licensing of entertainment booking offices (section 5).	Non-executive
	<b>Greater London Council (General Powers) Act 1976</b>	
	Power to extinguish rights of interment in cemeteries (section 9).	Non-executive
	<b>Greater London Council (General Powers) Act 1975</b>	
	Power to establish foreign loans reserve fund.	Non-executive
	<b>Greater London Council (General Powers) Act 1974</b>	
	Prohibition of person entering upon grass verges (section 14[2]).	Non-executive
	Authorisation of parking on verges (section 15[4]).	Non-executive
	<b>Greater London Council (General Powers) Act 1973</b>	
	Removal of vehicles for street cleansing (section 21).	Non-executive
	Closure of unsanitary food premises and stalls - the council may seek an order from the court for the closure of premises (section 30).	Non-executive
	<b>Greater London Council (General Powers) Act 1972</b>	
	Contributions in respect of railings (section 18).	Non-executive
	Restoration of gas and electricity services (section 19).	Non-executive
	<b>Greater London Council (General Powers) Act 1970</b>	
	Licences to erect scaffolding (section 15).	Non-executive
	<b>Greater London Council (General Powers) Act 1969</b>	

	<b>Function</b>	<b>Responsibility</b>
	Walkways - There are various provisions in this Act, including the provision and declaration of walkways under section 11 (part III).	Non-executive
	<b>Greater London Council (General Powers) Act 1966</b>	
	Licensing of public exhibitions etc. (section 21).	Non-executive
	<b>London County Council (General Powers) Act 1963</b>	
	Boundary walls (section 6).	Non-executive
	Acquisition of easements etc. (section 8).	Non-executive
	Underpinning of houses near a street improvement (section 9).	Non-executive
	Approval of trade refuse disposal facilities (section 11).	Non-executive
	Provision of shops etc. in subways (section 14)	Non-executive
	Power to provide illumination, floodlighting etc. (section 17).	Non-executive
	<b>London County Council (General Powers) Act 1962</b>	
	Service of notices for prevention of flooding etc. (section 17).	Non-executive
	<b>London County Council (General Powers) Act 1960</b>	
	Restriction of vehicular access to and from street improvements (council may make application to minister) (section 13).	Non-executive
	<b>London County Council (General Powers) Act 1959</b>	
	Acquisition of land for the purpose of providing facilities for storage etc. of horticultural produce (section 12).	Non-executive
	Provision of accommodation and charges (section 13).	Non-executive
	Power to lease and enter into agreements (section 14).	Non-executive
	<b>London County Council (General Powers) Act 1957</b>	
	Provision of advances for erection etc. of buildings (section 78).	Non-executive
	Removal of bottles from streets (section 81).	Non-executive

	<b>Function</b>	<b>Responsibility</b>
	<b>London County Council (General Powers) Act 1956</b>	
	By-laws as to artificial lighting of common staircases (section 63).	Non-executive
	<b>London County Council (General Powers) Act 1955</b>	
	Powers of borough councils to maintain burial grounds (section 36).	Non-executive
	Return of library books etc. (section 37).	Non-executive
	Recovery by borough councils of expenses of fencing certain lands (section 39).	Non-executive
	<b>London County Council (General Powers) Act 1954</b>	
	Defacement of streets with slogans etc. (powers of removal) (section 20).	Non-executive
	<b>London County Council (General Powers) Act 1953</b>	
	Powers to sanitary authority to cleanse aged and feeble persons in their homes (section 43).	Non-executive
	<b>London County Council (General Powers) Act 1951</b>	
	Expenses of councils in connection with ceremonies etc. (section 32).	Non-executive
	Improvement of roadside amenities etc. by borough councils (section 3).	Non-executive
	Power to provide storage etc. for accommodation for costermongers etc. (section 35).	Non-executive
	<b>London County Council (General Powers) Act 1949</b>	
	Supply of heat (part II).	Non-executive
	<b>London County Council (General Powers) Act 1947</b>	
	Maintenance of forecourts to which public have access – council has power to serve improvement notices (section 43).	Non-executive
	Fencing of dangerous lands in or near streets (section 44).	Non-executive

	<b>Function</b>	<b>Responsibility</b>
	Recovery of expenses and costs (section 44).	Non-executive
	<b>London County Council (General Powers) Act 1947</b>	
	Power to provide concert halls etc. (section 4).	Non-executive
	Power to provide entertainment (section 5).	Non-executive
	Contributions to cultural bodies (section 59).	Non-executive
	Acquisition of buildings or places of historic interest (section 61).	Non-executive
	<b>London County Council (General Powers) Act 1933</b>	
	Control of petroleum - filling stations (section 69).	Non-executive
	<b>London County Council (General Powers) Act 1930</b>	
	Gratuities to non-pensionable employees (section 61).	Non-executive
	Power to provide residences for officers or servants (section 11[1]).	Non-executive
	<b>London County Council (General Powers) Act 1925</b>	
	Enclosure of unenclosed land adjoining streets (section 33).	Non-executive
	Power to council to erect or construct hydrants and ballast or orderly bins and pits (section 18).	Non-executive
	<b>London County Council (General Powers) Act 1921</b>	
	Compensation to persons in council's service on abolition of office (section 31).	Non-executive
<b>London County Council (General Powers) Act 1912</b>		
	Petroleum oil depots (part II).	Non-executive
	Power to contribute to provident fund (section 28).	Non-executive

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**PART 3Q: LOCAL CHOICE FUNCTIONS**


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This section allocates functions which are a matter of local choice.

	<b>Local choice functions</b>	<b>Responsibility</b>
1.	The determination of an appeal against any decision made by or on behalf of the authority.	Non-executive
2.	The making of arrangements pursuant to subsection (1) of section 67 of, and schedule 18 to, the 1998 Act (appeals against exclusion of pupils).	Executive
3.	The making of arrangements pursuant to section 94(1) and (4) of, and schedule 24 to, the 1998 Act (admission appeals).	Executive
4.	The making of arrangements pursuant to section 95(2) of, and schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Executive
5.	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Executive
6.	Any function relating to contaminated land.	Non-executive To be dealt with in accordance with other environmental regulation matters except where it features in plans and strategies.
7.	The discharge of any function relating to the control of pollution or the management of air quality.	Executive
8.	The service of an abatement notice in respect of a statutory nuisance.	Non-executive
9.	The passing of a resolution that schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Non-executive
10.	The inspection of the authority's area to detect any statutory nuisance.	Non-executive
11.	The investigation of any complaint as to the existence of a statutory nuisance.	Non-executive
12.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-executive

	<b>Local choice functions</b>	<b>Responsibility</b>
13.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Non-executive
14.	The making of agreements for the execution of highways works.	Non-executive
15.	<p>The appointment of any individual:</p> <p>a) to any office other than an office in which he is employed by the authority</p> <p>b) to any body other than:</p> <p style="padding-left: 20px;">i) the authority</p> <p style="padding-left: 20px;">ii) a joint committee of two or more authorities</p> <p>c) to any committee or sub-committee of such a body</p> <p>and the revocation of any such appointment.</p>	Cabinet to make appointments to outside bodies in connection with functions which are the responsibility of the cabinet; all other appointments to be made by the council assembly, a committee or officer.

## **ACCESS TO INFORMATION PROCEDURE RULES**

### **Rules applying to all meetings of the council**

#### **1. APPLICATION OF RULES TO MEETINGS**

Rules 1–11 apply to all meetings of the council assembly, overview and scrutiny committees and sub-committees, the standards committee, regulatory committees, community councils and meetings of the cabinet, and its committees (together called “meetings”).

#### **2. ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this constitution or the law.

#### **3. RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules.

#### **4. NOTICES OF MEETING**

Subject to the rules relating to urgent decisions, the council will give at least five clear working days’ notice of any meeting by posting details of the meeting at the council’s main offices and on the council website.

#### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting.

If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

#### **6. SUPPLY OF COPIES**

The council will supply copies of:

- a) any agenda and reports which are open to public inspection
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda
- c) any other documents supplied to councillors in connection with an item if the proper officer thinks fit

to any person on payment of a charge for postage and any other costs.

## **7. ACCESS TO MINUTES AND PAPERS AFTER THE MEETING**

The council will make available copies of the following for six years after a meeting:

- a) the minutes of the meeting or records of decisions made, together with reasons, for all meetings of the cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
- b) the agenda for the meeting
- c) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- a) disclose any facts or matters on which the report or an important part of the report is based
- b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in rule 10) and in respect of cabinet reports, the advice of a political assistant.

### **8.2 Public inspection of background papers**

The council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers. Background documents listed in reports to cabinet meetings will be available on the council's website at the same time the report is published.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents is kept at and available to the public at the council's main offices.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **10.1 Confidential information: Requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

## 10.2 Meaning of confidential information

Confidential information means information given to the council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.

## 10.3 Exempt information: Discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

## 10.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any qualifications):

1. information relating to any individual
2. information which is likely to reveal the identity of an individual
3. information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
5. information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. information which reveals that the authority proposes:
  - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person
  - b) to make an order or direction under any enactment
7. information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- 7a. information which is subject to any obligation of confidentiality
- 7b. information which relates in any way to matters concerning national security
- 7c. the deliberations of the conduct sub-committee of the audit, governance and standards committee when conducting investigations or hearings into allegations of breach of the code of conduct by members.

### Qualifications

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:

- a) the Companies Act 1985
  - b) the Friendly Societies Act 1974
  - c) the Friendly Societies Act 1992
  - d) the Industrial and Provident Societies Acts 1965 to 1978
  - e) the Building Societies Act 1986
  - f) the Charities Act 1993.
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10. Information which:
- a) falls within any of paragraphs 1 to 7 above
  - b) is not prevented from being exempt by virtue of paragraphs 8 or 9 above

is exempt as long as the public interest in maintaining the exemption outweighs the public interest in disclosing it.

## **11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the proper officer thinks fit, the council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

## **Rules applying to the cabinet**

### **12. APPLICATION OF RULES TO THE CABINET**

Rules 13 – 20 apply to the cabinet and its committees. If the cabinet or its committees meet to take a key decision then it must also comply with rules 1 – 11 unless rule 18 (general exception), rule 19 (special urgency) or rule 20 (urgent implementation) apply.

Cabinet or its committees may meet in public or private. Meetings of cabinet or its sub-committees must comply with rules 1-11 unless rule 18 (general exception) or rule 19 (special urgency) or rule 20 (urgent implementation) apply. If the public and press are excluded from all or part of a cabinet or its committee meetings under rule 10 this is classified as a private meeting and rule 13 applies.

A key decision is as defined in the protocol on key decisions set out in the appendix to these rules.

### **13. PROCEDURES PRIOR TO CLOSED MEETINGS**

#### **13.1 Notice of a closed meeting**

Whilst the majority of the cabinet's business at the meetings listed in the forward plan will be open to the public to attend, there will inevitably be some

business to be considered that contains, for example, confidential, commercially sensitive or personal information.

At least 28 clear days notice must be given if cabinet or its sub-committees intend to meet in closed session, for all or part of the meeting.<sup>1</sup> This notice must be given through the forward plan, including the reasons why the information is likely to be considered in closed session.

### **Representations**

Any person may make a representation requesting, with reasons, that a particular report likely to be considered in closed session should be open to the public. A representation should be addressed to the council's proper constitutional officer.

### **Five day notice of a closed meeting**

At least five clear working days before the closed meeting a further notice must be published again giving the reasons the meeting will be closed and details of any representations received. If the cabinet or its sub-committees still intend to hold all or part of the meeting in closed session this notice must contain the cabinet's response to any representations received.

## **13.2 Urgent closed meetings**

Where it is impracticable to comply with procedure rule 13.1 and the meeting/decision is urgent and cannot be reasonably deferred the meeting or part of the meeting may be held in closed session if cabinet or its sub-committees have obtained agreement from the chair of the overview and scrutiny committee. If the chair of the overview and scrutiny committee is unable to act then the Mayor and in his/her absence the Deputy Mayor may act.

When agreement for the urgent closed meeting has been obtained cabinet or its sub-committees must publish a notice on the council's website setting out the reasons why the meeting is urgent and cannot be reasonably deferred.

## **14. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET**

### **14.1 Reports intended to be taken into account**

Where an individual decision maker receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear working days after receipt of that report.

### **14.2 Provision of copies of reports to overview and scrutiny committees**

On giving of such a report to an individual decision maker, the proper constitutional officer will give a copy of it to the chair of overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

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<sup>1</sup> This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

### **14.3 Record of individual decision**

As soon as reasonably practicable after a cabinet decision has been taken by an individual member of the cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

The provisions of rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

In the event that an officer takes an executive decision in accordance with regulation 13(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, he/she will prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The record of decision and any report considered by the officer and relevant to the decision recorded must be available for inspection by members of the public as soon as it is reasonably practicable at the offices of the authority and published on the council's website.

## **15. PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to rule 18 (general exception) and rule 19 (special urgency), a key decision may not be taken unless:

- a) the matter is on the forward plan and 28 clear days notice of the decision has been given
- b) notice of the meeting has been given in accordance with rule 4 (notice of meetings) if the decision is to be taken at a meeting of the cabinet or its committees.

## **16. THE FORWARD PLAN**

### **16.1 Period of forward plan**

Forward plans will be prepared on behalf of the leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

### **16.2 Contents of forward plan**

1. The forward plan will contain matters which the leader has reason to believe will be the subject of a key decision to be taken by the cabinet, a committee of the cabinet, officers, community councils or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan.
2. It will describe the following particulars insofar as the information is available or might reasonably be obtained:

- a) the matter in respect of which a decision is to be made
  - b) where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and details of membership
  - c) the date on which, or the period within which, the decision will be taken
  - d) the identity of the principal groups whom the decision maker proposes to consult before taking the decision
  - e) indicate if the business is open or closed and where the decision is exempt under rule 10 the reasons why it is exempt
  - f) a list of the documents submitted to the decision maker for consideration in relation to the matter and the procedure for requesting details of those documents as they become available.
3. Key decisions must be included in the forward plan, giving at least 28 clear days' notice of the decision. The forward plan will be published at least 28 clear days before the commencement of the next calendar month.
  4. Exempt information need not be included in a forward plan and confidential information cannot be included.

## **17. URGENT DECISIONS – DEFINITIONS OF URGENCY AND STEPS THAT MUST BE FOLLOWED**

There are four categories of urgent decisions:

- Rule 18 (General exception)
- Rule 19 (Special urgency)
- Rule 20 (Urgent implementation)
- Rule 21 (Urgent decisions outside the budget or policy framework).

The definitions and procedures to be followed are set out below.

## **18. GENERAL EXCEPTION**

### **Definition**

These are decisions which are likely to be key decisions and have not been included in the forward plan for the month that the decision will be taken.

This decision will be subject to call-in.

### **Procedure**

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to rules 19 and 20 (special urgency and urgent implementation respectively), the decision may still be taken if:

- a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates
- b) the proper officer has informed the chair of the overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made
- c) the proper officer has made copies of that notice available to the public at the offices of the council and on the council's website
- d) at least five clear working days have elapsed since the proper officer complied with a) and b).

Where such a decision is taken collectively it must be taken in public, subject to rule 10.4.

## **19. SPECIAL URGENCY**

### **Definition**

These are decisions that need to be taken within five clear working days; i.e. the requirements of rule 18 (general exception) on notice cannot be complied with. In these circumstances, the special urgency procedure should be used whether the decision had previously appeared on the forward plan or not.

This decision will be subject to call-in.

### **Procedure**

If the date by which a decision must be taken means that rule 18 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of the overview and scrutiny committee that the taking of the decision cannot be reasonably deferred.

If there is no chair of the overview and scrutiny committee, or if the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the Mayor of the council, or in his/her absence the Deputy Mayor will suffice.

In the event that special urgency provisions are used the proper officer must compile a notice setting out the reasons for special urgency and make that notice available for inspection at the council offices and on the council's website.

## **20. URGENT IMPLEMENTATION**

### **Definition**

These are decisions which, whether they have been included on the forward plan or not, need to be implemented immediately by virtue of the urgency of the actions that need to be taken.

This decision will not be subject to call-in.

## Procedure

If a decision needs to be implemented immediately by virtue of the urgency of the actions that need to be taken, then the decision can only be taken if the decision maker (if an individual) or the chair of the body making the decision obtains the agreement of the chair of the overview and scrutiny committee both that the decision proposed is:

- a) reasonable in all circumstances
- b) to be treated as a matter of urgency.

If there is no chair or if the chair is unable to act, then the agreement of the vice-chair or in his/her absence any two members of the overview and scrutiny committee will suffice. In the situation where both chair and vice-chair are unable to act the whips of the two largest political groups on the overview and scrutiny committee shall nominate one member each.

In the event that urgent implementation provisions are used the proper officer must compile a notice setting out the reasons for special urgency and make that notice available for inspection at the council offices and on the council's website.

*Note: Any requests for a key decision not to be called-in and communicated to the chair of overview and scrutiny committee should be copied to all overview and scrutiny committee members.*

## 21. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(See Rule 4, budget and policy framework procedure rules)

### Definition

The cabinet, a committee of the cabinet, an individual member of the cabinet or officers, or joint arrangements discharging executive functions may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by council assembly if the decision is a matter of urgency.

This decision will not be subject to call-in.

### Procedure

This type of decision may only be taken if the procedure set out in Rule 4, budget and policy framework procedure rules is followed.

## 22. REPORT TO COUNCIL

### 22.1 When an overview and scrutiny committee/sub-committee can require a report

If an overview and scrutiny committee/sub-committee thinks that a key decision has been made which was not:

- a) included in the forward plan

- b) the subject of the general exception procedure
- c) the subject of an agreement with the overview and scrutiny committee chair, or the Mayor or Deputy Mayor of the council under rules 19 and 20,

the committee/sub-committee may require the cabinet to submit a report to the council assembly within such reasonable time as the committee/sub-committee specifies. The power to require a report rests with the committee/sub-committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee/sub-committee when so requested by the chair or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee/sub-committee.

## **22.2 Cabinet's report to council**

The cabinet will prepare a report for submission to the next available meeting of the council assembly. However, if the next meeting of the council assembly is within seven days of receipt of the written notice or the resolution of the committee/sub-committee then the report may be submitted to the meeting after that. The report to council assembly will set out particulars of the decision, the body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

## **22.3 Annual reports on special urgency decisions**

In any event the leader will submit an annual report to the council assembly on the executive decisions taken in the circumstances set out in rule 19 (special urgency). The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **23. RECORD OF DECISIONS**

After any meeting of the cabinet or any of its committees, the proper officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

## **Rules applying to the overview and scrutiny committee**

### **24. OVERVIEW AND SCRUTINY COMMITTEE/SUB-COMMITTEES' ACCESS TO DOCUMENTS**

#### **24.1 Rights to copies**

Subject to rule 23.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the cabinet or its committees and which contains material relating to any business transacted at a meeting of the cabinet or its committees. This information will be provided as soon as reasonably practicable and in any case no later than 10 clear working days after the cabinet received the request.

## 24.2 Limit on rights

An overview and scrutiny committee/sub-committee will not be entitled to:

- a) any document that is in draft form
- b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise
- c) the advice of a political assistant.

Where the cabinet determines that a member of an overview and scrutiny committee/sub-committee is not entitled to a document requested under this rule, it must provide the overview and scrutiny committee/sub-committee with a written statement setting out its reasons for that decision.

## Rules applying to members

### 25 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

#### 25.1 Material relating to the business of the cabinet

All members are entitled to inspect any documents in the possession or under the control of the cabinet which contains material relating to any business to be transacted at a public meeting. Any document requested under this rule must be available for inspection at least five clear working days before the meeting.

This rule does not require the document to be available for inspection if in the view of the proper officer it appears to disclose exempt information as set out in rule 10.4 or contains the advice of a political assistant.

#### 25.2 Material relating to decisions

All members are entitled to inspect any documents in the possession or under the control of the cabinet which contains material relating to any business transacted at a private meeting, any decisions made by an individual member or any chief officer. Any document under this rule must be available for inspection when the meeting concludes or in the case of individual decisions immediately after the decisions has been made, and in any event within 24 hours of the conclusion of the meeting or the decision.

This rule does not require the document to be available for inspection if in the view of the proper officer it appears to disclose exempt information as set out in rule 10.4 or contains the advice of a political assistant.

#### 25.3 Material relating to previous business of the cabinet

All members, provided that they can demonstrate a 'need to know', will be entitled to inspect any document which contains any material relating to any business transacted at a meeting of the cabinet or its committees and is in the control of the cabinet unless:

- a) it contains confidential or exempt information falling within paragraphs 1, 2, 3 (except where information is not exempt information by virtue of the qualification in paragraph 8), 4, 5 and 7 of the categories of exempt information
- b) it contains the advice of a political assistant.

#### **25.4 Material relating to key decisions**

All members of the council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the cabinet or its committees which relates to any key decision unless paragraph a) or b) above applies.

#### **25.5 Nature of rights**

These rights of a member are additional to any other right he/she may have.

#### **25.6 Freedom of information**

Members can make a request under freedom of information and should state as such in their request.

#### **25.7 General right to inspect documents containing exempt information**

All councillors have an automatic right to inspect documents containing information made exempt under categories 3 and 6 of the access to information procedure rules, except in the case of paragraph 3 if the document contains information relating to any terms proposed or to be proposed by the council in the course of negotiations for a contract, it will remain exempt and councillors will have no automatic right to inspect the document.

Information made exempt under paragraphs 1, 2, 3 (where this relates to information on any terms proposed or to be proposed to or by the council in the course of negotiations), 4, 5 and 7 are only automatically available to councillors on the committee to which the document relates. Requests for copies of these reports from other councillors can only be complied with if a 'need to know' is demonstrated and the proper officer is of the opinion that the public interest in disclosing the information outweighs the public interest in withholding it.

## PROTOCOL ON KEY DECISIONS

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### Definitions of key decisions

There are two types of key decision:

#### 1. Those which are above a general financial threshold

Key decisions are those which result in the authority incurring expenditure or savings of £500,000 or more.

Examples include:

- disposal of any council property with a value of £500,000 or more
- taking by the council of any interest in land with a value of £500,000 or more
- the granting of any interest in land worth £500,000 or more
- applications for funding from any external body which if successful would require match funding of £500,000 or more, or require revenue commitment of £500,000 or more
- the award of a contract worth £500,000 or more in any one year.

#### 2. Those which have a significant impact on communities

Key decisions are those which are likely to be significant in terms of their impact on communities and specifically in one ward or more.

Examples include:

- closure or significant changes to the provision of any council service, school or education facility
- where there is evidence of significant local opposition to any proposals.

In considering whether a decision is likely to be significant, the decision maker is to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the local amenity of the community or the quality of service provided to a significant number of people living or working in the locality affected.

In deciding whether a decision will have a significant impact on communities in one or more wards the following factors should be taken into account:

- the extent of the impact (i.e. how many people and wards will be affected)
- the likely views of those affected (i.e. is the decision likely to result in substantial public interest)
- whether the decision is likely to be a matter of political sensitivity
- where the decision may incur a significant social, economic or environmental risk
- where there is evidence of significant local opposition to any proposals

Where a decision is only likely to have a significant impact on a very small number of people in one ward, the decision maker should ensure those people are informed of the forthcoming decision in sufficient time to make an input into the decision making process. Ward councillors should also be

informed of the decision to be made. Officers should always be aware of the issues arising which might mean that a decision becomes a key one (for example, if input, even from a small number of those likely to be affected points to the decision being one which will have a much greater impact than was first apparent).

### **3. Decisions which should always be treated as key decisions**

In addition there are other decisions which are deemed to be key decisions because of their significance and will be included in the forward plan. These are specifically:

- the setting of fees and charges
- the granting or withdrawing financial support to any external community or voluntary organisation in excess of £10,000 (this would not apply to those organisations from which the council commissions services)
- the writing off any bad debt in excess of £50,000 per case
- the disposal of any council property for less than best consideration
- the exercise of the council's compulsory purchase order powers
- the consideration of an inspection or reports by the Social Services Inspectorate, District Auditor, Office for Standards in Education, Children's Services and Skills (Ofsted) and the council's response to any such report
- the strategic procurement strategy approval decisions (Gateway 1 reports)
- reports on corporate budget monitoring and performance
- the pre-procurement strategic assessment approval decisions in respect of services over £10,000,000 or for other strategically important contracts where requested by the relevant cabinet member (Gateway 0 reports).

### **4. Guidance on determining if a decision is key or not**

Where there is any doubt as to the financial value or the significance of the decision, it should be deemed to be a key decision and included in the forward plan.

## **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **1. The framework for cabinet decisions**

The council will be responsible for the adoption of the budget and policy framework as set out in Part 3A of this constitution

Once the framework is in place, it will be the responsibility of the cabinet to implement it within the resources approved by council.

### **2. Process for developing the framework**

The process by which the budget and policy framework shall be developed is as follows.

- a) The cabinet will publish, by including in the forward plan, a timetable for making proposals to the council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those proposals. The consultation for the policy framework shall generally be around eight weeks. However, this timetable must take into account any statutory deadlines and allow sufficient time for those deadlines to be met (e.g. council tax setting). The chairs of overview and scrutiny committee and its sub-committees will also be notified. The overview and scrutiny committee and its sub-committees will determine whether it wishes to consult with community councils as part of its deliberations on the budget and policy framework.
- b) At the end of the consultation, the cabinet will then draw up firm proposals having regard to the responses to that consultation. If a relevant overview and scrutiny committee/sub-committee wishes to respond to the cabinet in that consultation process then it may do so. As the overview and scrutiny committee and its sub-committees have responsibility for fixing their own work programmes, it is open to the scrutiny committee/sub-committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The overview and scrutiny committee and its sub-committees shall consider any responses received from community councils when considering its recommendations to the cabinet. The cabinet will take any response from an overview and scrutiny committee/sub-committee into account in drawing up firm proposals for submission to the council assembly and its report to council assembly will reflect the comments made by consultees and the cabinet's response.
- c) Once the cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the council assembly for decision.

- d) In reaching a decision council assembly may adopt the cabinet's proposals, amend them, refer them back to the cabinet for further consideration, or substitute its own proposals in their place.
- e) If it accepts the recommendation of the cabinet without amendment, council assembly may make a decision, which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- f) The decision will be publicised and a copy shall be given to the leader.
- g) An in-principle decision will automatically become effective seven days from the date of the council assembly's decision, unless the leader informs the proper officer in writing within five days of the date of the decision that he/she objects to the decision becoming effective. The written notification must state the reasons for the objection.
- h) Where such notification is received, the proper officer shall convene a further meeting of the council assembly to reconsider its decision and the decision shall not be effective pending that meeting. The council assembly meeting must take place within seven working days of the receipt of the leader's written objection.
- i) At that council assembly meeting, the decision of the council assembly shall be reconsidered in the light of the objection, which shall be available in writing for the council assembly.
- j) The council assembly shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately. The council assembly may:
  - i) confirm its original decision, or,
  - ii) reinstate the cabinet recommendation as a decision, or,
  - iii) substitute a different decision.
- k) The decision of the council assembly at that meeting is final and may be implemented immediately. The leader may not ask for this or any other decision to the same effect to be reconsidered for a further six months.
- l) In approving the budget and policy framework, the council assembly will decide whether any amendment to financial standing orders in respect of the extent of virement is necessary. Any other changes to the budget and policy framework are reserved to the council assembly.

### **3. Decisions outside the budget or policy framework**

- a) Subject to the provisions on virements (as set out in the financial standing orders) the cabinet, committees of the cabinet, and any officers, or joint arrangements discharging executive functions may only take decisions which are within the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary

to the policy framework, or contrary to or not wholly in accordance with the budget approved by the council assembly, then that decision may only be taken by the council assembly, subject to 4 below.

- b) If the cabinet, committees of the cabinet and any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief finance officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the council assembly for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 shall apply.
- c) Council assembly may either:
  - i) endorse a decision or proposal of the cabinet as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the council assembly be minuted and circulated to all councillors in the normal way; or,
  - ii) amend the budget framework or policy concerned to encompass the decision or proposal of the cabinet and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the council assembly be minuted and circulated to all councillors in the normal way; or,
  - iii) where council assembly accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, refer the decision back and require the decision taker to reconsider the matter in accordance with the advice of either the monitoring officer and/or the chief finance officer. The decision maker must reconsider within seven working days of the council assembly meeting. The decision taken by the decision maker is final.

#### **4. Urgent decisions outside the budget or policy framework<sup>1</sup>**

- a) The cabinet, a committee of the cabinet or an individual member of the cabinet or officers, or joint arrangements discharging executive functions may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by council assembly if the decision is a matter of urgency. However, the decision may only be taken:
  - i) if it is not practical to convene a quorate meeting of the council assembly; and,

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<sup>1</sup> See also Access to Information Procedure Rule 20 where this procedure is listed as one of the urgent decisions. The clause includes a definition of this process.

- ii) if the chair of the overview and scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of council assembly and the chair of the overview and scrutiny committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of the overview and scrutiny committee the consent of the mayor, and in the absence of both the deputy mayor will be sufficient.

- b) Following the decision, the decision taker will provide a full report to the next available council assembly meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **5. Virements**

The rules on virements are set out in full in financial standing orders.

## **6. In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the council assembly, and decisions by the cabinet, a committee of the cabinet, an individual member of the cabinet, or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy, which make up the policy framework, may be made by those bodies or individuals except where council has agreed this at the time of agreeing the budget or relevant policy or strategy or those:

- a) which will result in the closure or discontinuance of a service to meet a budgetary constraint; or,
- b) which are necessary to ensure compliance with the law, ministerial direction or government guidance.

## **7. Call-in of decisions outside the budget and policy framework**

The procedure for call-in of decisions which are not in accordance with the budget and policy procedure framework can be found in rules of the overview and scrutiny procedure rules.

## **COUNCIL ASSEMBLY PROCEDURE RULES**

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Protocol governing the discussion in council assembly on investigations and rulings of the standards committee and sub-committees

#### **Information to members of the public:**

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

#### **Suspension of council assembly rule**

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

*"This rule cannot be suspended."*

## 1. GENERAL PROCEDURES APPLYING TO COUNCIL ASSEMBLY MEETINGS

### 1.1 NOTICE AND SUMMONS OF MEETINGS

*This rule cannot be suspended.*

#### **Ordinary and extraordinary meetings**

1. The chief executive will give notice to the public of the time and place of any ordinary or extraordinary meeting in accordance with the access to information procedure rules. At least seven clear working days before a meeting, the chief executive will send a summons signed by him or her by electronic communication (where the member has presently consented to it being transmitted by this method), or by post to all members of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **Annual meeting**

2. The chief executive will give notice to the public of the time and place of the annual meeting of council assembly in accordance with the access to information rules. At least five clear working days before the meeting, the chief executive will send a summons signed by him or her by electronic communication (where the member has presently consented to it being transmitted by this method), or by post to all members of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **Electronic summons**

3. A member may consent to receiving a summons by electronic communication by informing the proper constitutional officer.
4. Members' requests to change their method of receipt must be submitted in writing to the proper constitutional officer. A minimum of five clear working days must elapse from the date of receipt of such a request before it becomes effective.

#### **Time and place**

5. Unless the council, or the Mayor in consultation with the chief executive, shall otherwise decide, all meetings of the council shall commence at 7.00pm.
6. All meetings of the council assembly shall be held in the borough.

#### **Meetings convened at short notice**

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

#### **Postponement/cancellation of meetings**

8. The Mayor/chair, in consultation with the monitoring officer, may in exceptional circumstances cancel a meeting, direct that an ordinary meeting of council assembly be not called or change the date, time or venue of a meeting.

**1.2 CHAIR OF MEETING**

*This rule cannot be suspended.*

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

**1.3 QUORUM**

*This rule cannot be suspended.*

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

**Quorum at start of meeting**

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

**Quorum if more than one-third of members are disqualified**

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

**1.4 COUNCIL ASSEMBLY BUSINESS PANEL**

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

**1.5 POWERS OF THE CHAIR**

*This rule cannot be suspended.*

1. Having received the views of the council assembly business panel, the chair shall decide, having taken the advice of the monitoring officer, the council assembly agenda and the timings for relevant sections of the meeting.
2. The chair shall decide, having taken the advice of the monitoring officer, all matters of order, competence, relevancy, interpretation of council assembly procedure rules relating to the conduct of the meeting and the appropriateness of council questions.

**1.6 VARIATION IN ORDER OF BUSINESS**

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

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

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

## 1.7 CONDUCT

*This rule cannot be suspended.*

### **Equality and diversity**

1. Council assembly shall conduct its business in a way that:
  - a) promotes equality of opportunity between individuals and treats all people with dignity and respect
  - b) avoids and eliminates discrimination of any kind
  - c) promotes good relations within the community between members of different groups, and encourages the active participation of all.

### **Conduct**

2. Everyone present at the council assembly meeting must:
  - a) treat other participants with courtesy and respect
  - b) be sensitive to the needs of those participants who are not used to speaking in public, or whose first language is not English
  - c) conduct themselves in a way that does not cause offence to others or limits in any way others' ability to participate in meetings
  - d) only speak when called on by the chair and speak through the chair.
3. Unacceptable conduct includes:
  - a) using abusive or unbecoming language or making comments of a personal nature about another person
  - b) discriminatory or other derogatory remarks or actions
  - c) behaviour that intimidates any person present at the meeting
  - d) preventing others from expressing their views by interrupting or talking while they are speaking
  - e) attributing improper motives to others
  - f) failure to comply with the procedure rules
  - g) treating council officers disrespectfully, either individually or as a group, when speaking to them, or about them
  - h) making comments that relate to an investigation by (whether complete or not), or ruling of, the standards committee or sub-committee insofar as those comments relate to the behaviour or conduct of an individual member or members.
  - i) ignoring or not accepting the authority of the chair.

### **Members' statements**

4. No member shall mislead the council assembly on a matter of fact. If a misleading statement is made, the member shall inform council assembly at the earliest opportunity and offer a correct statement.
5. A member who knowingly makes a misleading statement to council assembly may be regarded as bringing the council and its proceedings into disrepute. If

this is the case then a breach of the members' code of conduct is likely to occur.

## **1.8 PREVENTION OF DISORDERLY CONDUCT**

*This rule cannot be suspended.*

### **Councillors**

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

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

### **Members of the public**

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

## **1.9 BROADCASTING AND RECORDING**

1. The council allows and welcomes any recording, photographing or filming of the proceedings of a council meeting or use of social media by any member of the public, media or councillor. Reasonable provision for facilities to so do shall be provided. The chair will make an announcement at the beginning of the meeting where appropriate.
2. Members of the public or media are encouraged to contact the relevant officer (i.e. proper constitutional officer) in advance of the meeting should they have any specific requirements.
3. The Mayor has the discretion to terminate or suspend the recording or photograph or filming if, in the opinion of the Mayor, continuing to do so would prejudice the proceedings of the meeting.
4. The circumstances in which termination or suspension might occur could include:
  - a) Public disturbance or suspension of the meeting (including any oral reporting or oral commentary as the meeting takes place)
  - b) Exclusion of public and press being moved and supported
  - c) The Mayor, on advice of the monitoring officer, considering that continued recording/photograph/filming/webcasting might infringe the rights of any individual
  - d) The Mayor, on advice of the monitoring officer, considering that a defamatory statement has been made.

**1.10 DECLARATION OF INTERESTS**

*This rule cannot be suspended.*

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

**1.11 PREVIOUS DECISIONS AND MOTIONS****Motion to rescind a previous decision**

1. A motion or amendment to rescind a decision made at a meeting of council within the previous six months cannot be moved unless the notice of motion, delivered in accordance with rules 2.10(3) and (4), is signed by at least 16 members.

**Motion similar to one previously rejected**

2. A motion or amendment in similar terms to one that has been rejected at a meeting of council in the previous six months cannot be moved unless the notice of motion or amendment, delivered in accordance with rules 2.10(3) and (4), is signed by at least 16 members.

**Notice**

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

**1.12 GUILLOTINE**

*This rule cannot be suspended.*

**FOR ORDINARY, COUNCIL TAX SETTING AND EXTRAORDINARY MEETINGS****Concluding the meeting**

1. The guillotine shall take effect three hours after the start of the meeting.
2. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.
3. The following outstanding business shall be considered:
  - any business required by statute
  - approval of minutes of council assembly
  - each individual report with a recommendation, be it from the cabinet, committee or officer
  - any other business accepted by the Mayor as late and urgent business.

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

4. Each item of business specified in rule 1.12(3) shall be afforded up to a maximum of 15 minutes. If the matter is not concluded within that time the Mayor shall, if appropriate, call upon the mover of the substantive motion to exercise their right of reply and a vote shall be taken. In circumstances where the council is legally obliged to make a decision, but the motion or recommendation voted upon is lost, the Mayor will take motions from the

floor, each allocated up to a maximum of 15 minutes, until a decision is reached.

**Motions not dealt with**

5. If there are motions or other business still outstanding at the fall of the guillotine, then subject to council assembly procedure rule 1.12(6) all other motions or business not considered shall be put to the vote without debate.

**Suspension of guillotine rule**

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

**FOR ANNUAL COUNCIL**

**Concluding the meeting**

7. The guillotine shall take effect one and half hours after the start of the meeting.
8. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.
9. The following outstanding business shall be considered:
  - any business required by statute
  - approval of minutes of council assembly
  - each individual report with a recommendation, be it from the cabinet, committee or officer
  - any other business accepted by the Mayor as late and urgent business.

**Process for dealing with any outstanding business**

10. Each item of business specified in rule 1.12(3) and still outstanding at the fall of the guillotine, shall be put to the vote without debate.

**1.13 PROCEDURAL MOTIONS WITHOUT NOTICE**

The following procedural motions may be moved without notice:

- a) to appoint a chair of the meeting at which the motion is moved
- b) in relation to the accuracy of the minutes
- c) to change the order of business in the agenda
- d) to refer something to an appropriate body or individual
- e) to appoint a committee or member arising from an item on the summons for the meeting
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them
- g) to withdraw a motion
- h) to amend a motion, by its mover, with the consent of the meeting
- i) to proceed to the next business
- j) that the question be now put
- k) to adjourn a debate
- l) to adjourn a meeting
- m) to suspend a particular council assembly procedure rule
- n) to exclude the public and press in accordance with the access to information rules

- o) to exclude a member from the meeting under council assembly procedure rule 1.8(1)
- p) to give the consent of the council where its consent is required by this constitution
- q) to extend the time limit of speeches
- r) to suspend council assembly procedure rules without notice under council assembly procedure rule 6.1
- s) to receive a deputation under council assembly procedure rule 2.6(12)(a)
- t) motions and amendments on matters upon which the council is legally obliged to make a decision, but for which a motion of which notice had been given has been lost
- u) to extend the guillotine by up to 30 minutes under rule 1.12(6)
- v) to approve the programme motion.

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

#### **1.14 RULES OF DEBATE**

##### **Chair to call member to speak**

*This rule cannot be suspended.*

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

##### **Chair standing**

*This rule cannot be suspended.*

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

##### **Form of address**

*This rule cannot be suspended.*

3. Councillors shall address the chair when speaking, and refer to each other as Mayor, Deputy Mayor, leader, cabinet member, chair or councillor, as the case may be.

##### **Order of debate**

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

Where the chair or council assembly agree to hold a single debate on a theme or motion, the order of debate shall be varied as follows. All motions and amendments shall be moved and seconded, followed by a single debate. At the end of the debate the mover of the motion or theme shall have a right of reply. Each motion and amendment shall be voted upon separately.

**Mover and seconder required for all motions and amendments**

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

**No speeches until motion is seconded**

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

**Right to require motion in writing**

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

**Secunder's speech**

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

**Content and length of speeches**

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

An exception is when the relevant cabinet member presents the annual budget report at the council tax setting meeting. In this case, he or she will be allowed up to ten minutes in which to present the report and the shadow cabinet member shall have five minutes in which to reply.

**When a member may speak again**

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

**Form of amendments**

11. An amendment to a motion must be delivered in accordance with rules 2.10(4) or 2.11(3) be relevant to the motion and will either be:
- a) to refer the matter to an appropriate body or individual for consideration or reconsideration
  - b) to leave out words
  - c) to leave out words and insert or add others
  - d) to insert or add words.
12. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been completely dealt with.

13. If an amendment is not carried, other amendments to the original motion may be moved.
14. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved. If there are no further amendments the substantive shall be put to the vote.

**Alteration of motions and amendments**

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

**Withdrawal of a motion or amendment**

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

**Right of reply**

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

**Motions which may be moved during debate**

23. When a motion is under debate, no other motion may be moved except the following procedural motions:
  - a) to withdraw a motion
  - b) to amend a motion
  - c) to proceed to the next business
  - d) that the question be now put

- e) to adjourn a debate
- f) to adjourn a meeting
- g) to exclude the public and press in accordance with the access to information rules
- h) to not hear further a member named under rule 1.8(1) or to exclude them from the meeting under rule 1.8(1).

#### **Closure motions**

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

adjourned. On resumption of an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

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

**Point of order**

*This rule cannot be suspended.*

26. A member may raise a point of order at any time during the meeting. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of the council assembly procedure rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

**Personal explanation***This rule cannot be suspended.*

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

The following procedure will apply.

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

**1.15 VOTING****Majority***This rule cannot be suspended.*

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

**Mayor/chair's casting vote***This rule cannot be suspended.*

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

**Show of hands***This rule cannot be suspended.*

3. Unless a recorded vote by roll call is demanded under rule 1.16, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

**Recorded vote by roll call**

4. If 45% or more members present at the meeting request a division, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes in accordance with council assembly procedure rule 1.16(5).

**Right to require individual vote to be recorded**

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

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

**Voting on appointments**

*This rule cannot be suspended.*

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

**1.16 RECORDED VOTE BY ROLL CALL****Requesting a recorded vote by roll call at council assembly meetings and number required**

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

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

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

7. Once a recorded vote by roll call has been called, no adjournment may be moved until the vote has been taken.

**Motions where recorded votes by roll call are not permitted**

8. A recorded vote by roll call may not be held in voting on the following motions:
- a) election of the Mayor (council assembly procedure rule 4.2(1)(b))
  - b) the appointment of chairs and vice chairs (council assembly procedure rule 4.2(1)(g))
  - c) to vary the order of business (council assembly procedure rule 1.6)
  - d) motions relating to the accuracy of the minutes (council assembly procedure rule 2.2(d) and 4.2(1)(d))
  - e) receipt of information reports of committees
  - f) that all recommendations then outstanding be approved (council assembly procedure rule 1.12)
  - g) to proceed to the next business (council assembly procedure rule 1.14(25)(a))
  - h) that the question be now put (council assembly procedure rule 1.14(25)(b))
  - i) that the debate be adjourned (council assembly procedure rule 1.14(25)(c))
  - j) that the meeting be adjourned (council assembly procedure rule 1.14(25)(d))
  - k) seeking the consent of the council where it is required under council assembly procedure rules.

**1.17 FORMAL RECORDS TO BE MAINTAINED**

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

**2. ORDINARY MEETINGS OF THE COUNCIL ASSEMBLY**

**2.1 DATES AND FREQUENCY OF MEETINGS**

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

**2.2 ORDER OF BUSINESS AT ORDINARY COUNCIL MEETINGS**

**Formal meeting**

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

**Introduction and preliminary business**

- a) elect a person to preside if the Mayor is not present and the Deputy Mayor is not chosen to preside
- b) receive any announcements from the Mayor, members of the cabinet or the chief executive, including matters which the Mayor has decided to add

to the agenda as urgent. Wherever possible, cabinet member statements should be in writing and circulated at the start of the meeting

- c) receive any declarations of interest from members
- d) approve the minutes of the last meeting
- e) announcement of the guillotine

#### **Time for residents to bring issues to assembly**

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

#### **Themed debates**

- h) consider themed debates centred on a cabinet member's portfolio or plans, policies and strategies
- i) debate the cabinet member's motion on the theme and amendments from political groups on the council
- j) receive any community evidence

#### **Deputations**

- k) deputations (that do not relate to the themed debate)

#### **Time for members to bring issues to assembly**

- l) late questions by group leaders
- m) questions from councillors to the leader, other cabinet members and chairs of committees/community councils
- n) consider motions

#### **Consideration of cabinet reports**

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

#### **Consideration of scrutiny reports**

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

#### **Consideration of annual community council report**

- q) receive the annual report of the community councils

#### **Formal constitutional business**

- r) receive reports from committees/officers of the council
- s) receive reports about and receive questions and answers on the business of joint arrangements and external organisations, including reports from members appointed to outside bodies
- t) deal with any business from the last council meeting
- u) consider open business which the chair has accepted as urgent
- v) consider any confidential business where the public are excluded from the meeting.

### **2.3 AGENDAS AND MINUTES**

1. The proper constitutional officer shall ensure that an agenda and summons for the meeting is despatched to each councillor and available to the public and press.

2. The proper constitutional officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received.
3. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.

#### **Signing the minutes**

*This rule cannot be suspended.*

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

#### **No requirement to sign minutes of previous meeting at extraordinary meeting**

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

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

### **2.4 PETITIONS TO COUNCIL ASSEMBLY**

*This rule cannot be suspended.*

#### **Which meetings consider petitions?**

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

#### **Deadline**

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

#### **Scope**

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

#### **Procedure at meeting**

4. The Mayor will call on the spokesperson to present petitions in the order in which they were notified to the proper constitutional officer.

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

## **2.5 PUBLIC QUESTION TIME**

### **Which meetings consider public questions?**

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

### **Who may ask a public question?**

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

### **Scope of questions**

3. The Mayor in consultation with the monitoring officer may reject a question if it:
  - is a request from an individual who has alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
  - is not about a matter for which the council has powers or duties or which affects Southwark
  - is defamatory, frivolous or offensive
  - is substantially the same as a question which has been put at a meeting of the council in the past six months
  - requires the disclosure of confidential or exempt information
  - concerns a planning or licensing application
  - raises a grievance for which there are other established processes for resolution
  - relates to an investigation by (whether completed or not), or ruling of, the standards committee or sub-committee insofar as the question relates to the behaviour or conduct of an individual member or members.

### **Form of questions**

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

**Deadlines**

6. An application for a question to be considered shall be submitted in writing to the proper constitutional officer no later than three clear working days in advance of the council assembly.
7. The date and time of receipt of such requests will be recorded and a copy of the question will immediately be sent to the member to whom it is to be put. Rejected questions will include reasons for rejection.
8. Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair if this is appropriate.

**Agenda**

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

**Length of public question time**

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

**Asking the question at the meeting**

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

**Supplemental question**

13. A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in rule 2.5(3) above.

**Written answers**

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

**Reference of question to the cabinet or a committee**

15. Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be

referred to the cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

## 2.6 DEPUTATIONS TO COUNCIL ASSEMBLY

### **Which meetings consider deputations?**

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

### **Who may request a deputation?**

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

### **Composition of deputation**

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

### **Scope of deputations**

4. The Mayor in consultation with the monitoring officer may reject a deputation if it:
  - is a request from a group of people who have alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
  - is not about a matter for which the council has powers or duties or which affects Southwark
  - is defamatory, frivolous or offensive
  - requires the disclosure of confidential or exempt information
  - concerns a planning or licensing application
  - raises a grievance for which there are other established processes for resolution
  - relates to an investigation by (whether completed or not), or ruling of, the standards committee or sub-committee insofar as the deputation relates to the behaviour or conduct of an individual member or members.

### **Form of the deputation**

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

### **Deadlines**

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

**Agenda**

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

**Maximum number of deputations to be considered at council assembly**

11. No more than three deputations shall be considered at any one meeting. Deputations shall be considered in the order of date and time received.

**What happens at council assembly meetings?**

12. The meeting, without debate, shall decide whether the deputation will:
  - a) be received at this meeting or a future meeting
  - b) not be received
  - c) be referred to the most appropriate committee/sub committee/community council.

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

**Speech and question on behalf of deputation**

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

**Questions to the deputation and time limit**

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

**No debate during deputation**

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

**Deputation to withdraw from the floor**

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

**Debate, motion and amendments**

17. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall then be open to debate by the council assembly.

**Debate on deputations concerning reports on the agenda**

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

**Following up and feedback after council assembly**

19. The proper constitutional officer will arrange for a summary of the deputation and any decision which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member to follow up and feed back to the deputation.

**Deputations concerning licensing or planning applications**

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

**2.7 THEMED DEBATES**

**Theme**

1. The theme for each meeting will be set by the council assembly business panel including the budget and other themes focused on a cabinet member's portfolio.
2. One hour shall be allocated for the themed debate. The Mayor shall have the discretion to vary timings as appropriate.

**Community evidence**

3. Submissions (written or oral) from experts, community groups or local representatives may be heard or tabled at the meeting. Submissions will be time limited and subject to the programme motion

**Order of debate**

4. The order of business of the debate will be:
- Community evidence
  - Cabinet member has seven minutes in which to present the theme, plan, strategy or policy
  - Shadow cabinet member has five minutes in which to reply (two minutes of which may be to present an amendment)
  - Debate will then open to any member who indicates to speak (all recognised groups on the council having had the opportunity to formally propose one amendment.)
  - At the conclusion of the debate (or time limit) the meeting will take a separate vote on the motion and amendment(s).

No seconding is required for motion or amendments.

**Public involvement and participation**

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

**Public evidence on themed debate**

6. The Mayor may reject any evidence if it is not relevant to the theme under discussion.

**Scope**

7. The Mayor in consultation with the monitoring officer may reject evidence if it:
- is a request from a group of people who have alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
  - is not about a matter for which the council has powers or duties or which affects Southwark
  - is defamatory, frivolous or offensive
  - requires the disclosure of confidential or exempt information
  - concerns a planning or licensing application
  - raises a grievance for which there are other established processes for resolution
  - relates to an investigation by (whether completed or not), or ruling of, the standards committee or sub-committee insofar as the deputation relates to the behaviour or conduct of an individual member or members.

**Form of request**

8. Each request must provide the name and address of the persons/group requesting to be heard and a brief summary of the subject matter of their request.
9. Any written representations shall provide the same information.

**Deadlines**

10. An application to be considered shall be submitted by a representative of the group in writing to the proper constitutional officer no later than three clear working days before the day of the council assembly meeting. The date and time of receipt of each request will be recorded. Rejected requests will include reasons for rejection.

**Agenda**

11. Details of relevant request will be included on the agenda papers for the meeting of the council assembly.

12. If the matter is not dealt with by the meeting, the matter shall be referred without debate to the relevant cabinet member who shall, after consideration, respond with an open reply to the sender.
13. The cabinet member may invite relevant groups to actively participate before, during and after a themed meeting.

## **2.8 LATE QUESTIONS BY GROUP LEADERS**

### **Which meetings consider late questions?**

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

### **Who can ask late questions?**

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

### **Scope**

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

### **Deadline for submission of questions**

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

### **Circulation of written answers**

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

**Supplementary questions**

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

**2.9 QUESTIONS BY MEMBERS****Which meetings consider questions by members?**

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

**Who can ask questions?**

2. A member of the council may ask one question of:
  - the Mayor
  - a member of the cabinet
  - the chair of any committee or sub-committee or community council
3. Each community council may submit one question that has previously been considered and noted by said community council to any of the members listed in paragraph 2 above.
4. Composite questions – where a member or a community council wishes to raise a number of points in relation to the same subject matter, they may do so in a multi-part question provided that up to three parts shall be deemed to be one.

**Scope**

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

**Time period for question time**

*This rule cannot be suspended.*

8. The time during which councillor's questions may be taken shall be 30 minutes.
9. Questions to any individual cabinet member or chair shall not exceed 15 minutes. It shall not be in order to move an extension of these time limits. Questions shall be taken in the following order: the leader, followed by questions from community council councillors, followed by other cabinet members (the order to be rotated by the proper constitutional officer at every meeting) and chairs of committees, sub-committees and community councils.

At the expiry of members' question time, all questions not reached shall be deemed as noted.

**Deadline for submission of questions**

10. Questions must be received by the proper constitutional officer no later than midnight, nine clear working days prior to the day of the council meeting. Questions to the leader and cabinet members will either be listed in the order received or, if notified, listed by whip prioritisation and rotation by the political groups/independent members (see council assembly procedure rules 2.9(12) and (13)). All other questions will be listed in the order of receipt.
11. Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair if this is appropriate.

**Circulation of written answers**

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

**Supplementary questions**

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

**Prioritisation and rotation by the political groups/independent members – questions to the leader and cabinet members**

14. Questions to the leader and cabinet members will either be listed in the order received or listed in the order of whip prioritisation and rotation by the political groups. Four working days before the meeting, each chief whip may list questions from members of their respective groups in an order of priority to be taken at the meeting. All remaining questions will be taken in the order of receipt.

**Questions to the leader**

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

Note: Questions will be rotated on a ratio of 1:1:1:1 for majority group, majority opposition group, minority opposition groups and independent members.

16. Questions to cabinet members: Questions will be rotated so that questions are taken from each political group's list of priorities (and any independent councillors) for so long as there are questions remaining. At subsequent meetings, the order will be rotated.

Note: Questions will be rotated on a ratio of 3:2:1:1 for majority group, majority opposition group, minority opposition groups and independent members.

**Written answers to questions naming an individual member**

17. In the event that a member of the council is named in a response to another member's question, the proper constitutional officer shall make the written response available to the individual member concerned prior to the day of the council assembly meeting. The individual member shall make any representations to the monitoring officer.

**2.10 SUBMISSION OF MEMBERS' MOTIONS ON NOTICE**

**Which meetings consider motions?**

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

**Scope**

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

**Notice**

3. Except for motions that can be moved without notice under rule 1.13, notice of every motion must be delivered to the proper constitutional officer not later than thirteen clear working days before the date of the meeting. All motions must be accompanied by a named mover and seconder by this deadline. A record of the date and time of receipt will be maintained. A member shall only move one such motion and second one such motion to a meeting. Any subsequent changes can only be agreed with the consent of the meeting.
4. Notice of every member's amendment to a motion shall be delivered before 12.00 midday on the second clear working day before the day of the meeting at which the motion is to be moved. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 12.00 midday on the third clear working day before the day of the meeting. Amendments shall be submitted to the proper constitutional officer. Each member is limited to proposing one and seconding one amendment per item of business. All amendments must be accompanied by a named mover and seconder by this deadline. Amendments shall be placed on the agenda in order of receipt. Any subsequent changes can only be agreed with the consent of the meeting. Amendments will be circulated by 2.00pm on the working day before the meeting.

**Motion set out in agenda**

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

**Motions to be debated at council assembly**

6. Unless the member, when submitting the motion, requests that the motion is debated at the council assembly, the motion will stand referred to the cabinet

or to a committee or sub-committee, as appropriate. Having considered the motion, the proper constitutional officer shall circulate the outcome of their deliberations to all members.

**Prioritisation and rotation by the political groups/independent members**

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

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

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

**Reports from the cabinet and committees to be moved separately**

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

**Reports submitted by officers to be moved by person presiding**

2. In the case of reports submitted direct to council assembly by officers, the recommendations shall be deemed to have been moved by the person presiding (with no seconder required) and will therefore be subject only to amendment, provided that notice has been given in accordance with the provisions of rule 2.11(3).

**Notice required for amendments**

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

**Notice required for questions on reports**

4. Notice of all questions on reports shall be given in writing, signed by the member and delivered at least three clear working days before the day of the meeting at which the report is to be moved, to the proper constitutional officer

(i.e. by midnight of the Thursday in the week before an ordinary Wednesday council assembly meeting). If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be delivered at least four clear working days before the day of the meeting. Each member is limited to one question per item of business.

#### **Circulation of questions and amendments**

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

#### **Dealing with questions on reports**

6. The following rules shall also apply to questions on reports:
- a) questions on reports shall be addressed to the member moving the report (see council assembly procedure rule 2.11(1))
  - b) who can ask questions – composite questions (see council assembly procedure rule 2.9(3))
  - c) scope (see council assembly procedure rule 2.9(4) to (6))
  - d) all questions will be listed in the order of receipt (see council assembly procedure rule 2.9(9))
  - e) cabinet members and committee chairs shall have the discretion to refer a question to another cabinet member or committee chair if this is appropriate (see council assembly procedure rule 2.9(9))
  - f) circulation of written answers (see council assembly procedure rule 2.9(10))
  - g) supplementary question (see council assembly procedure rule 2.9(11))
  - h) written answers to questions naming an individual member (see council assembly procedure rule 2.9(14)).

### **2.12 RECORDING OF RECEIPT OF MOTIONS, PETITIONS, DEPUTATIONS, AMENDMENTS AND QUESTIONS**

A record of the date of receipt of all motions, petitions, deputations, amendments and questions received under council assembly procedure rules 2.4(2), 2.5(6), 2.6(7), 2.7(8), 2.7(9), 2.8(8), 2.9(9), 2.10(3), 2.10(4), 2.11(3) and 2.11(4) be kept by the proper constitutional officer which shall be open to inspection by every member of the council.

### **3. EXTRAORDINARY MEETINGS**

*This rule cannot be suspended.*

#### **3.1 CALLING OF EXTRAORDINARY MEETINGS**

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

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

### **3.2 AUTHORITY FOR CHIEF EXECUTIVE TO SUMMON COUNCIL ASSEMBLY**

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

### **3.3 BUSINESS**

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

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

### **4.1 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL)**

*This rule cannot be suspended.*

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

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

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

their terms of reference and the appointment of chairs and vice-chairs for the coming year as appropriate

- j) receive a report from the proper constitutional officer as to the appointment of the leader of the majority group, the leader of the opposition, leaders of other party groups (if any) and the chief and deputy whip of each party group
- k) receive a report from the proper constitutional officer on the appointment of representatives to outside bodies and joint committees
- l) consider other business specified in the agenda (if any)
- m) consider any matters of urgency not specified in the summons.

#### **4.3 ESTABLISHMENT AND SELECTION OF COUNCILLORS ON COMMITTEES AND OUTSIDE BODIES**

1. The annual constitutional meeting will:
  - a) decide which committees to establish for the municipal year
  - b) decide the size and terms of reference for those committees
  - c) decide the allocation of seats and reserve/substitute members to political groups in accordance with the political balance rules
  - d) receive nominations of councillors to serve on each committee and outside body
  - e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the council or is exercisable only by the cabinet.

#### **4.4 LEADER AND CABINET**

1. The leader shall be appointed at the first annual meeting of the council to be held after ordinary elections take place or, at an ordinary or extraordinary council meeting as necessary.
2. The leader shall appoint between two and nine other councillors at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as members of the cabinet.
3. The leader shall appoint one member of the cabinet at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as deputy leader. Where a vacancy occurs in the office of deputy leader, the leader must appoint another person in his place.
4. The leader shall have power to vary the allocation of portfolios within the cabinet on an interim basis. The leader shall also have power to designate a cabinet member as lead cabinet member in respect of any policy matter that is cross-cutting. In the event that a cabinet member ceases to be a member of the cabinet, the leader shall have the discretion as to whether or not to appoint a replacement.
5. Other political groups represented on the council may nominate a councillor to act as their leader. The leader of the largest opposition political group represented on the council shall be known as the leader of the opposition and shall act as the spokesperson for the opposition on all matters of general policy and business.

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

##### **Allocation**

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

##### **Number**

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

##### **Powers and duties**

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

##### **Substitution**

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

#### **4.6 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY**

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

##### **Notification of appointments, resignations and termination of appointments**

2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the proper constitutional officer. A minimum of five clear working days must elapse from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.

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

*This rule cannot be suspended.*

1. In a year when the term of office of the Mayor spans full council elections, the Mayor shall continue in office and remain as a member of the council notwithstanding that he/she does not seek or achieve re-election as a councillor.

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

#### **4.8 VOTING RIGHTS OF MAYOR AT ANNUAL MEETINGS**

*This rule cannot be suspended.*

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

#### **Casting vote**

*This rule cannot be suspended.*

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

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

##### **5.1 Freedom of the Borough**

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

##### **5.2 Honorary Alderman**

The council assembly at a specially convened meeting shall consider the recommendation of the constitutional steering panel for nominations i.e. the conferment, for the purposes of honouring or conferring the title of Honorary Alderman, to any person who meets the criteria approved by the council and who has rendered eminent service to Southwark as a past member of the

council, and who is not then a councillor of the council, and shall by a resolution passed by not less than two-thirds of the members voting agree upon those to be honoured. Thereafter, the title of Honorary Alderman shall be presented to the agreed recipients.

## **6. SUSPENSION AND AMENDMENT OF COUNCIL ASSEMBLY PROCEDURE RULES**

### **Suspension**

1. Council assembly procedure rules 1.1, 1.2, 1.3, 1.5, 1.7, 1.8, 1.10, 1.12, 1.14(1), 1.14(2), 1.14(3), 1.14(26), 1.14(27), 1.15(1), 1.15(2), 1.15(3), 1.15(5), 1.15(6), 1.18, 2.3(4), 2.3(5), 2.4, 2.9(7), 2.9(8), 3, 4.1, 4.7, 4.8(1) and 4.8(2) may not be suspended. All the other rules may be suspended by motion on notice or without notice if at least one half of the all of the members of the council are present. Suspension can only be for the duration of the meeting.

### **Amendment**

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

**APPENDIX****Protocol governing the discussion in council assembly on investigations and rulings of the standards committee or sub-committee**

In addition to the provisions provided for in rules 1.7(3)(h), 2.5(3), 2.7(7), 2.6(4), 2.8(6), 2.9(5), and 2.10(2) of the council assembly procedure rules, members should note that:

A member or members of the council assembly as a whole should not comment on an investigation that is being undertaken or has been completed, or a ruling of the standards committee or sub-committee except by moving a motion that relates to a general corporate action.

A general corporate action would include:

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

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

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

## COMMITTEE PROCEDURE RULES

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#### **Information to members of the public:**

Members of the public may attend any meeting of the council's committees and sub-committees subject to the business being considered at the meeting not being exempt under the provisions set out in the access to information rules.

#### **Suspension of committee procedure rule:**

The following will indicate when a certain rule may not be suspended:  
*"This rule cannot be suspended."*

## 1. GENERAL PROCEDURES APPLYING TO ALL COMMITTEE MEETINGS

### 1.1 NOTICE AND SUMMONS OF MEETINGS

*This rule cannot be suspended.*

1. The proper constitutional officer will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before a meeting, the chief executive will send a summons signed by him or her by electronic communication (where the member has presently consented to it being transmitted by this method), or by post to all members of the committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **Electronic summons**

2. A member may consent to receiving a summons by electronic communication by informing the proper constitutional officer or the designated scrutiny officer<sup>1</sup>.
3. Members' requests to change their method of receipt must be submitted in writing to the proper constitutional officer or the designated scrutiny officer. A minimum of five clear working days must elapse from the date of receipt of such a request before it becomes effective.

#### **Reserve members**

4. At least five clear working days before a meeting, the chief executive will send a summons signed by him or her to all reserves of the committee by electronic communication only.

#### **Time and place**

5. Unless the meeting, or the chair, shall otherwise decide, all meetings shall commence at 7.00pm.
6. The ordinary place of meeting for committees shall be Council Offices, 160 Tooley Street, London SE1 2QH unless otherwise specified in the summons.
7. Meetings may only be convened at less than five clear working days notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

#### **Dates and frequency of meetings**

8. Council assembly at its annual meeting shall fix the dates that all council committees and sub-committees shall meet for the municipal year.
9. The chair of a committee or sub-committee may direct the chief executive to call a special meeting of the committee or sub-committee at any time, or in exceptional circumstances change the date and venue of a meeting.

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<sup>1</sup> See Article 10.1(c) of the Southwark Constitution.

**Cancellation of meetings**

10. The chair, in consultation with the proper constitutional officer may cancel a meeting or direct that an ordinary meeting of the relevant committee or sub-committee be not called.

**1.2 QUORUM**

*This rule cannot be suspended.*

1. No business shall be considered unless 25% of the voting membership are present in the meeting room but no fewer than two, except for the following meetings for which the quorum is:
  - a) Licensing sub-committees = three<sup>2</sup>
  - b) Conduct sub-committees to consider complaints of misconduct against members = three
  - c) Health and wellbeing board = 25% including at least one councillor who is a cabinet member and one representative from the clinical commissioning group.

If the chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes' deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the committee, unless the chair fixes an alternative date.

**Quorum at start of meeting**

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

**1.3 POWERS OF THE CHAIR/VICE-CHAIR**

*This rule cannot be suspended.*

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

**1.4 PREVENTION OF DISORDERLY CONDUCT**

*This rule cannot be suspended.*

1. A councillor may be directed to discontinue speaking if the chair considers the councillor is being repetitive, irrelevant, using unbecoming language, or is in some other way breaching the order of the meeting.
2. If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair having warned the councillor shall move that the councillor called by name leaves the meeting. The motion, if seconded, shall be put immediately to the vote without further debate and if carried the councillor shall leave immediately.

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<sup>2</sup> The procedures governing the proceedings of the licensing sub-committees are set by the licensing committee. The licensing committee agreed on 17 May 2005 that the quorum of sub-committees shall be three members.

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

### **1.5 BROADCASTING AND RECORDING**

1. This council allows and welcomes any recording, photographing or filming of the proceedings of a committee or sub-committee meeting or use of social media by any member of the public, media or councillor<sup>3</sup>. Reasonable provision for facilities to so do shall be provided. The chair will make an announcement at the beginning of the meeting, where appropriate.
2. Members of the public or media are encouraged to contact the relevant officer (i.e. proper constitutional officer or head of overview and scrutiny) in advance of the meeting should they have any specific requirements.
3. The chair has the discretion to terminate or suspend the recording or photograph or filming if, in the opinion of the chair, continuing to do so would prejudice the meeting.
4. The circumstances in which termination or suspension might occur could include:
  - a) Public disturbance or suspension of the meeting (including any oral reporting or oral commentary as the meeting takes place)
  - b) Exclusion of public and press being moved and supported
  - c) The chair, on advice of the monitoring officer, considering that continued recording/photography/filming/webcasting might infringe the rights of any individual
  - d) The chair, on advice of the monitoring officer, considering that a defamatory statement has been made.

### **1.6 DECLARATION OF INTERESTS**

*This rule cannot be suspended.*

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

### **1.7 RULES OF DEBATE**

1. A councillor may indicate their desire to speak by raising their hand, but shall only speak when called by name by the chair.

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<sup>3</sup> In accordance with committee procedure rule 8 which applies to meetings of licensing sub-committees and planning committees and sub-committees when determining any application, members of these committees will not access the internet, send or receive emails, texts, messages or tweets concerning the business of the meeting.

2. Councillors shall address the chair when speaking, and:
  - a) refer to each other as Mayor, Deputy Mayor, leader, cabinet member, chair or councillor, as the case may be
  - b) refrain from using unbecoming language
  - c) refrain from comments of a personal nature about another councillor
  - d) not attribute improper motives to another councillor
  - e) speeches must be directed to the matter under discussion or to a personal explanation or point of order.
3. No debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion or amendment may be considered at a time. A motion or amendment, once moved and seconded, may be withdrawn only by the mover and seconder with the consent of the meeting. No further debate shall take place on a motion or amendment once it has been withdrawn.
4. Every motion or amendment must be moved and seconded. A councillor may not move more than one amendment or motion on the same subject.

#### **Secunder's speech**

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

#### **Amendments to motions**

6. An amendment to a motion must be in writing, be relevant to the motion and will either be:
  - a) to refer the matter to an appropriate body or individual for consideration or reconsideration
  - b) to leave out words
  - c) to leave out words and insert or add others
  - d) to insert or add words.
7. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been completely dealt with.

#### **Right of reply**

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

#### **Motions which may be moved during debate**

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

- a) to withdraw a motion
- b) to amend a motion
- c) to proceed to the next business
- d) that the question be now put
- e) to adjourn a debate
- f) to adjourn a meeting
- g) to exclude the public and press in accordance with the access to information rules
- h) to not hear further a member named under rule 1.4(1) or to exclude them from the meeting under rule 1.4(1).

The procedures governing closure motions (see 11 c), d), e) and f) above), which are contained in the council assembly procedure rules shall be followed.

#### **Point of order**

*This rule cannot be suspended.*

12. A member may raise a point of order at any time during the meeting. The chair will hear them immediately. A point of order may only relate to an alleged breach of the committee procedure rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

#### **Personal explanation**

*This rule cannot be suspended.*

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

The procedures governing personal explanations contained in council assembly procedure rule 1.12(28) shall be followed.

### **1.8 VOTING**

#### **Majority**

*This rule cannot be suspended.*

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

#### **Chair's casting vote**

*This rule cannot be suspended.*

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

#### **Show of hands**

3. The chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

**Right to require individual vote to be recorded**

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

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

**Voting on appointments**

*This rule cannot be suspended.*

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

**1.9 FORMAL RECORDS TO BE MAINTAINED**

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

**2. APPOINTMENT OF MEMBERS TO COMMITTEES****2.1 APPOINTMENT OF RESERVE/SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES****Powers and duties**

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

**Substitution**

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

**2.2 PROPER CONSTITUTIONAL OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY**

1. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper constitutional officer shall make relevant changes to appointments accordingly and inform the appropriate committee or sub-committee at its next available meeting. The proper constitutional officer shall maintain a full list of committee and sub-committee memberships. In the event of the termination of an appointment, in accordance with the wishes of a political

group, the proper constitutional officer is to inform the individual concerned, in writing, within three days of notice being received.

**Notification of appointments, resignations and termination of appointments**

2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the proper constitutional officer. A minimum of five clear working days must elapse from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.

**Co-opted members' attendance at meetings**

3. In the event that a co-opted member does not attend a meeting of the committee on which they serve for a period of six consecutive months, without the approval of the council, they shall cease to be a member of the authority.

**3. AGENDA AND MINUTES**

**3.1 ORDER OF BUSINESS AT COMMITTEE AND SUB-COMMITTEE MEETINGS**

The order of business at every meeting shall be:

- a) to choose a person to preside if the chair and vice-chair are absent
- b) apologies for absence
- c) declarations of interest
- d) to approve the minutes of the previous meeting, which shall then be signed by the person presiding
- e) to receive reports of the officers
- f) any other business specified in the summons.

**3.2 VARIATION IN ORDER OF BUSINESS**

Business falling under paragraph 3.1a) and c) shall not be moved but, subject thereto, the order of business or the timing of the business may be varied:

- a) by the chair in consultation with the monitoring officer
- b) by a resolution passed on a motion which shall be put without debate.

**3.3 MINUTES**

**Minutes**

1. The proper constitutional officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received. The declaration of any interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.

**Signing the minutes**

*This rule cannot be suspended.*

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

**No requirement to sign minutes of previous meeting at extraordinary meeting**

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

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

### **3.4 ADMISSION OF PRESS AND PUBLIC**

1. Members of the public and press shall be admitted to all meetings of committees and sub-committees subject to the access to information rules in part 4 of the constitution or rule 1.4 (Prevention of disorderly conduct).

**Public speaking at committee**

*This rule does not apply to planning or licensing applications where separate procedures exist.*

2. Members of the public shall only address a meeting of a committee or sub-committee as part of a deputation or at the discretion of the chair.

### **3.5 RECORD OF ATTENDANCE**

*This rule cannot be suspended.*

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

## **4. DEPUTATIONS**

**Who may request a deputation?**

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

**Composition of deputation**

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

**Scope of deputations**

3. The chair in consultation with the monitoring officer may reject a deputation if it:
  - a) is a request from a group of people who have alternative means of expressing their views through recognised channels e.g. employees of the authority, trade unions representing staff employed by the authority etc

- b) is not about a matter for which the council has powers or duties or which affects Southwark
- c) is defamatory, frivolous or offensive
- d) requires the disclosure of confidential or exempt information
- e) concerns a planning or licensing application
- f) raises a grievance for which there are other established processes for resolution
- g) relates to an investigation by (whether completed or not), or ruling of, the audit, governance and standards committee or conduct sub-committee insofar as the deputation relates to the behaviour or conduct of an individual member or members.

#### **Form of the deputation**

4. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.

#### **Deadline**

5. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the proper constitutional officer no later than three clear working days before the day of the meeting. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation and certainly no later than three clear working days before the day of the meeting.

#### **Agenda**

6. Deputations shall be dealt with in the order in which they are received.
7. Subject to complying with the regulations herein, details of written deputations will be included on the agenda papers for the meeting.

#### **What happens at the meeting?**

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

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

#### **Speech on behalf of deputation**

9. Only one member of the deputation shall be allowed to address the meeting, her or his speech being limited to five minutes.

#### **Questions to the deputation and time limit**

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

#### **No debate during deputation**

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

**Deputation to withdraw from the floor**

12. As soon as the questions to the deputation have been concluded, the deputation shall withdraw from the floor and return to the public area where they may remain (subject to any resolution excluding the attendance of the public).

**Debate, motion and amendments**

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

**Debate on deputations concerning reports on the agenda**

14. Having received the deputation(s) on a matter subject to a report on the agenda, the chair will seek the consent of the meeting for that item to be brought forward for immediate consideration. A vote on this matter is to be taken without debate. In the event of this motion being carried the report may then be considered. If the motion is lost, the subject matter will not be debated until the relevant item is reached on the order of business.

**Subject of deputation not on agenda**

15. If the subject of the deputation does not relate to a report on the agenda, members may move motions and amendments without prior notice.

**Formal communication of the meeting's decision**

16. The proper constitutional officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.

**Deputations concerning licensing or planning applications**

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

**5. PETITIONS TO COMMITTEES**

*This rule cannot be suspended.*

**Which meetings consider petitions?**

1. Members of the public will be entitled to present petitions with 500 or more signatures to the chair at each committee meeting.

**Deadline**

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

**Scope**

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

**Procedure at meeting**

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

**6. ADDITIONAL RULES APPLYING TO AUDIT, GOVERNANCE AND STANDARDS COMMITTEE****Composition**

1. The committee will consist of councillors and reserve members equal to the number of places each political group has on the committee.
2. No more than one member of the cabinet or deputy may be a member of the committee, and no cabinet member may chair the committee.
3. The leader of the council may not be a member of the committee.

**Independent person – Attendance at meetings**

4. The independent person(s) shall be entitled to attend meetings of the committee or its sub-committees. The independent person(s) may speak at the invitation of the chair.

**Sub-committees to consider complaints of misconduct against members**

1. The committee is empowered to establish sub-committees to consider complaints of misconduct against councillors (including co-opted members). The membership for each sub-committee will be drawn from the pool of councillors on the committee, including reserve members.
2. Sub-committees to consider complaints of misconduct against councillors (including co-opted members) shall be composed of three members. Rules 6.2, 6.3 and 6.2 shall apply to sub-committee meetings.

## **7. ADDITIONAL RULES APPLYING TO PLANNING COMMITTEE AND LICENSING COMMITTEE OR SUB-COMMITTEES**

1. At any meeting of the planning committee or licensing committee if the committee is determining any application for an approval, consent, licence, permit or permission members should not access the internet (except as it relates to the official business of the meeting), send or receive emails, texts, messages or tweets concerning the business of the committee when present as a voting member.
2. At any meeting of the planning sub-committee or licensing sub-committee if the sub-committee is determining any application for an approval, consent, licence, permit or permission members should not access the internet (except as it relates to the official business of the meeting), send or receive emails, texts, messages or tweets concerning the business of the sub-committee when present as a voting member.
3. For the purposes of this rule “meeting” includes any adjournments so in relation to the purpose of the meeting members should not access the internet, send or receive emails, texts, messages or tweets during any adjournment concerning the business of the committee.
4. At any meeting of the planning committee or licensing committee, if the committee is determining any application for an approval, consent, licence, permit or permission and any member has a disclosable pecuniary interest in any matter being considered at that meeting then the member must withdraw from the room or chamber where a meeting considering the business is being held.
5. At any meeting of the planning sub-committee or licensing sub-committee, if the sub-committee is determining any application for an approval, consent, licence, permit or permission and any member has a disclosable pecuniary interest in any matter being considered at that meeting then the member must withdraw from the room or chamber where a meeting considering the business is being held.

## **8. ADDITIONAL RULES APPLYING TO HEALTH AND WELLBEING BOARD**

### **Application of committee procedure rules**

1. The regulations<sup>4</sup> relating to health and wellbeing boards makes provision for the disapplication and modification of certain enactments relating to local authority committees appointed under section 102 of the Local Government Act 1972, insofar as they are applicable to a health and wellbeing board established under section 194 of the Health and Social Care Act 2012.
2. The following committee procedure rules shall apply to the board:
  - Rule 1 – General procedures applying to all committee meetings – Subject to following exceptions
  - Rule 1.2 – Quorum – see Rule 8.4

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<sup>4</sup> The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 No. 218

- Rule 1.7 – Rules of debate – see Rule 8.5
- Rule 1.8 – Voting – see Rules 8.6 and 8.7
- Rule 2.2. – Proper officer shall make or terminate appointments if necessary – Rule 2.1 on Reserves / Substitutes does not apply – See Rules 8.7, 8.8, 8.9 and 8.10
- Rule 3 – Agenda and minutes
- Rule 4 – Deputations
- Rule 5 – Petitions

#### **Notice and summons of meetings**

3. Notice and summons of board meetings shall be given in accordance with committee procedure rule 1.

#### **Quorum**

4. The quorum shall be 25% of the voting membership, including at least one councillor who is a cabinet member and at least one representative from the local clinical commissioning group.

#### **Application of rules of debate**

5. The chair shall use his or her powers, in consultation with the proper constitutional officer, in applying the rules of debate. The ruling of the chair will be final.

#### **Voting**

6. The board shall try to reach decisions by consensus, wherever possible.
7. In the event that the board wishes to take a vote, non-elected voting members of the board may vote alongside nominated elected representatives on the board.
8. If a vote is taken the provisions of committee procedure rule 1.8 will apply. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

#### **Membership**

9. The health and wellbeing board shall be comprised of statutory members as set out in the Health and Social Care Act 2012 and such other members (who may be voting or non-voting) as agreed by the local authority and/or the board.
10. Local authority requirements for political proportionality on committees do not apply to the health and wellbeing board. This is a matter for local determination.

#### **Reserves / Substitutes**

11. Health and wellbeing board members shall not nominate reserves / substitutes. Therefore committee procedure rule 2.1 shall not apply.

#### **Notification of appointments, resignations and terminations of membership**

12. Notice of the any appointments, resignations and terminations of membership shall be given in accordance with committee procedure rule 2.2.2.

**Chair**

13. The board will be chaired by the leader of the council, unless he or she nominates another member to chair the board or is unable to attend or take part in the meeting.
14. In the absence of the chair, those voting members present shall elect a voting member from amongst their number to preside at the meeting.

**Register of interests**

15. All members of the board are required to complete and submit the local authority's register of interests form. For non-councillor members of the board, the register shall not be published online but will be available for inspection on written application to the proper constitutional officer.
16. Members shall be entitled to request dispensations from the council's monitoring officer.

**Observers at meetings of the board**

17. Health and wellbeing board members unable to attend or take part in the meeting may send an observer to the meeting. Observers present may be invited to speak at the discretion of the chair.

**9. ADDITIONAL RULES APPLYING TO APPOINTMENTS COMMITTEE****Application**

1. These rules will apply when the appointments committee is acting as a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of head of paid service, the chief finance officer or the monitoring officer of the authority.
2. The appointments committee must invite relevant independent persons to be considered for appointment to the appointments committee, with a view to appointing at least two such persons to the committee.
3. In paragraph 2, "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
4. Subject to paragraph 5, the appointments committee must appoint such relevant independent persons who have accepted an invitation issued in accordance with paragraph 2 in accordance with the following priority order:
  - a) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - b) any other relevant independent person who has been appointed by the authority;
  - c) a relevant independent person who has been appointed by another authority or authorities.
5. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 4 but may do so. Any independent person so appointed will be a voting member.

6. The appointments committee must meet at least 20 working days before the meeting of the council assembly that will consider whether or not to approve a proposal to dismiss a relevant officer.

## **10. ADDITIONAL RULES APPLYING TO COMMUNITY COUNCILS**

### **Application of committee procedure rules**

1. At any meeting of a community council when operating as a decision making area committee meeting, committee procedure rules will govern decision making.

### **Public speaking**

2. In addition to councillors, a member of the public may indicate their desire to speak by raising their hand, but shall only speak at the discretion of the chair.
3. Only one person may speak at a time.
4. All remarks and discussion must be made through and with the permission of the chair.
5. Remarks should not be repetitive or irrelevant, or use unbecoming language.
6. Speakers may only speak on the agenda item under discussion.
7. Remarks shall not exceed three minutes, subject to the chair extending or limiting the time that someone may speak.

### **Public question time**

8. The chair, in consultation with the proper constitutional officer, shall have discretion to include a public question time on the order of business and to determine the time allocation for public question time.

### **Petitions**

9. Members of the public will be entitled to present petitions with over 250 or more signatures to the chair at community council meetings. The procedure for petitions will be in accordance with committee procedure rules.

### **Voting**

10. Only councillors are entitled to vote on formal decisions to be taken by the community council. Unless this constitution provides otherwise or it is required by statute, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put to the vote (*see also 1.8 of Committee Procedure Rules*).

### **Agendas**

11. Agendas and notices for community council meetings, which deal with both functions of the executive and functions that are not the responsibility of the executive, will state clearly whether an item relates to an executive or non-executive function.

## **CABINET PROCEDURE RULES**

### **1. HOW THE CABINET OPERATES**

#### **1.1 Conflicts of interest**

- a) Where the leader has a conflict of interest this should be dealt with as set out in the council's code of conduct for members in part 5 of this constitution.
- b) If every member of the cabinet has a conflict of interest this should be dealt with as set out in the council's code of conduct for members in part 5 of this constitution.
- c) If the exercise of an executive function has been delegated to a committee of the cabinet, an individual member of the cabinet or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

#### **1.2 How decisions are to be taken by the cabinet**

- a) Cabinet decisions which have been delegated to the cabinet as a whole will be taken at a meeting convened in accordance with the access to information rules in part 4 of the constitution and in accordance with the procedures in section 2 below.
- b) Where cabinet decisions are delegated to a committee of the cabinet, the rules applying to cabinet decisions taken by them shall be the same as those applying to those taken by the cabinet as a whole.
- c) Where cabinet decisions are delegated to individual members of the cabinet they will be taken in accordance with the procedures in section 3 below.
- d) Even where cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **2. HOW CABINET MEETINGS ARE CONDUCTED**

#### **2.1 Cabinet meetings – timing and location**

- 1. The cabinet will meet at least eight times per year at times to be agreed by the leader. The cabinet meetings must take place in the borough.

#### **2.2 Public or private meetings of the cabinet**

- 1. Meetings of the cabinet shall be open to the press and public unless the business under consideration is exempt or confidential as defined in the access to information rules as set out in part 4 of this constitution. If a

meeting or part of the meeting is closed the procedures for a closed meeting set out in the access to information rules in part 4 of the constitution must be followed.

### **2.3 Quorum**

- a) The quorum for a meeting of the cabinet shall be one quarter of the total number of members of the cabinet or 3, whichever is larger, including the leader or deputy leader; except where the leader is unable to act or the office is vacant; and the deputy leader is unable to act or the office of deputy leader is vacant.
- b) The quorum for a meeting of a cabinet committee shall be one quarter of the total number of members of the cabinet on the committee or 3, whichever is larger.

### **2.4 Who presides**

1. If the leader is present he/she will preside. In his/her absence, then the deputy leader shall chair the meeting. In the absence of the leader and deputy leader, a cabinet member shall be appointed to preside by those present. A committee of the cabinet shall be chaired by the leader and in his absence the vice-chair of the committee as appointed by the leader shall chair the meeting.

### **2.5 Who may attend**

1. Members of the public may attend all meetings subject to the restrictions set out in the access to information rules in part 4 of this constitution.

### **2.6 Business**

1. At each meeting of the cabinet the following business will be conducted:
  - a) apologies for absence
  - b) notification of urgent items, if any
  - c) declarations of interest, if any
  - d) public question time – 15 minutes
  - e) minutes of the last meeting
  - f) matters referred to the cabinet (whether by the overview and scrutiny committee or by the council assembly) for reconsideration by the cabinet in accordance with the provisions contained in the overview and scrutiny procedure rules or the budget and policy framework procedure rules set out in part 4 of this constitution
  - g) consideration of reports from overview and scrutiny committees/sub-committees

- h) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the access to information procedure rules set out in part 4 of this constitution.

## **2.7 Broadcasting and Recording**

1. The council allows and welcomes any recording, photographing or filming of the proceedings of a cabinet meeting or use of social media by any member of the public, media or councillor. Reasonable provision for facilities to so do shall be provided. The chair will make an announcement at the beginning of the meeting, where appropriate.
2. Members of the public or media are encouraged to contact the relevant officer (i.e. proper constitutional officer) in advance of the meeting should they have any specific requirements.
3. The chair has the discretion to terminate or suspend the recording or photograph or filming if, in the opinion of the chair, continuing to do so would prejudice the proceedings of the meeting.
4. The circumstances in which termination or suspension might occur could include:
  - a) Public disturbance or suspension of the meeting (including any oral reporting or oral commentary as the meeting takes place)
  - b) Exclusion of public and press being moved and supported
  - c) The chair, on advice of the monitoring officer, considering that continued recording/photography/filming/webcasting might infringe the rights of any individual
  - d) The chair, on advice of the monitoring officer, considering that a defamatory statement has been made.

## **2.8 Consultation**

1. All reports to the cabinet from any member of the cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **2.9 Who can put items on the cabinet agenda**

1. The leader will decide upon the schedule for the meetings of the cabinet. He/she may put on the agenda of any cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the cabinet, a committee of it or any officer in respect of that matter. The proper constitutional officer will comply with the leader's requests in this respect.
2. Any member of the cabinet may require the proper constitutional officer to make sure that an item is placed on the agenda of the next available meeting of the cabinet for consideration. If he/she receives such a request the proper constitutional officer will comply.

3. The proper constitutional officer will make sure that an item is placed on the agenda of the next available meeting of the cabinet where the overview and scrutiny committee or the full council have resolved that an item be considered by the cabinet.
4. Any member of the council may ask the leader to put an item on the agenda of a cabinet meeting for consideration, and if the leader agrees the item will be considered at the next available meeting of the cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered.
5. The monitoring officer and/or the chief finance officer may include an item for consideration on the agenda of a cabinet meeting and may require the proper constitutional officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief finance officer and monitoring officer are of the opinion that a meeting of the cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a cabinet meeting. If there is no meeting of the cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

#### **2.10 Formal records to be maintained**

1. No meeting of the cabinet shall commence or conduct business unless the monitoring officer or her/his representative is present. All meetings are to be clerked by a representative of the proper constitutional officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the proper constitutional officer.

#### **2.11 Public questions at cabinet meetings**

1. The time during which public questions shall be taken shall not exceed 15 minutes.
2. A resident or business ratepayer of the borough may ask one written question (limited to 50 words) on any matter in relation to which the council have powers. The question must be received three clear working days in advance of the cabinet meeting by the proper constitutional officer.
3. Each question must provide the name and address of the questioner and name the cabinet member to whom the question should be put.

##### **Scope of questions**

4. The leader in consultation with the monitoring officer may reject a question if it:
  - a) is a request from an individual who has alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
  - b) is not about a matter for which the council has powers or duties or which affects Southwark

- c) is defamatory, frivolous or offensive
- d) is substantially the same as a question which has been put at a meeting of the cabinet in the past three months
- e) requires the disclosure of confidential or exempt information
- f) concerns a planning or licensing application
- g) raises a grievance for which there are other established processes for resolution
- h) relates to an investigation by (whether completed or not), or ruling of, the audit, governance and standards committee or sub-committee insofar as the question relates to the behaviour or conduct of an individual member or members.

#### **Record of questions**

- 5. The proper constitutional officer will maintain a record of each question which will be open to public inspection. Rejected questions will include reasons for rejection.

#### **Asking the question at the meeting**

- 6. The leader will invite the questioner to put the question to the member named in the notice.

#### **Supplemental question**

- 7. Any supplemental question will be at the discretion of the chair.

#### **Written answers**

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

#### **Late or urgent questions**

- 9. To preserve the ability for public questions to take place in connection with late or urgent items added to the cabinet agenda after the normal deadlines for such questions, the leader or in his/her absence the deputy leader shall at the meeting have the discretion to decide whether or not accept a late and urgent public question.

### **2.12 Deputations to the cabinet**

#### **Who may request a deputation?**

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

### **Composition of deputation**

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

### **Scope of deputations**

3. The chair in consultation with the monitoring officer may reject a deputation if it:
  - a) is a request from a group of people who have alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
  - b) is not a matter for which the council has powers or duties or which affects Southwark
  - c) is defamatory, frivolous or offensive
  - d) requires the disclosure of confidential or exempt information
  - e) concerns a planning or licensing application
  - f) raises a grievance for which there are other established processes for resolution
  - g) relates to an investigation by (whether completed or not), or ruling of, the audit, governance and standards committee or sub-committee insofar as the deputation relates to the behaviour or conduct of an individual member or members.

### **Form of the deputation**

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

### **Deadlines**

6. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the proper constitutional officer no later than three clear working days before the day of the cabinet meeting. The date and time of the receipt of such requests will be recorded.

### **Late or urgent deputations**

7. To preserve the ability for deputations to take place in connection with late or urgent items added to the cabinet agenda after the normal deadline for deputations, the leader or in his/her absence the deputy leader shall at the meeting have the discretion to decide whether or not to accept a late and urgent deputation.

### **Agenda**

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

### **What happens at the meeting?**

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

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

### **Speech on behalf of deputation**

12. Only one member of the deputation shall be allowed to address the cabinet, her or his speech being limited to five minutes.

### **Questions to the deputation and time limit**

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

### **No debate during deputation**

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

### **Deputation to withdraw from the floor**

15. As soon as the questions to the deputation have been concluded, the deputation shall withdraw and return to the public area where they may remain (subject to any resolution excluding the attendance of the public).

### **Debate, motion and amendments**

16. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the

conclusion of the deputation(s) the subject of the deputation shall be then open to debate by the cabinet. If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.

#### **Formal communication of the cabinet's decision**

17. The proper constitutional officer shall, in writing, formally communicate the decision of the cabinet to the person who submitted the request for the deputation to be received.

#### **Deputations concerning licensing or planning applications**

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

### **2.13 Petitions to the cabinet**

*This rule cannot be suspended.*

#### **Which meetings consider petitions?**

1. Members of the public will be entitled to present petitions with 500 or more signatures to the chair at each meeting.

#### **Deadline**

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

#### **Scope**

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

#### **Procedure at meeting**

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

### **3. HOW INDIVIDUAL CABINET MEMBER DECISION MAKING IS CONDUCTED**

#### **3.1 Who takes the decision**

1. The individual cabinet member who is responsible for the portfolio area or to whom the decision is delegated shall take the decision, except in the following circumstances:
  - a) the leader, or in his/her absence, deputy leader may take the decision if the relevant individual cabinet member is unavailable
  - b) the relevant individual cabinet member may indicate that they wish the decision to be referred to a meeting of the full cabinet
  - c) the leader or the chief executive may direct that the decision be reserved to a meeting of the full cabinet
  - d) where an individual cabinet member has a disclosable pecuniary interest in the decision the matter shall be referred to the full cabinet
  - e) where the decision affects more than one portfolio or is a crosscutting issue the matter shall be referred to the full cabinet.

#### **3.2 Who may inspect documents**

1. All reports for key individual cabinet member decisions shall be available for public inspection five clear working days prior to the decision, subject to the access to information rules in part 4 of this constitution.

#### **3.3 Business**

1. The relevant individual cabinet member shall consider a report setting out the recommendation, the justification for the decision, any options to be considered, details of the consultation and any representations received.
2. A decision sheet shall be sent to the individual cabinet member with the report. This will state the earliest date when the decision-taker can take the decision.
3. The decision-taker can discuss the report with relevant officers if required.

#### **3.4 Consultation/representations**

1. All reports to the individual cabinet member will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration. Any representations received must be forwarded to the decision maker for consideration.
2. Where a ward member submits representations, the relevant individual cabinet member should discuss the matter with the councillor prior to taking the decision.

### **3.5 Formal records to be maintained**

1. The decision maker must complete and sign a decision sheet for each decision. The decision sheet has sections to be filled in giving the decision, date of the decision, reason for the decision, alternatives considered and any representations received by the individual decision maker.
2. All completed decision sheets must be forwarded to the proper constitutional officer. Copies of all reports and decision sheets are to be maintained by the proper constitutional officer.

### **3.6 Non-key decisions relating to contract standing orders**

1. Rule 17 of the overview and scrutiny procedure rules in part 4 of this constitution will not apply to non-key decisions relating to contract standing orders.

### **3.7 All other decisions**

1. All other decisions delegated to an individual in accordance with rule 1 above, will be subject to rule 17 of the overview and scrutiny procedure rules. The proper constitutional officer or his/her representative will circulate the decision to all members in accordance with the scrutiny call-in process (see paragraph 17 of the overview and scrutiny procedure rules).

## **4. HOW INDIVIDUAL OFFICER EXECUTIVE DECISION MAKING IS CONDUCTED**

### **4.1 Who takes the decision**

1. Part 3 of the constitution states that any executive function that is not specially delegated by the leader of the council to the cabinet or an individual cabinet member is deemed to be delegated to the appropriate chief officer in the relevant department. The relevant chief officer as the senior officer in each department will maintain an internal scheme of management setting out individual delegations to officers.

### **4.2 Business**

1. The following executive decisions are to be recorded in accordance with regulation 13(4)<sup>1</sup> by officers:
  - a) Contract reports that are key decisions
  - b) Other key decisions taken by officers, including those decisions which should always be treated as key decisions as set out in the protocol on key decisions
  - c) Any non-key decisions which are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available.

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<sup>1</sup> Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

#### **4.3 Formal records to be maintained**

1. The decision maker must complete and sign a decision sheet for each decision including the following information as set out below:
  - a) a record of the decision including the date it was made
  - b) a record of the reasons for the decision
  - c) details of any alternative options considered and rejected by the officer when making the decision
  - d) a record of any conflict of interest declared by any cabinet member who is consulted by the officer which relates to the decision
  - e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.
2. All completed decision sheets must be forwarded to the proper constitutional officer. Copies of all reports and decision sheets are to be maintained by the proper constitutional officer.

#### **4.4 Non-key decisions relating to contract standing orders**

1. Rule 17 of the overview and scrutiny procedure rules in part 4 of this constitution will not apply to non-key decisions relating to contract standing orders.

#### **4.5 All other decisions**

1. All other decisions delegated to an individual officer in accordance with rule 4.2.1 a) and b) and subject to recorded officer decision making in accordance with Regulation 13(4), will be subject to rule 17 of the overview and scrutiny procedure rules. The proper constitutional officer or his/her representative will circulate the decision to all members in accordance with the scrutiny call-in process (see paragraph 17 of the overview and scrutiny procedure rules). Non-key decisions recorded in accordance with rules 4.2 c) will be published on the council's website and are implementable with immediate effect. Such decisions will not be subject to call-in.

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## OVERVIEW AND SCRUTINY PROCEDURE RULES

### 1. Arrangements for overview and scrutiny

- 1.1 The council will appoint an overview and scrutiny committee. The overview and scrutiny committee will appoint scrutiny sub-committees and determine their terms of reference.
- 1.2 The overview and scrutiny committee and its sub-committees may appoint informal member working groups to undertake specific tasks. While such bodies cannot substitute for the scrutiny committees, or exercise the powers associated with scrutiny (which are the preserve of the scrutiny committees) they can contribute to or inform the scrutiny process.
- 1.3 Meetings of overview and scrutiny committee and its sub-committees must comply with council's committee procedure rules.

### 2 Membership of overview and scrutiny committees and its sub-committees

- 2.1 All councillors except members of the cabinet may be members of the overview and scrutiny committee and sub-committees. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
  - 2.2 The overview and scrutiny committee will include:
    - a) a chair, appointed by council assembly
    - b) a vice-chair, appointed by council assembly
    - c) the chairs of the scrutiny sub-committees, provided that the proportionality rules are not compromised
    - d) education representatives as set out at paragraph 4.
  - 2.3 Overview and scrutiny committee will appoint the chairs and vice-chairs of the scrutiny sub-committees and agree the size and composition of the sub-committees, in accordance with the statutory rules relating to proportionality.
  - 2.4 Each political group is entitled to nominate reserve members to overview and scrutiny committee and its sub-committees. The number of reserve member seats that each political group is entitled to nominate is equal to the number of places each group holds on overview and scrutiny committee or its sub-committees.
- ### 3. Co-optees
- 3.1 Overview and scrutiny committee and its sub-committees may appoint a number of people as non-voting co-optees, with the approval of the chair and

vice chair of the overview and scrutiny committee, who may be appointed to serve for the full year or the duration of a specific task or review.

- 3.2 In the event that a co-opted member does not attend a meeting of the committee on which they serve for a period of six consecutive months, without the approval of the council, they shall cease to be a member of the committee.

#### **4. Education representatives**

- 4.1 Overview and scrutiny committee and any sub-committee dealing with education functions shall include in its membership the following voting representatives:

- a) one Church of England diocese representative
- b) one Roman Catholic diocese representative
- c) two duly elected parent governor representatives

- 4.2 Overview and scrutiny committee and any sub-committee dealing with education functions may also contain the following co-opted, non-voting members:

- a) up to three representatives of other faiths or denominations, of which at least two should be from non-Christian faiths
- b) up to two co-opted non-voting representatives of community groups.

- 4.3 If the committee/sub-committee deals with any matters outside education functions, the representatives outlined in 4.1 above shall not vote on these matters, though they may stay in the meeting and, with the discretion of the chair, speak.

- 4.4 Voting education representatives on overview and scrutiny committee may only sign a call-in request when the matter called-in relates to an education function.

- 4.5 In the event that an education representative does not attend a meeting of the committee on which they serve for a period of six consecutive months, without the approval of the council, they shall cease to be a representative on the committee.

#### **5. General terms of reference of all scrutiny committees/sub-committees**

- 5.1 Within their terms of reference, all scrutiny committees/sub-committees will:
- a) produce a one year rolling work programme, which will be approved by the overview and scrutiny committee
  - b) review and scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions

- c) review and scrutinise the decisions made by and performance of the cabinet and council officers both in relation to individual decisions and over time in areas covered by its terms of reference
  - d) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas
  - e) question members of the cabinet and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects and about their views on issues and proposals affecting the area
  - f) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
  - g) make reports and recommendations to the cabinet and or council assembly arising from the outcome of the scrutiny process
  - h) consider any matter affecting the area or its inhabitants
  - i) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
  - j) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance
  - k) conduct research and consultation on the analysis of policy issues and possible options
  - l) question and gather evidence from any other person (with their consent)
  - m) consider and implement mechanisms to encourage and enhance community participation in the scrutiny process and in the development of policy options
  - n) conclude inquiries promptly and normally within six months.
- 5.2 The overview and scrutiny committee, or one of its sub-committees shall be responsible for scrutinising the crime and disorder function.

## **6. Terms of reference of the overview and scrutiny committee**

- 6.1 The terms of reference of the overview and scrutiny committee will be:
- a) to appoint sub-committees, agreeing the size, composition and terms of reference and to appoint chairs and vice chairs
  - b) to agree the committee's annual work programme and to approve the programmes of the sub-committees
  - c) to consider requests from the cabinet and/or council assembly and community councils for scrutiny reviews

- d) to exercise the right to call-in for reconsideration of executive decisions made but not yet implemented
- e) to receive and comment on scrutiny reports from the sub-committees
- f) to arrange for relevant functions in respect of health scrutiny to be exercised by an overview and scrutiny committee of another local authority where the council considers that another local authority would be better placed to undertake those relevant functions, and that local authority agrees to exercise those functions
- g) if appropriate, to appoint a joint overview and scrutiny committee with two or more local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee
- h) to periodically review overview and scrutiny procedures to ensure that the function is operating effectively
- i) to report annually to all councillors on the previous year's scrutiny activity
- j) to determine major funding requests from sub-committees in respect of particular reviews
- k) to scrutinise matters in respect of:
  - the council's policy and budget framework
  - regeneration
  - human resources and the council's role as an employer and corporate practice generally
  - customer access issues, including digital strategy, information technology and communications
  - the council's equalities and diversity programmes.

## **7. Terms of reference of a joint overview and scrutiny committee appointed to consider proposals relating to the health service**

- 7.1 Where the council is required to form a joint overview and scrutiny committee with another authority or authorities to consider a consultation on a proposal for substantial development of or variation to the health service affecting each council's area, it will be for each appointing authority to adopt terms of reference and procedure rules as they consider appropriate.
- 7.2 The joint overview and scrutiny committee may:
- only consider the relevant matter
  - make comments on the proposal
  - require relevant information or require an employee or member of a NHS body or health service provider to attend and answer questions.
- 7.3 When establishing a joint overview and scrutiny committee, the appointing local authorities will determine whether the power of referral to the Secretary of State in relation to a relevant proposal should be made by the Joint Committee or by the local authorities themselves. If the power is retained by

the local authorities it may then be delegated to the overview and scrutiny committee or one of its sub-committees.

- 7.4 The joint overview and scrutiny committee will meet for such a period as is necessary to consider the consultation and make reports and recommendations.

## **8. Matters within the remit of more than one scrutiny sub-committee**

- 8.1 Where a matter for consideration by a scrutiny sub-committee also falls (whether in whole or in part) within the remit of one or more other scrutiny sub-committees, then the sub-committee conducting the review shall either:

- a) invite the chair of the other sub-committee (or his/her nominee) to attend meetings when the matter is being reviewed
- b) invite the other sub-committee to comment on findings prior to submitting its report to overview and scrutiny committee and the cabinet/council assembly.

- 8.2 If necessary, overview and scrutiny committee will determine which sub-committee will assume responsibility for any particular issue and resolve any issues of dispute between sub-committees.

## **9. Policy review and development**

- 9.1 The cabinet is required to make arrangements for consultation in respect of any proposals to the council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. The role of the overview and scrutiny committee and its sub-committees in relation to consultation is set out in detail in the budget and policy framework procedure rules.

- 9.2 In relation to council policy, the overview and scrutiny committee/sub-committees may make proposals to the cabinet for developments insofar as they relate to matters within their terms of reference.

## **10. Meetings of the overview and scrutiny committee and its sub-committees**

- 10.1 At least one ordinary meeting of the overview and scrutiny committee (or sub-committee) will act as the crime and disorder committee for the year.

- 10.2 Extraordinary meetings may be called by the chair of the committee, by two-thirds of the committee's voting membership or by the proper officer if he or she considers it necessary or appropriate.

- 10.3 The sub-committees shall determine their own arrangements for when meetings are held.

## **11. Prohibition of party whip over voting on overview and scrutiny committee/sub-committees**

- 11.1 The party whip does not apply to meetings of overview and scrutiny committees or sub-committees.

- 11.2 The expression “party whip” is taken to mean "any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner."

## **12. Work programmes**

- 12.1 The overview and scrutiny committee and each of its sub-committees will develop an annual work programme.
- 12.2 The overview and scrutiny committee will approve and review the individual work programmes of the sub-committees.
- 12.3 Five members of the council may request the overview and scrutiny committee to consider an individual addition or subtraction to the work programme of a sub-committee.

## **13. Agenda items**

### **Reference by committee members**

- 13.1 Any member of the overview and scrutiny committee or a sub-committee shall be entitled to give notice to the scrutiny officer that he/she wishes an item relevant to the functions of the committee/sub-committee of which they are a member to be included on the agenda for the next available meeting. On receipt of such a request the scrutiny officer will ensure that it is included on the next available agenda.

### **Reference by councillors**

- 13.2 Any member of the council may give written notice to the scrutiny officer that he/she wishes an item relevant to the functions of the overview and scrutiny committee or a sub-committee and which is not an “excluded matter”<sup>1</sup> to be included on the agenda of the next available meetings. On receipt of such a request the scrutiny officer will ensure that it is included on the next available agenda of the committee/sub-committee for consideration<sup>2</sup>.

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<sup>1</sup> An “excluded matter” is defined in accordance with section 9FC (5) of the Local Government Act 2000, and set out in the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012. An excluded matter is:

- a) Any matter relating to a planning or licensing decision
- b) Any matter relating to a person who has a right of recourse to a review of right of appeal conferred by or under any enactment
- c) Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a sub-committee.

A matter does not fall within a description in a) or b) above if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis.

<sup>2</sup> If an item for which a councillor has given notice is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters) and it does not fall within the definition of an excluded matter set out in footnote 1 above, it

## **14. Members and officers giving account**

14.1 Overview and scrutiny committee or a sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. In fulfilling the scrutiny role, a committee may require any member of the cabinet, the head of paid service and/or any senior officer to attend before it to explain, in relation to matters within their remit:

- a) any particular decision or series of decisions
- b) the extent to which the actions taken implement council policy
- c) their performance

and it is the duty of those persons to attend if so required.

14.2 In fulfilling the scrutiny role, a committee may require any deputy cabinet member to attend before it to explain, in relation to matters within their remit, their performance and it is the duty of those persons to attend if so required.

14.3 In response to the receipt of a petition (with 500 or more signatures) requesting that an officer be held to account at a meeting of an overview and scrutiny committee or sub-committee, a meeting may require a named officer to report and be questioned on their actions (as set out in the council's petition scheme). It is the duty of those persons to attend if so required.

14.4 Where any member or officer is required to attend a scrutiny committee/sub-committee under this provision, the chair of the committee/sub-committee will inform the scrutiny officer. The scrutiny officer shall inform the member or officer in writing giving at least five clear working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account, the specific area of inquiry and whether any papers are required to be produced for the committee/sub-committee.

14.5 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny officer in consultation with the committee/sub-committee and the member or officer shall arrange an alternative date for attendance.

## **15. Attendance by others and public attendance**

15.1 A scrutiny committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance by these people is optional.

15.2 Where people attend to give evidence as part of an investigation, meetings are to be conducted in accordance with the following principles:

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shall be included on the next available agenda of the committee/sub-committee with responsibility for scrutinising the crime and disorder function.

- a) that the investigation be conducted fairly and all members of the committee/sub-committee be given the opportunity to ask questions of attendees, and to contribute and speak
- b) that those assisting the meeting by giving evidence be treated with respect and courtesy
- c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

15.3 Members of the public may attend meetings of scrutiny committees that are open to the public and may request to speak. The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential or exempt information would be disclosed<sup>3</sup>.

## **16. Reports from the overview and scrutiny committee and its sub-committees**

16.1 Once it has formed recommendations on proposals for development, the overview and scrutiny committee or a sub-committee will prepare a formal report and submit it to the proper constitutional officer for consideration by the cabinet. The committee/sub-committee will also report to council assembly as appropriate (in respect of the budget setting process, relevant scrutiny reports should be forwarded with cabinet recommendations to council assembly).

16.2 If the overview and scrutiny committee or a sub-committee cannot agree on one single final report, then any member of the committee/sub-committee may prepare a minority report to be submitted for consideration by the cabinet or council assembly with the majority report.

16.3 The cabinet shall consider and provide a written response to a scrutiny committee's/sub-committee's report within two months.

16.4 Management of the flow of reports to the cabinet will be the responsibility of the overview and scrutiny committee. Reports are formally routed via the overview and scrutiny committee so that it can add its own comments.

## **17. Decisions subject to call-in**

17.1 The overview and scrutiny committee can "call-in" any executive decision<sup>4</sup> which has been made but not yet implemented by the following:

- a) the cabinet
- b) an individual member of the cabinet
- c) a committee of the cabinet
- d) an executive decision taken by a community council

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<sup>3</sup> See Access to Information Procedure Rules 3 and 10.

<sup>4</sup> An executive decision is considered to be any single recommendation in a report or the whole of the report. The members calling in the decision will specify their intentions in the call-in request.

- e) a key decision made by an officer with delegated authority.

This enables the overview and scrutiny committee to consider whether the decision is appropriate. The committee may recommend that the decision maker reconsider the decision.

### **Decisions not subject to call-in**

17.2 The following categories of executive decision are not subject to call-in:

- a) recommendations on the budget and policy framework
- b) decisions for urgent implementation (Rule 20, Access to Information procedure rules)
- c) urgent decisions outside the budget or policy framework (Rule 4, Budget and Policy Framework procedure rules)
- d) non-key decisions relating to contract standing orders
- e) non-key decisions taken by officers.

## **18. Procedure to call-in a decision**

### **Publishing the decision and call-in period**

18.1 When a decision as defined in overview and scrutiny procedure rule 21.1 is made, the decision shall be published, normally within two clear working days of being made. All members will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.

18.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless the overview and scrutiny committee objects to it and calls it in.

18.3 For reports which contain a number of individual schemes for decision an individual stand-alone proposal may be called-in rather than the whole report. For the avoidance of doubt the proposals not called-in may be implemented.

### **Call-in threshold**

18.4 During that period, the scrutiny officer shall call-in a decision for scrutiny if so requested by three members of the committee, including education representatives for the purpose of education decisions only.

18.5 A member serving on a community council (who is also a member of the overview and scrutiny committee) who participates in taking an executive decision shall not sign a call-in request on the same decision (thus avoiding any conflict of interests).

### **Scope and form of a call-in request**

- 18.6 Requests for call-in should normally only be made if there is evidence that the decision maker did not take the decision in accordance with the principles of decision making as set out in Article 1.3 of the constitution.
- 18.7 A valid request for call-in must contain the requisite number of signatures and give reasons for the call-in. In particular, the request must state whether or not the members believe that the decision is outside the policy or budget framework.

## **19. Procedure following call-in**

### **Invalid call-in request – next steps**

- 19.1 If the scrutiny officer is of the opinion that a request for a call-in may not be valid, because of a breach of procedure or other reason under this constitution, they shall inform the relevant members (this must always include the chair and vice chair) within one clear working day of receipt of the request. In the event of dispute, the decision of the monitoring officer shall be final.

### **Valid call-in request – Notice and next steps**

- 19.2 Following call-in of a decision, the scrutiny officer shall notify the decision maker and the relevant chief officer, who shall suspend implementation of the decision. If the request for call-in states that the reason for call-in is that the decision is outside the budget or policy framework, the scrutiny officer shall also notify the monitoring officer and chief finance officer in order for a report to be prepared for the overview and scrutiny committee.

### **Actions following notice of a valid call-in request**

- 19.3 Within five clear working days of the call-in request, and where possible in consultation with the chair of the overview and scrutiny committee, the scrutiny officer shall:
- a) refer the called-in decision to the next meeting of the overview and scrutiny committee, if that meeting is within ten clear working days of the receipt of the call-in request, or
  - b) call an extraordinary meeting of the overview and scrutiny committee to consider the called-in decision, to take place as soon as possible and in any case within ten clear working days of the call-in request, or
  - c) if appropriate arrange, where a called-in decision cannot reasonably be considered within the timescale in clauses a) or b) above, an extraordinary meeting of the overview and scrutiny committee to consider the matter outside the normal timetable, unless in the view of the monitoring officer and/or the chief finance officer, in consultation with the relevant chief officer, the matter cannot wait and in which case it shall be considered in accordance with the timescale set out above.

### **Time limit for consideration of the call-in request**

- 19.4 If the overview and scrutiny committee does not meet within the constitutional timescale set out for call-ins, the decision shall take effect on the expiry of 15 clear working days after the decision was published, unless the provisions of 19.3(c) are applied.

## **20. Call-in meeting and action required of decision-makers**

### **Attendance of decision maker or an appropriate substitute**

- 20.1 The decision maker or an appropriate substitute will be invited to attend and speak at the call-in meeting of the overview and scrutiny committee. Inability to attend will not delay consideration of the called-in decision.

### **Call-in meeting**

- 20.2 Following the introductory business (i.e. apologies, confirmation of voting members, minutes, declarations) a call-in of a decision shall be the first substantive item of business to be considered at the meeting. On meeting, the overview and scrutiny committee will consider the call-in request and in particular whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget. Advice should be sought from appropriate chief officers, the monitoring officer or the chief finance officer. The monitoring officer's report and/or the chief finance officer's report shall be copied to every member of the council.

### **Potential outcomes available to the call-in meeting**

- 20.3 If, having considered the decision and all relevant advice, the overview and scrutiny committee may either:
- a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
  - b) refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework, or
  - c) not refer the matter back to the decision making person or body but decide to undertake a subsequent scrutiny review of a policy or service issue, which shall not affect the implementation of the decision, or
  - d) not refer the matter back to the decision making person or body.

In 20.3 c) and d) above, the decision shall take effect on the date of the scrutiny meeting, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website.

### **Referral back to the decision making person or body**

- 20.4 If referred to the decision maker, unless the decision maker is a body such as cabinet or a community council, the proper constitutional officer shall give five clear working days notice to all councillors of a forthcoming decision for reconsideration. The decision maker shall then reconsider their decision within

a further 10 clear working days. If referred back to a body, reconsideration will wait until the next scheduled meeting of the body, unless the monitoring officer determines, following consultation with the relevant chief officer and chair of the body (or in his or her absence the vice-chair), that the matter can not wait in which case it will be considered within 15 clear working days. If it is the view of the monitoring officer or the chief finance officer that the decision falls within the policy and budget framework, the decision maker may amend the decision or not, before adopting a final decision. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website.

### **Referral to council assembly**

- 20.5 If referred to council assembly, the decision is further suspended pending a meeting of council assembly, which must take place within 20 clear working days of the decision to refer to council, unless the monitoring officer determines, following consultation with the relevant chief officer and the Mayor as chair of council assembly, that the matter can wait until the next scheduled meeting of council assembly or another appropriate time or date.

Within this time, the decision maker must decide what action to take in respect of the monitoring officer's and/or the chief finance officer's advice and to prepare a report to council assembly.

- 20.6 If the council assembly does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the council assembly meeting, or the expiry of 20 clear working days after the decision was published, whichever is the earlier.
- 20.7 The council assembly will receive details of the decision, the advice of the monitoring officer and/or the chief finance officer, the comments of the overview and scrutiny committee and the report from the decision maker.
- 20.8 Where the council assembly accepts that the decision is within the budgetary and policy framework it may either:
- a) endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the council assembly be minuted and circulated to all councillors in the normal way. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website, or
  - b) if it objects to the decision on grounds other than it falling outside the budget or policy framework, refer the decision back to the decision making person or body, together with the council assembly's views on the decision. The decision maker will reconsider the decision within 15 clear working days and choose whether to amend the decision or not before reaching a final decision. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website.

20.9 Where the council assembly accepts that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget, it may either:

- a) amend the council's budget or policy framework to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the council assembly be minuted and circulated to all councillors in the normal way. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website; or
- b) require the individual decision maker or body to reconsider the matter in accordance with the advice of either the monitoring officer or chief finance officer. If referred to an individual decision maker, the proper constitutional officer shall give five clear working days notice to all councillors of a forthcoming decision for reconsideration. The decision maker shall then choose whether to amend the decision or not before reaching a final decision, within a further 10 clear working days. If referred back to a body, reconsideration will wait until the next scheduled meeting of the body, unless the monitoring officer determines, following consultation with the relevant chief officer and chair of the body (or in his or her absence the vice-chair), that the matter can not wait in which case it will be considered within 15 clear working days. The final decision shall take immediate effect, upon receipt of notice from the proper constitutional officer. Notice of the decision will be issued to all councillors and published on the council's website.

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## **CONTRACT STANDING ORDERS**

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## Introduction

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

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

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

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

There is a Glossary at the end of these CSOs which provides explanations of important words or phrases (e.g. Estimated Contract Value).

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

#### 1.1 CSOs apply:

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

unless an exemption to CSOs is approved (see 6.8 below).

#### 1.2 CSOs do not apply:

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

## 2. General principles

### 2.1 Compliance with relevant statutory and corporate requirements

#### 2.1.1 There must be compliance with the requirements of:

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

- c) all parts of the council's constitution such as these CSOs, the Financial Standing Orders and the protocol on Key Decisions
- d) EU and domestic legislation
- e) the council's procurement strategy, Procurement Guidance and other council policies and procedures
- f) the employee code of conduct (for officers)
- g) the council plan
- h) the council's policy commitment to the London Living Wage

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

2.2.1 It is a disciplinary offence to:

- fail to comply with CSOs
- fail to comply with council policies and procedures when letting contracts.

2.2.2 Employees have a duty to report breaches of CSOs to an appropriate senior manager, who will advise the monitoring officer and the strategic director of finance and governance.

2.2.3 The monitoring officer will report to the audit, governance and standards committee any serious breach of CSOs.

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

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

2.3.2 When estimating the value of a contract, reference should be made to the Estimated Contract Value paragraph set out in the Glossary and, in particular, to the note that a contract may not be split into two or more separate contracts with the intention of avoiding the application of the CSOs.

2.3.3 For contracts with an Estimated Contract Value of £100,000 or more, the LCO must consult with the relevant cabinet member before a procurement strategy is implemented.

## **2.4 Contracts in writing**

2.4.1 Every contract awarded must be in writing and, wherever practicable, on terms agreed by the council and consistent with any council terms of trading and contain full details of the contract documents and contract terms. All Strategic Procurement contracts for supplies and services and those works contracts whose contract value is £200,000 or more must be executed on behalf of the council under seal as a deed.

2.4.2 All other contracts over £25,000 must be signed by at least two authorised officers of the lead contract officer's department.

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

## **2.4 Record keeping**

2.5.1 Chief officers must ensure that the following records are kept:

- a detailed contract file for each contract, including the Estimated Contract Value and, for all contracts with an Estimated Contract Value of £100,000 or more, all tender opening records where e-procurement is not used
- all decisions made, reasons for them and actions taken in relation to procurement processes and contracts
- all documents and reports relating to procurement processes and contracts.

2.5.2 Chief officers must ensure that all contracts with an Estimated Contract Value of £5,000 or more are recorded on the council's contract register via the e-procurement system.

## **2.5 Lead contract officer**

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

## **2.6 Authority to act in line with scheme of management**

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

- cabinet/cabinet committee (highest)
- individual decision maker (IDM)
- strategic director of finance and governance
- chief officer, or as delegated through departmental schemes of management.

## **2.7 Declarations of interest**

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

- a) all staff, whether directly employed by the council or otherwise, who play a role in any aspect of the tendering process
- b) all staff listed on a scheme of management or delegation in relation to a contract or procurement issue
- c) external consultants, community representatives and representatives of bodies other than the council who play a role or whose work gives them influence over or information about any aspect of the contract process
- d) joint negotiating committee (JNC) officers

- e) any other officers who regularly give advice to members including report authors.

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

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

## **2.8 Changes to CSOs**

2.9.1 As set out in article 1, the monitoring officer may make minor changes to the CSOs, after consultation with the chief finance officer.

2.9.2 Minor changes are defined as:

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

## **3. Overview of procurement process**

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

- a) to identify who is the lead contract officer (LCO) – see 2.6 above
- b) to follow appropriate quote/tender route. This will depend on the Estimated Contract Value and other factors – see 4 below
- c) to obtain approval of a pre-procurement strategic assessment for services contracts with an Estimated Contract Value of £10 million or more – see 6.3 below
- d) to obtain approval of procurement strategy (Gateway 1 report). This will depend on the Estimated Contract Value and other factors and may require consideration of the report by the Departmental and Corporate Contract Review Boards (DCRB and CCRB) – see 6.4 below
- e) to obtain approval to award contract (Gateway 2 report). This will depend on Estimated Contract Value and other factors and may require consideration of the report by the DCRBs and CCRB – see 6.5 below
- f) to ensure that a written contract has been signed (and sealed if necessary) on behalf of the chief officer of the LCO's department in line with constitutional requirements.

For an emergency procurement, see 6.9 below.

3.2 Where there is a need to vary an existing contract, the process to be followed is set out in 6.6 below.

- 3.3 Where it is proposed to bring a service which was previously externalised back in-house, it is necessary to follow 3.1.1 a) and d) above.

#### **4. Requirements to obtain quotes or tenders**

##### **4.1 Contracts less than £25,000**

- 4.1.1 For all contracts where the Estimated Contract Value is less than £25,000, there is a requirement to ensure value for money and best value and to keep a record of what action has been taken and when. The best way of ensuring value for money is to obtain competitive quotes and, if this is not done, the reason for not seeking quotes should be recorded. In addition, if the contract is for works or for works-related services, the provider must be obtained from the council's Works Approved List, unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the strategic director of finance and governance or his delegated officers, without which the approval cannot be granted.

##### **4.2 Contracts from £25,000 or more to below £100,000**

- 4.2.1 For all contracts where the Estimated Contract Value is from £25,000 or more to below £100,000, there is a requirement to take all reasonable steps to obtain at least three written quotes, including one from a local supplier where this is possible, unless the LCO decides that this will not secure value for money. In such cases, a Gateway 1 report must be completed to explain what alternative action is being taken and why. In addition, if the contract is for works or works-related services, those invited to submit quotes must be selected from the council's Works Approved List unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the strategic director of finance and governance or his delegated officers, without which the approval cannot be granted.

##### **4.3 Contracts of £100,000 or more to below EU threshold**

- 4.3.1 For all contracts where the Estimated Contract Value is £100,000 or more to below the relevant EU threshold, there is a requirement to take all reasonable steps to obtain at least five tenders. In addition, if the contract is for works or work-related services, those invited to submit tenders must be selected from the council's Works Approved List unless permission is obtained to do otherwise through a Gateway 1 report; such a report must include supplementary procurement advice from the strategic director of finance and governance or his delegated officers, without which the approval cannot be granted.

##### **4.4 All contracts above EU threshold values**

- 4.4.1 For all contracts above the EU threshold applicable to them, there is a requirement to comply with the Public Contract Regulations 2015 following a publicly advertised competitive tendering process, as set out in these CSOs and in line with the Procurement Guidance.

- 4.4.2 Health, social care or educational services fall within the EU's Light Touch Regime (see definition in Glossary). The relevant chief officer must have regard to the threshold for these services under the Public Contract Regulations 2015.

## **5. Use of Framework agreements and Purchasing consortia**

### **5.1 Using Framework agreements**

- 5.1.1 Where there is a contract in place for the council by way of a Framework agreement for a service, supply or work, it must be used to make the relevant purchase. If the LCO believes that the Framework agreement does not meet their requirements, they must obtain an exemption (see CSO 6.8) through a Gateway report if the value is £25,000 or more.
- 5.1.2 Establishing a council-led Framework agreement or use of a third party's Framework Agreement is subject to the full requirements of these CSOs, including a Gateway 1 and Gateway 2 report.
- 5.1.3 For all Framework agreements, if recommending use of a direct award on a multi-supplier framework, the LCO must treat this as a single supplier negotiation in the Gateway 1 report.
- 5.1.4 Any planned use of a Framework agreement once in place will need a Gateway 2 report, which will be approved in line with CSO 6.5, and which should set out how orders are to be placed. In the absence of this, the LCO will need to prepare Gateway 1 and 2 reports.

### **5.2 Third party Framework agreements**

- 5.2.1 Some Framework agreements require buying authorities to formally join the framework in order to use it. Some may require an access charge to be paid. Wherever necessary, these should be made clear in the Gateway 1 and 2 reports.

### **5.3 Contracts secured through Purchasing consortia**

- 5.3.1 Approval to create or join a Purchasing consortium must be obtained in a Gateway 1 report which must identify the procedure for award of individual contracts or orders placed via the consortium. Once approval has been obtained, contracts or orders placed through the Consortium Agreement will not be subject to the quotation or tendering requirements in these CSOs, but a Gateway 2 report must be obtained in accordance with CSO 6.5 before any individual contract or order is placed.

## **6. Approvals processes**

### **6.1 Gateway and other reports**

- 6.1.1 The procurement process requires written reports at the following stages:

- a) approval of pre-procurement strategic assessment – Gateway 0 report
- b) approval of procurement strategy – Gateway 1 report
- c) approval of award of the contract – Gateway 2 report
- d) approval of Variation or Extension to contract – Gateway 3 report
- e) monitoring reports throughout the life of the contract.

More information can be found in CSOs 6.3 to 6.8, 9 and the Glossary.

## **6.2 Supplemental advice from other officers in Gateway and other reports**

- 6.2.1 Where the Estimated Contract Value or, in relation to a Variation, the Contract Value is over the relevant EU threshold for supplies and services or over £2 million for works contracts or where required elsewhere in the CSOs, any Gateway report or other report containing a contract matter (such as a Variation report) must include legal advice from the monitoring officer, financial and procurement advice and, for housing-related reports, statutory leaseholder consultation advice from the strategic director of finance and governance or delegated officer(s).
- 6.2.2 There is a requirement to include all relevant information and this may require advice from other officers e.g. the director of modernise for all IT projects or director of education for all school-related projects.

## **6.3 Decision on pre-procurement strategic assessment – Gateway 0**

- 6.3.1 A pre-procurement assessment decision is required for:
  - All services contracts with an Estimated Contract Value of £10 million or more in value (excluding capital investment works)
  - Other strategically important contracts for services, goods or works where requested by the relevant cabinet member
- 6.3.2 The decision on a pre-procurement assessment is to be taken by the relevant cabinet member, after consideration by the CCRB of a Gateway 0 report.

## **6.4 Decision on procurement strategy – Gateway 1**

- 6.4.1 For contracts with an Estimated Contract Value of £100,000 or more, the LCO must consult with the relevant cabinet member before a procurement strategy is implemented.
- 6.4.2 A decision on the procurement strategy to be used on any contract with an Estimated Contract Value of £100,000 or more must only be made after consideration of a Gateway 1 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. As a minimum, the LCO must keep a written record of decisions, the date that the decision is taken and action taken.
- 6.4.3 The decision on the approval of the procurement strategy is to be taken as set out below:
  - a) if the contract is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after consideration by the CCRB of the report

- b) if the Estimated Contract Value is £2 million or more but below £4 million for services and supplies or £10 million or more but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after consideration by the CCRB of the report
- c) if the contract will affect the budget of more than one directorate but does not fall into a) or b) above, the decision must be taken by the chief officer responsible for the contract after consideration by all relevant DCRBs of the report
- d) if the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b) or c) above and the LCO is requesting approval to proceed with a single tenderer or to negotiate with a single provider (and this is permitted by EU legislation), the decision must be taken by the strategic director of finance and governance, after consideration by the CCRB of the report
- e) if the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c) or d) above, the decision must be taken by the chief officer or under his/her delegated authority, after consideration by his/her DCRB of the report
- f) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
  - i) for the decision to be made by someone else (e.g. pensions, treasury management and insurance where decisions are to be made by the strategic director of finance and governance), or
  - ii) about the decision (e.g. in emergencies where no prior written report is needed – see CSO 6.9).
- g) if the decision does not fall into any of the categories above, it must be taken by the relevant chief officer or under their delegated authority in line with the department's scheme of management.

6.4.4 Gateway 1 reports should consider social value and set out how this will be included in any tender process. They must also include any details of procurement proposals that are different from the normal routes, including requests for exemptions to all or some of these CSOs and requests to delegate powers to award the contract.

## **6.5 Decision on contract award – Gateway 2**

6.5.1 A decision to award any contract with an Estimated Contract Value of £100,000 or more must only be made after consideration of a Gateway 2 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. As a minimum, the LCO must keep a written record of decisions, the date that the decision is taken and action taken.

6.5.2 The decision on the award of a contract is to be taken as set out below:

- a) if the contract is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after consideration by the CCRB of the report
- b) if the Estimated Contract Value is £2 million or more but below £4 million for supplies and services or £10 million or more but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after consideration by the CCRB of the report

- c) if the contract will affect the budget of more than one directorate but does not fall into a) or b) above, the decision must be taken by the chief officer responsible for the contract after consideration by all relevant DCRBs of the report
- d) If:
  - i) the Estimated Contract Value is £500,000 or above (for services and supplies contracts) or above the relevant EU threshold (for works contracts), and
  - ii) the contract is to be awarded to a contractor whose bid was more than 15% above the Lowest Bid,
 but does not fall into a), b) or c) above, the decision must be taken by the relevant chief officer after consultation with the strategic director of finance and governance
- e) if the proposed contract includes pension arrangements terms which are different from those set out in the council's Admitted Bodies policy but the contract does not fall into a), b) c) or d) above, the decision must be taken by the strategic director of finance and governance, after consideration of the report by the CCRB and taking advice from the Pensions Advisory Panel
- f) if the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c), d) or e) above, the decision must be taken by the relevant chief officer or under his/her delegated authority, after consideration by the relevant DCRB of the report
- g) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
  - i) for the decision to be made by someone else (e.g. pensions, treasury management and insurance where decisions are to be made by the strategic director of finance and governance)
  - ii) about the decision (e.g. in emergencies where no prior written report is needed – see CSO 6.9)
- h) approval has been obtained in line with CSO 6.4.4 above to a different decision process.
- i) if the decision does not fall into any of the categories above, it must be taken by the relevant chief officer or under their delegated authority in line with the department's scheme of management.

6.5.3 Requests to delegate the decision on the award of a contract should be included within the Gateway 1 report.

6.5.4 Report authors should include, as part of the proposed recommendations contained within the Gateway 2 report, details of any possible options to extend the contract.

## **6.6 Decision to allow Variations during contract term – Gateway 3**

6.6.1 For contract Variations with an Estimated Contract Value of £100,000 or more, the LCO must consult with the relevant cabinet member before this is implemented.

6.6.2 A decision to allow a contract Variation of £100,000 or more must only be made after consideration of a Gateway 3 report. It is recommended that such a report is also used for contract Variations with an estimated value of £100,000 or below. As a minimum, the LCO must keep a written record of decisions and action taken.

- 6.6.3 Any decision to allow a Variation of a contract or Framework agreement is to be taken as set out below:
- a) if the value of the proposed Variation is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after consideration by the CCRB of the report
  - b) if the value of the proposed Variation is £2 million or more but below £4 million for supplies and services or £10 million or more but below £15 million for works but the contract does not fall into a) above, the decision must be taken by the relevant individual decision maker, after consideration by the CCRB of the report
  - c) if the value of the proposed variation is £1 million or more but the contract does not fall into a) or b) above, the decision must be taken by the strategic director of finance and governance, after consideration by the CCRB of the report
  - d) a different requirement must be met as specified elsewhere in the constitution or these CSOs:
    - i. for the decision to be made by someone else (e.g. pensions, treasury management and insurance where decisions are to be made by the strategic director of finance and governance)
    - ii. about the decision (e.g. in emergencies where no prior written report is needed – see CSO 6.9)
  - e) if the decision does not fall into any of the categories above, the decision must be taken by the relevant chief officer or under their delegated authority in line with the department's scheme of management.
- 6.6.4 Where an additional amount is to be paid in respect of an outstanding sum for works, services or supplies already provided or where an Urgent Payment is required, written confirmation from the monitoring officer that the sums are legally payable must be obtained and the decision to make the payment must be reported in writing to the strategic director of finance and governance within five clear working days.
- 6.6.5 Where a decision on a Variation is made in relation to a contract for works, there will also be a deemed variation of the contract of any consultant engaged in relation to that works contract. This only applies where the consultant is engaged on a fixed percentage of the works contract value. The deemed variation of the consultant's contract will be by the same percentage as that applied to the works contract.

## **6.7 Retrospective approvals**

- 6.7.1 In the event of a contract having been entered into other than in compliance with these CSOs, it may be necessary to seek approvals retrospectively. In such cases, the procedures relating to Gateway 1, Gateway 2 and Gateway 3 reports should be followed as soon as possible. In addition, a report should be submitted to the relevant departmental contract review board for information and, where a decision relates to a procurement strategy, a contract award or a contract Variation with an estimated value of over £100,000, also to the audit, governance and standards committee, setting out the circumstances and manner in which the decision was taken, for the purpose of obtaining guidance to inform future decision making.

## **6.8 Exemptions**

- 6.8.1 In the event that there appear to be exceptional circumstances which mean that the usual procedures set out in the CSOs cannot be followed, written approval must be obtained in advance through a Gateway report. The report should set out the exceptional circumstances and explain why usual procedures cannot be followed. Proposed alternative courses of action must still comply with remaining relevant statutory and corporate requirements as set out in 2.1 above.
- 6.8.2 Examples of circumstances which might amount to an exceptional reason for not following the usual procedures include but are not limited to:
- a) the nature of the market has been investigated and is such that a departure from the CSO requirements is justified
  - b) the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or domestic law).

## **6.9 Emergencies**

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

## **7. Tender return and opening procedure**

- 7.1 Officers must use any e-procurement processes as required by the procurement advice team in order to ensure compliance with relevant legislative requirements. All tender processes must comply with the following requirements.
- 7.2 Tenderers must be told that their tenders may only be considered if they are received in time within the protocols of the council's e-procurement system or, where permitted by the invitation to tender instructions, if they follow the following requirements:
- a) the tender must be returned in a plain envelope or parcel which is marked clearly "Tender" followed by the subject of the contract, and
  - b) the envelope or parcel must not show the identity of the tenderer in any way, and
  - c) the envelope or parcel must be delivered to the place and by the time stated in the tender invitation with Tenders where the Estimated Contract Value is £500,000 or more being returned to the monitoring officer.
- 7.3 All tenders will be electronically released or opened at the same time and place, after the closing date and time for receipt stated in the tender documents.
- 7.4 A tender received by the council via the e-procurement system or otherwise (subject to CSO 7.6) after the time and date specified in the invitation shall not be accepted or considered.

- 7.5 Tenders where the Estimated Contract Value is £500,000 or more shall be electronically released or opened by the monitoring officer's authorised representative. Where the Estimated Contract Value is less than £500,000, tenders not required to be returned using the e-procurement system may be returned to the chief officer or their authorised representative who will arrange for tender opening in the presence of at least two officers, one of whom will be the witness and will not have been directly involved in that particular contract. Tenders required to be returned using the e-procurement system will be released from the sealed tender box by the relevant chief officer or their authorised representative.
- 7.6 Exceptions to the requirements set out in 7.1 to 7.5 above will only be made in exceptional circumstances and must be authorised by the relevant chief officer in writing following consultation with the monitoring officer and legal advice as necessary.

## **8. Advertisement and publication of procurement notices**

- 8.1 Chief officers are responsible for ensuring that the council's obligations in relation to the publication of notices relating to procurement and contracts are met. Contract opportunities for quotations or tenders with an Estimated Contract Value of £25,000 or above that are advertised in any way must be advertised on the Contracts Finder website. All awards of contracts that have an Estimated Contract Value of £25,000 or above, including call-off contracts from Framework agreements must also be published on the Contracts Finder website.
- 8.2 Notices to be published in the Official Journal of the European Union (OJEU) must only be placed by the monitoring officer or delegated representative. These include contract notices, contract award notices, voluntary ex-ante transparency (VEAT) notices and modification of contract during term notices.

## **9. Contract management and monitoring**

- 9.1 The LCO must ensure that systems are in place to manage and monitor contracts in respect of at least:
- a) compliance with specification and contract
  - b) contractor performance and KPIs
  - c) budget and cost
  - d) user satisfaction
  - e) risk management
  - f) delivery of social value commitments, including London Living Wage.
- 9.2 Where the Estimated Contract Value exceeds the relevant EU threshold, the LCO should prepare a six-monthly monitoring report to the relevant DCRB.
- 9.3 Where the contract relates to a Strategic Procurement or was awarded by an individual decision maker, the LCO should prepare an annual monitoring report to the CCRB, within six months of the contract anniversary.

**10. Contract termination / Mergers and acquisitions****10.1 Contract termination**

10.1.1 A contract may only be terminated early or suspended by a chief officer by the council only after obtaining approval from the monitoring officer and strategic director of finance and governance; all such decisions will be advised in writing by the chief officer to the relevant member of the cabinet and cabinet member for finance, modernisation and performance.

**10.2 Mergers and acquisitions**

10.2.1 Where it appears that a current contractor may be the subject of a merger or acquisition by another company or organisation, the LCO must inform the monitoring officer and strategic director of finance and governance as early as possible, in order to enable appropriate advice to be given.

**11. Contractor insolvency**

11.1 Where it appears that a contractor is at risk of becoming insolvent, or the council is notified that insolvency proceedings have been brought, the chief officer must inform the monitoring officer and strategic director of finance and governance as early as possible, in order to enable appropriate advice to be given.

## Glossary

CCRB	Corporate Contract Review Board – panel of officers operating under terms of reference of CCRB. Its role includes considering reports from LCOs for the cabinet, individual decision makers and the strategic director of finance and governance on contract decisions and contract monitoring reports.
Consortium agreement	A consortium agreement is a single formal legal document, agreed and signed by all the parties to a project, and which imposes a set of standard conditions on those signatories. These conditions include, amongst other things, agreements as to ownership and exploitation of intellectual property rights, and a set of warranties and disclaimers allocating risk between the parties. A consortium agreement is needed when joining a purchasing consortium.
Contract Value	The total value of a contract as awarded (which may be different from the Estimated Contract Value), net of VAT, or if there is no fixed figure, the LCO's best estimate of the likely amount to be spent over the period of the contract, taking into account the prices accepted.
Council's contract register	A register of contracts, compiled through the council's e-procurement system.
DCRB	Departmental Contract Review Board – panel of officers operating under terms of reference of DCRB. Its role includes reviewing reports for consideration by the CCRB and the chief officer on contract decisions and contract monitoring reports.
Estimated Contract Value	The total value of a proposed contract including options to extend it (as estimated by the LCO on the basis of all relevant factors) net of VAT calculated for the proposed contract period, or, if for an undetermined period, in accordance with the valuation rules contained in European Regulations, whether or not the Regulations apply to the particular contract. This may be different from the lifetime cost of the contract, which may need to be considered for other purposes (see Procurement Guidelines). Note that a contract may not be artificially packaged into two or more separate contracts, nor a valuation method selected, with the intention of avoiding the application of these CSOs. Chief officers are responsible for considering aggregation within their department to ensure delivery of best value within CSO requirements. The Estimated Contract Value should be based on the best available estimates, or on actual costs if known.
EU Regulations	The Public Contracts Regulations 2006 and 2015 or any amendment to or successor to those Regulations.
EU threshold	The current contract value at which the requirements of the EU Regulations apply for the services, supplies or works being procured.

Framework agreements	<p>Framework agreements are often used when a number of providers are secured to provide supplies, services or works. Setting up framework arrangements is subject to EU regulations and they generally can exist for no more than four years.</p> <p>Providers on a Framework agreement will have been through a procurement process to appear on the framework list. During this process the providers must demonstrate that they can deliver the scope of requirements covered by the framework. There should be clear rules supporting the use of the framework as these will need to be followed to ensure the framework remains EU compliant. Some frameworks require a further competition process to be undertaken involving all providers appearing in the list. The council may set up its own framework agreements for a particular service or decide to use a framework set up by a third party, e.g. Crown Commercial Service (CCS).</p>
Gateway report	<p>A written report in substantially the same terms as those contained in the relevant template which can be found on the Source at <a href="http://thesource/SectionLandingPage.asp?id=22344&amp;cat=1234">http://thesource/SectionLandingPage.asp?id=22344&amp;cat=1234</a>.</p>
Key Decision	<p>Definitions of Key Decisions are contained in the Protocol on Key Decisions in appendix 1 of the Access to information procedure rules section of the constitution. Examples of Key Decisions for procurement purposes are:</p> <ul style="list-style-type: none"> <li>• those which are subject to a general financial threshold (£500,000 or more – note that in relation to awarding contracts, this is a per annum value not a contract term value)</li> <li>• those which have a significant impact on communities</li> <li>• Strategic Assessment (Gateway 0) approvals</li> <li>• Gateway 1 approvals in respect of a Strategic Procurement.</li> </ul>
Lead contract officer (LCO)	<p>The LCO for each contract is the officer who has a duty to ensure that the obligations set out in these CSOs are complied with.</p>
Light Touch Regime	<p>Services that fall within the EU definition of Light Touch Regime Services for Social and other Specific Services noted in schedule 3 of the Public Contract Regulations 2015. These generally include Health, Social Care or Education Services. Any queries on this should be directed to the procurement advice or legal contract teams.</p>
Lowest Bid	<p>The lowest price offered by tender or quotation which meets the specification and other requirements of the contract and has not been rejected as abnormally low.</p>
Procurement Guidance	<p>Guidance, advice or templates published on the intranet pages in relation to the procurement process.</p>

Purchasing consortium	A purchasing consortium is a group of organisations that have come together with the primary objective to buy collectively, thereby increasing their buying power and minimising procurement activity. To join a purchasing consortium it is necessary to sign a consortium agreement. An example of a purchasing consortium is the London Contracts Supply Group (LCSG).
Strategic Procurement	Procurement where one or more of the following apply: <ol style="list-style-type: none"> <li>1) Estimated Contract Value of £4 million or more for non-works and of £15 million or more for works</li> <li>2) a significant change to previous service</li> <li>3) possible externalisation or change in manner of delivery</li> <li>4) significant transfer of assets or staff</li> <li>5) political sensitivity</li> <li>6) contract carrying a high level of risk.</li> </ol>
Tender value	The value of a contract at the time of the award of the contract or, if there is no fixed value, the LCO's best estimate of the likely spend on the contract during the contract period.
Urgent Payment	A payment where delay would lead to significant demonstrable financial loss to the council (and where no breach of EU or domestic requirements would be occasioned).
Variation	A modification to an existing contract such as additional services, exercising options, changes in price or a change in contractor.
Works Approved List	A list of providers of works and works-related consultancy services which have all been appraised to meet minimum criteria in respect of their financial standing, level of insurance held, health and safety policies and procedures, and equal opportunities policies and procedures, maintained by the procurement advice team. For further information about the use of Approved Lists, seek advice from the procurement advice team.

## FINANCIAL STANDING ORDERS

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## **Glossary**

## Introduction

The financial standing orders (FSOs) provide the framework for managing the council's financial affairs. They apply to every member and to all staff including temporary/agency staff, interims and consultants.

All members and staff have a general responsibility for taking reasonable action to provide for the security of assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value. Failure to abide by the FSOs may lead to action under the disciplinary procedure.

The FSOs identify the financial responsibilities of:

- The full council
- The cabinet
- The chief finance officer (strategic director of finance and governance)
- The monitoring officer (director of law and democracy)
- Strategic directors
- All staff and members.

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

The chief finance officer is responsible for maintenance and regular reviews of the FSOs and, as set out in article 1, may make minor changes (see Glossary) to the financial standing orders, after consultation with the monitoring officer.

The FSOs are supported by financial regulations and other detailed financial procedures, setting out how the FSOs are implemented. All staff and members must ensure that they read and follow these procedures.

## Financial administration

### 1. Chief finance officer

1.1 The strategic director of finance and governance is the officer appointed by the council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit (England) Regulations 2015, and section 25 of the Local Government Act 2003. As chief finance officer, the postholder must ensure that the council's financial affairs are administered in a proper manner, in compliance with all relevant professional codes of practice, and all statutory obligations.

1.2 All matters connected with the financial administration of the council's affairs are the delegated responsibility of the chief finance officer, except any matters which are delegated to other officers or reserved to committees of council members, the cabinet, or to the council itself. The chief finance officer may authorise other officers to carry out matters delegated to him/her except the section 151 responsibilities.

1.3 The chief finance officer is responsible for issuing the financial regulations [and other detailed procedures] to underpin the FSOs. Members, staff and

others acting on behalf of the council are required to familiarise themselves with financial regulations and to fully comply with them.

- 1.4 The chief finance officer is also responsible for reporting, where appropriate, breaches of the FSOs to the council and/or cabinet.

## **2. Strategic directors**

2.1 Strategic directors are responsible for ensuring that there is proper financial management within their department. Specific responsibilities are set out in the scheme of delegation for financial authority and accountability. Strategic directors must set and maintain a departmental scheme of management setting out the levels of authorisation and standards for the department.

2.2 Strategic directors must maintain adequate systems of internal control over financial operations and processes and secure the accuracy and integrity of financial information and systems operating within their departments.

2.3 Strategic directors must ensure compliance with procedural instructions on financial administration issued by the chief finance officer.

## **3. Financial advice to the cabinet**

3.1 Corporate and strategic matters. The chief finance officer will provide financial advice to the council, its committees, sub-committees, and similar bodies of members including the cabinet on all matters of a corporate or strategic financial nature or of an interdepartmental nature.

3.2 Departmental matters. Strategic directors are responsible for financial advice to committees, sub-committees and similar service bodies of members including the cabinet on all financial matters of a departmental nature.

## **4. Risk management**

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

## **5. Internal audit**

5.1 The chief finance officer is responsible for:

- safeguarding the independence of internal audit
- determining the overall audit arrangements and the annual internal audit plan
- the content and distribution of internal audit reports
- the form and frequency of reports which may be made to the audit and governance committee arising from internal audit activity.

5.2 It is the responsibility of all council officers to implement agreed recommendations and to provide, upon the request of the chief finance officer or a person nominated by him or her for this purpose, any information, explanation or document under the control of the officer concerned which is

required for the purposes of or in connection with an internal audit inquiry, project, or investigation.

- 5.3 The chief finance officer will report to the audit and governance committee any serious breach of financial standing orders or of the financial regulations or procedural instructions issued in accordance with them.

## **6. Fraud**

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

## **7. Treasury management**

- 7.1 All treasury management decisions are the responsibility of the chief finance officer, as set out in paragraph 23 below.

## **8. Pensions**

- 8.1 All pension scheme decisions are the responsibility of the chief finance officer, acting on the advice of the pensions advisory panel, as set out in part 3 of the constitution.

## **9. Insurance**

- 9.1 All insurance decisions are the responsibility of the chief finance officer.

## **10. Partnerships**

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

## **11. Cap and trading schemes**

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

## **12 Companies in which the council has an interest**

- 12.1 The chief finance officer and monitoring officer must be consulted on all proposals relating to the establishment of companies in which the council is to have an interest.

## **13 Guarantees**

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

## **Financial planning and budgeting**

### **14. Planning process**

14.1 The council's financial planning processes and planning horizons, for the revenue budgets (including the housing revenue account), the capital programme and the medium term resources strategy, will be determined by the chief finance officer, subject to approval by the cabinet. This will have regard to the council plan.

## **15. Preparation of the revenue budget**

### **15.1 Chief finance officer's responsibilities**

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

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

15.1.2 The chief finance officer also has specific responsibility for confirming the deployment of the dedicated schools grant in support of the schools budget, as required by section 16 of the Education Act 2002 and the Accounts and Audit (England) Regulations 2015.

### **15.2 Strategic directors' responsibilities**

15.2.1 Preparing the revenue budget for the services in his/her departments in consultation with the relevant member of the cabinet, which will have regard to the community strategy, council plan, corporate priorities and business plans.

15.2.2 Ensuring that corporate deadlines are met.

15.2.3 Ensuring that resources are allocated through a detailed budget on SAP by the deadline set by the chief finance officer.

15.2.4 Ensuring that reports are submitted to the relevant cabinet member(s), seeking approval of fees and charges in relation to their areas of responsibility.

### **15.3 Budget working papers and revenue estimates**

15.3.1 All working papers and revenue estimates must be prepared in accordance with issued procedural instructions. The instructions will include information in respect of inflation, capital financing costs and other variables outside the control of service departments.

15.3.2 The revenue estimates must include forecast expenditure and income for the year.

### **15.4 Budget timetable and cash limits**

15.4.1 As part of the council's arrangements for medium term financial planning and budget preparation, the cabinet will give guidance on the budget timetable to be adopted and the resource constraints (cash limits) within which business plans and budget estimates must be prepared. The cabinet may also, as part

of a strategy to integrate strategic planning with four-year budgeting, issue indicative cash limits for up to four years ahead.

## **16. Preparation of the capital programme**

### **16.1 Capital strategy and programme**

16.1.1 Council assembly will, on consideration of reports at least every four years and as necessary in the event of a significant change in circumstances from the chief finance officer, agree the capital strategy and programme. The reports from the chief finance officer will consider the compliance of proposed schemes in the programme with the medium term resources strategy, the capital resources available to the council, the revenue implications of the proposed capital expenditure, and any other relevant information.

### **16.2 Financing of schemes**

16.2.1 Within the overall approved capital programme, the chief finance officer will decide the method by which any particular scheme will be financed in consultation with the cabinet member for finance, modernisation and performance.

### **16.3 Capital schemes**

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

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

### **17.1 Precepting authorities, tax base, and net rate yield**

17.1.1 The cabinet must before 31 January each year approve the council tax base for the following financial year.

17.1.2 Following the cabinet decision, the chief finance officer will inform precepting and levying bodies of the approved council tax base.

17.1.3 The chief finance officer must before 31 January each year sign off the estimated net rate yield for national non domestic rates for the following financial year.

17.1.4 The chief finance officer will inform the government and the Greater London Authority (GLA) of the approved estimated net rate yield, so that the appropriate payments can be made to the government and GLA.

### **17.2 Support for council tax**

17.2.1 The council must before 31 January each year approve any changes to its scheme for council tax support for the following financial year.

**17.3 Decision by members**

- 17.3.1 The cabinet will make recommendations to the council regarding the annual budget for the following financial year and the council tax required to finance it.
- 17.3.2 At a meeting on or before 1 March each year, the council will set the overall council tax (including the impact of the GLA precept) for the following financial year.
- 17.3.3 All members must ensure that any outstanding debts relating to council tax or national non-domestic rates payable by them to the council have been settled at least one clear working day before the council assembly meeting at which the overall council tax is set.

**17.4 Collection fund**

- 17.4.1 The chief finance officer will determine the probable collection fund surplus or deficit for the year, notify precepting bodies, and report to the cabinet.

**Budgetary control****18. Monitoring and control of the revenue budget****18.1 Budget spending**

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

**18.2 Monitoring**

- 18.2.1 Strategic directors must:

- ensure that there are adequate systems to monitor and audit the resources allocated to services.
- monitor at least monthly the accurately projected income and expenditure outturn for the financial year under each budget heading, having regard to any contingent or other liabilities for which financial provision may be required.
- present reports containing up to date summary projections to the relevant cabinet member each month.

- 18.2.2 The chief finance officer must report on the overall financial position of the council to the cabinet on a regular basis. This report will include any concerns he/she may have about the outturns projected by strategic directors or about financial controls within departments.

**18.3 Budget adjustments/virements within a directorate**

18.3.1 Strategic directors may vire budget provision between services as set out in the budget book within their department, subject to the following:

- i) The authority for all virements must comply with each department's scheme of management.
- ii) Budget adjustments/virements may not alter the aggregate sum of any one of the budgets listed in the schedule of corporately controlled budgets (e.g. insurance, national insurance, pensions and capital charges), unless previously agreed in writing by the chief finance officer, who is responsible for maintaining the schedule.
- iii) If the budget adjustment/virement is in excess of £250,000, the strategic director must notify it to the chief finance officer who will obtain the approval of the cabinet at the earliest opportunity. This rule applies where there is movement of an approved budget from one service to another and to adjustments between subjective categories of income and expenditure such as to reflect additional grant or other income and associated expenditure.

#### **18.4 Budget adjustments/virements between directorates**

18.4.1 Budget adjustments/virements may not alter the aggregate sum of any one of the budgets listed in the schedule of corporately controlled budgets (e.g. insurance, national insurance, pensions and capital charges), unless previously agreed in writing by the chief finance officer, who is responsible for maintaining the schedule.

18.4.2 Technical adjustments relating to closing the accounts, including those to corporately controlled budgets, will be reflected in the statement of accounts signed by the chief finance officer. Examples of technical adjustments include those in relation to capital charges such as depreciation and international accounting standard (IAS) 19 – accounting for employee benefits.

18.4.3 Inter-departmental and reserves adjustments/virements of £250,000 or less may be actioned with the agreement of the relevant strategic director(s), in line with each department's scheme of management, and must be reported to the cabinet.

18.4.4 Where an inter-departmental or reserve adjustments/virement exceeds £250,000, the relevant strategic director(s) must obtain written consent from the chief finance officer who will obtain the approval of the cabinet.

18.4.5 Subject to paragraph 13 of Part 3A of the Constitution "matters reserved to council assembly", the cabinet may at any time during a financial year, having considered a report of the chief finance officer, vary the departmental approved budget either:

- to require mid-year savings to compensate for a projected corporate overspend
- to allocate to departments sums included within corporate provisions or budgets, excluding those which form part of the schedule of corporately controlled budgets maintained by the chief finance officer.

## **18.5 Treatment of overspends and underspends**

18.5.1 The chief finance officer may, on consideration of the overall financial position of the council at the end of a financial year, recommend to the cabinet whether overspends by departments should be set off against budgets in the subsequent financial year and whether underspends by departments can be made available for specific projects or carried forward to the subsequent financial year, or otherwise accounted for, in line with the medium term resources strategy.

## **18.6 Accuracy of accounts**

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

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

## **19. Monitoring and control of the capital programme**

### **19.1 Control**

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

### **19.2 Reporting requirements**

19.2.1 The chief finance officer will report on the actual capital expenditure incurred by the council as a whole to the cabinet on a regular basis. This report will include details of variations to the capital programme (see (c) below), the projected outturn for the financial year and the total capital resources available to the council with which to finance such expenditure.

19.2.2 The chief finance officer will report to the cabinet on the outturn position for capital expenditure for each financial year

### **19.3 Variations to the capital programme**

#### **19.3.1 Virements**

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

- up to £100,000 – chief finance officer
- over £100,000 and up to £1,000,000 – the cabinet member for finance, modernisation and performance, after consultation with the relevant cabinet member(s)
- over £1,000,000 and up to £10,000,000 – the cabinet
- over £10,000,000 – council assembly.

### 19.3.2 Changes to profiles of expenditure and resources

Changes to profiles for capital projects or programme headings as set out in the overall programme approved by council assembly must be notified by the strategic director to the chief finance officer and cannot be actioned until they have been approved as follows:

- up to £250,000 – strategic director
- over £250,000 – cabinet member for finance, modernisation and performance, after consultation with the relevant cabinet member.

## 19.4 Major overspends and underspends

19.4.1 Strategic directors must report to the chief finance officer who will report to the cabinet on any schemes in progress, which are forecast to overspend or underspend by 10% or more compared to the approved budget unless the overspending or underspending amounts to less than £250,000. The report must give the reasons for the overspending or underspending.

## 19.5 Accuracy of accounts

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

## 20. Annual statement of accounts

### 20.1 Chief finance officer's responsibilities

20.1.1 The chief finance officer is responsible for the preparation and certification of the annual statement of accounts in accordance with current legislation and in particular with the Accounts and Audit (England) Regulations 2015. The chief finance officer will make arrangements for the coordination of the council's closing of accounts programme to ensure compliance with national guidelines.

### 20.2 Strategic directors' responsibilities

20.2.1 Strategic directors are responsible for ensuring:

- i) the accuracy of their departmental accounts and compliance with all current legislation and applicable accounting codes of practice
- ii) the prompt production of adequate working papers to justify all items attributable to them in the statement of accounts

- iii) the achievement of their departmental closing of accounts programme in line with the chief finance officer's timetable for the closure of accounts and production of the annual statement of accounts
- iv) the completion of all grant claims accurately, within deadlines and with adequate supporting working papers, ensuring that income due to the council is maximised
- v) that their staff cooperate fully with the council's external auditors during their audit of the accounts and grant claims.

## **21. Leases**

### **21.1 Capital accounting considerations**

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

### **21.2 Consent**

21.2.1 Strategic directors are required to consult with the chief finance officer as early as possible in order to obtain advice on the correct assessment of a lease (as 'finance' or 'operating') and to obtain written permission from him before taking or granting a lease on any asset. The exceptions to this are:

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

## **22. Schools financial framework**

### **22.1 Application of standing orders**

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

### **22.2 Financial regulations**

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

### **22.3 Scheme for financing schools**

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

## **23. Treasury management**

## **23.1 Prudential framework**

### 23.1.1 Prudential indicators

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

### 23.1.2 Reporting

The chief finance officer shall monitor and report at least twice a year to council assembly on performance against the indicators.

## **23.2 Borrowing and treasury management strategy and decisions**

### 23.2.1 Strategy

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

### 23.2.2 Decisions

All cabinet and operational decisions on borrowing, credit finance and investments are delegated to the chief finance officer.

### 23.2.3 Reporting

The chief finance officer shall monitor and report on operational activity in relation to the strategy on a quarterly basis to the cabinet and at mid year and year end to council assembly.

## **23.3 Departure from ODPM guidance or the CIPFA code**

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

## Glossary

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

the client the best possible service. The council may not always be the lead provider and the agreement may take a number of forms: it may be contractual, but involve a more integrated, consultative and interactive working relationship or there may be no contract, no formal specification and no competitive process. As a minimum, there should be a service level agreement. Partnerships include joint arrangements, joint committees, joint venture companies and any other special purpose vehicles.

Profiles of expenditure/resources	Profiles of expenditure and resources are estimated patterns of expenditure and income through the year. For capital projects, these will often span more than one financial year. The construction of profiles enables the accurate monitoring of actuals and commitments each month which is essential to ensure that resources are used effectively.
Prudential indicators	Prudential indicators are indicators set by each local authority under CIPFA's prudential code for capital finance to help demonstrate that capital investment plans are affordable, prudent and sustainable and that treasury management (see below) decisions are taken in accordance with good practice. Examples of indicators are ratios of financing costs to net revenue streams; estimates of the incremental impact of capital investment decisions on council tax and levels of external debt.
Treasury management	Treasury management is the management of the council's long term borrowing and short term cash surpluses and deficits in line with its debt and investment strategies.

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## OFFICER EMPLOYMENT PROCEDURE RULES

### 1. Appointments generally

#### (a) Appointments to be on merit

Every appointment of a person to a paid office of the council shall be made on merit, and in accordance with the council's policies and procedures contained in the Business Managers' Handbook section on The Source.

#### (b) Declarations

- (i) The council has drawn up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or the partner of such persons.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

#### (c) Seeking support for appointment

- (i) Subject to paragraph (iii), the council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

### 2. Recruitment of head of paid service and chief officers

Where the council proposes to appoint the head of paid service, a chief officer, chief finance officer or the monitoring officer and it is not proposed that the appointment be made exclusively from among its existing officers, the council will as a minimum:

- (a) draw up a statement specifying:
  - i) the duties of the officer concerned; and,
  - ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and,
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

### **3. Appointment of head of paid service**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The council assembly will approve the appointment of the head of paid service following the recommendation of such an appointment by the appointments committee of the council. That committee must include at least one member of the cabinet.
- (b) The council assembly may only make or approve the appointment of the head of paid service where no well-founded and material objection has been made by any member of the cabinet.

### **4. Appointment of the monitoring officer**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The appointments committee will appoint the monitoring officer.
- (b) An offer of employment as monitoring officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

### **5. Appointment of the chief finance officer**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The appointments committee will appoint the chief finance officer.
- (b) An offer of employment as chief finance officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

### **6. Appointment of chief officers**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The appointments committee will appoint chief officers.
- (b) An offer of employment as a chief officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

### **7. Appointment of deputy chief officers**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001. "Deputy chief officer" is defined in section 2(8)&(9) the Local Government and Housing Act 1989 to mean a person who, in respect of all or most of the duties of his or her post, is required to report directly or is directly accountable to one or more chief officers (excluding persons whose function is solely secretarial,

clerical or otherwise in the nature of support services). By law, members are only able to play a role in appointments of deputy chief officer or above.

- (a) The head of paid services or his/her nominee will appoint deputy chief officers.
- (b) An offer of employment as a deputy chief officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

## **8. Other appointments**

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors.

- (b) **Assistants to political groups**

- (i) Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group, and the Local Government and Housing Act 1989.
- (ii) No appointment may be made to any post allocated to a political group until a post has been allocated to each group which qualifies for one.
- (iii) A political assistant may not be appointed unless the group qualifies for one under the Local Government and Housing Act 1989.
- (iv) No more than one political assistant can be appointed to each political group.
- (v) No arrangement may be made for the discharge of any of the council's functions by a political assistant.
- (vi) The terms and conditions of any such post shall be the same for all such posts.
- (vii) Whenever any such post has been established and is vacant, the proper officer shall, in accordance with the wishes of the political group to which it is allocated, make appropriate arrangements for posts to be filled.

## **9. Disciplinary action**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and must be in accordance with the council's disciplinary code and relevant employment law and practice.

- (a) **Suspension.** The head of paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last for a reasonable period.

- (b) **Procedure:** The head of paid service, monitoring officer and chief finance officer may not be dismissed unless the following procedure is followed.
- (c) An investigation will take place into any alleged misconduct. In the case of any investigation into the conduct of the head of paid service, any investigation will be instigated by the monitoring officer. The monitoring officer will also decide if suspension of the head of paid service is necessary. In all other cases, any investigation will be instigated by the head of paid service, who will also decide whether suspension is necessary.
- (d) The investigation report will be considered by a disciplinary panel consisting of an independent chair and two other officers. This panel will determine whether any charge is proven; and decide on the appropriate disciplinary sanction to be applied if the charge is proven. If they decide on dismissal, the matter will be referred to the appointments committee.
- (e) The appointments committee acting as a dismissal panel will consider the investigation report and, where appropriate, make recommendations to council assembly.
- (f) Councillors will not be involved in the disciplinary action against any officer other than the head of paid service, monitoring officer and chief finance officer.

## 10. Dismissal

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

### **Head of paid service, chief finance officer and monitoring officer**

- a) Council assembly must approve any dismissal before notice of dismissal is given to the head of paid service, the chief finance officer and the monitoring officer.

Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:

- i) any advice, views or recommendations of the appointments committee;
- ii) the conclusions of any investigation into the proposed dismissal; and
- iii) any representations from the relevant officer.

### **Chief officers and deputy chief officers**

- b) A notice of dismissal shall only be given to an officer specified in paragraph b) where, in accordance with the regulations, no well-founded and material objection from any member of the cabinet has been received.

### **Applications of paragraphs a) and b)**

- c) Paragraphs a) and b) apply to the dismissal of the head of paid service, a chief officer (as defined by regulation 3(a) or 3(b) of the Local Authorities (Standing Orders) (England) Regulations, the monitoring officer, chief finance officer, or to any deputy chief officer as defined by regulation 3(c) of the Local Authorities (Standing Orders) (England) Regulations.

### **Officers below deputy chief officer**

- d) Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

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## CODE OF CONDUCT

### Part 1

As a member or co-opted member of Southwark Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

The act further provides for registration and disclosure of interests and in Southwark Council this is outlined in Part 2 of this document.

Members are required to register these interests within 28 days of their election and keep the register up to date by notifying any changes within 28 days to the monitoring officer.

As a member of Southwark Council, my conduct will in particular address the statutory principles of the code of conduct by:

1. Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.

2. Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
3. Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Southwark Council or the good governance of the authority in a proper manner.
4. Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
5. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
6. Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
7. Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
8. Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources.
9. Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
10. Always treating people with respect, including the organisations and public I engage with and those I work alongside.
11. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.
12. Assist in any investigation concerning possible breach of this code.

## **Part 2**

### **Interests**

This part explains the requirements of the act and of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in relation to disclosable pecuniary interests. These are enforced by criminal sanction and not by the audit, governance and standards committee.

#### **Notification of disclosable pecuniary interests**

Within 28 days of becoming a member or co-opted member, the member must notify the monitoring officer of any 'disclosable pecuniary interests'.

What is a 'disclosable pecuniary interest' is detailed in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

A 'disclosable pecuniary interest' is an interest of the member or their partner (which means spouse or civil partner, a person with whom the member is living as husband or wife, or a person with whom the member is living as if they are civil partners).

#### **Register of interests**

Any interests notified to the monitoring officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the council's website.

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## MEMBER AND OFFICER PROTOCOL

### Role and purpose

1. The purpose of this protocol is to set down principles and procedures, which have been jointly agreed by officers and members to guide their joint working in the public interest. The protocol supplements and interprets, but does not supplant:
  - statutory provisions, the code of conduct for members and other codes and guidance
  - the other provisions of the council's own adopted constitution and especially the rules of procedure
  - the disciplinary codes which regulate the conduct of officers, details of which can be found on the council's intranet at:  
<http://thesource/SectionLandingPage.asp?id=2089>.
2. It contains interpretation and guidance on some of the issues which commonly arise. It cannot cover every matter which will arise in council life but it reflects an approach and sets standards which will serve as a guide to dealing with other issues. It is intended to guide new members and officers and explain to them what they can expect of each other. It also explains what to do when things go wrong.
3. This protocol also applies to voting non-elected members of committees and also to consultants and agency staff working for the council, to whom a copy should be supplied. With regard to associates from partnership organisations, where their organisation has no code of conduct, it is expected they will abide by the principles of Southwark's code and this protocol.
4. Members appointed to outside bodies or partnership organisations as representatives of Southwark Council need to be aware that the code of conduct for members will apply to these appointments. However, members are advised to be aware that other conduct arrangements of the outside body are likely to exist. In those circumstances, members should comply with both sets of conduct arrangements, unless the code of conduct for members conflicts with the lawful obligations of the outside body. Further assistance is given in the *guidance for councillors on membership of outside bodies* issued by the monitoring officer.

### Review

5. The audit, governance and standards committee and the monitoring officer will jointly keep the protocol under review and make recommendations for changes as appropriate. Review will take place in time for an updated version to be circulated annually after annual council with the new constitution, to all members and officers.

### **Definition of the role of officers and members**

6. Both councillors and officers are servants of the public and they are indispensable to one another but their responsibilities are distinct.

#### *Members*

7. Councillors are responsible to the electorate and serve only so long as their term of office lasts. All councillors have responsibilities to determine the policy of the council, monitor its performance, represent the council externally and act as advocates on behalf of their constituents. Cabinet members, chair and vice-chairs of scrutiny and other committees may also have additional responsibilities. However, all councillors have the same rights and obligations in their relationship with officers and should be treated equally.

#### *Officers*

8. Officers are responsible to the council. Their job is to give full and impartial advice to councillors and the council, and to carry out the council's work under the direction and control of the council, its cabinet, committees and sub-committees. Within these guidelines all officers should endeavour to give every assistance to members carrying out their various roles. Officers have a duty to keep members of all political groups fully informed about developments of significance in relation to council activities.

### **Member officer relations**

9. One of the key issues addressed by the member and officer protocol is the question of member officer relations. Mutual trust and respect should be the key aim of both members and officers, as it is essential for good local government.

#### *Obtaining or granting favours*

10. The member code of conduct emphasises the need for members to avoid behaviour which could be viewed as conferring an advantage or disadvantage on an officer. Members should not seek personal favours from officers. Officers should not be tempted to give favours to please a councillor. An example of favour seeking would be asking whether a councillor's parking ticket could be withdrawn or whether an application for a service could be expedited. Similarly officers should not seek to circumvent agreed staff consultative procedures by lobbying councillors on matters which directly concern them as employees.

#### *Member involvement in officer issues*

11. Issues relating to the appointment, management and dismissal of most officers are reserved by law to the chief executive and officers appointed by him/her. Member involvement in employment issues generally, including where they relate to senior officers is set out in the Local Authorities (Standing Orders) (England) Regulations 2001 and within the council's constitution.
12. Where an employee is also a constituent it may be proper for the member to make written/oral representations to the relevant chief officer, or disciplinary hearing, but the member should not take a proactive part representing or in any

other way advocating on behalf of any such employee in any disciplinary procedures brought by the council against the employee.

#### *Personal familiarity*

13. Personal familiarity between members and officers can undermine public confidence in the council. It is acknowledged that some close relationships will inevitably develop, particularly when officers and cabinet members or chairs of committees work closely together. It is important that close relationships between members and officers are openly declared and should never be allowed to become so close, or appear to be so close as to bring into question the officer's ability to deal impartially with other members and other party groups, nor to undermine public trust and confidence in the council. Where possible members and officers who have close personal relationships should try to avoid coming into contact on projects and in the day-to-day business of the council.

#### *Courtesy*

14. Members and officers should be courteous to each other at all times even if they disagree strongly with each others' views.

#### *Bullying*

15. Members and officers must not bully any person. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person whom the member or officer has some actual or perceived influence over.
16. Bad relations between members and officers can be equally destructive to good governance. Members may from time to time become frustrated by what they regard as unacceptable or incompetent officer behaviour. It is self-evident that sometimes these feelings may be entirely justified although sometimes there may be a legitimate reason why member expectations cannot be met, e.g. because of a council policy or a legal requirement such as confidentiality.
17. However, members should take up their concerns through the procedure described in this document (paragraph 82 onward), rather than through public criticism. They should bear in mind that officers are instructed not to "answer back" in public. Attacking an officer's conduct in public can constitute bullying, as can undue pressure brought by either officers or members in private.

#### *Lines of contact between members and officers*

18. It must be remembered that officers within a department are accountable to their chief officer. Chief officers through their senior management are responsible for the allocation of work to, and the prioritising of work by, their staff.
19. Members should direct enquiries to staff through senior management, or if the matter is routine at least keep a senior manager informed by copying the manager in on correspondence or emails.

20. Officers should not leave confidential or sensitive information visible on their workstation or in other areas and should lock them away if they have to leave that area for any reason.
21. Where members and officers share an office building particular care needs to be taken to maintain appropriate lines of contact. Members and officers are reminded that within an open plan environment office certain standards are expected to be maintained. In particular meetings should not be held at workstations, members and officers should use the meeting facilities provided and sensitive or confidential issues should not be discussed in the open plan environment. Further details of the standards can be found on the intranet.
22. Officers should always seek to assist members but in so doing they must not go beyond the bounds of whatever authority they have been given by their chief officer under the scheme of management.

### **Registration of disclosable pecuniary interests**

#### *Notification of disclosable pecuniary interests*

23. Within 28 days of becoming a member or co-opted member, the member must notify the monitoring officer of any 'disclosable pecuniary interests'.
24. What is a 'disclosable pecuniary interest' is detailed in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The monitoring officer has provided guidance and will give advice should members require it.
25. A 'disclosable pecuniary interest' is an interest of the member or their partner (which means spouse or civil partner, a person with whom the member is living as husband or wife, or a person with whom the member is living as if they are civil partners).

#### *Register of interests*

26. Any interests notified to the monitoring officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the council's website.

#### *Sensitive interests*

27. Where the member considers that disclosure of the details of a disclosable pecuniary interest entered in the register could lead to the member, or a person connected with the member, being subject to violence or intimidation, and the monitoring officer agrees, then copies of the register that are made available for inspection and any published version of the register will not include details of the interest, but may state that the member has a disclosable pecuniary interest, the details of which are withheld under Section 32 of the Localism Act 2011.

#### *Disclosable pecuniary interest in matters considered at meetings*

28. If the member is present at a meeting of the council assembly, or any committee, sub-committee, joint committee or joint sub-committee of the council, or any meeting of the cabinet or a committee of the cabinet, and they

are aware they have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

- They may not participate in any discussion of the matter at the meeting
  - They may not participate in any vote taken on the matter at the meeting
  - If the interest is not registered, the member must disclose the interest to the meeting
  - If the interest is not registered and is not the subject of a pending notification, the member must notify the monitoring officer of the interest within 28 days.
29. Members who have a disclosable pecuniary interest in any matter to be considered or being considered at any meeting or by an individual cabinet member must not seek improperly to influence a decision about that business.
30. Where a cabinet member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the cabinet member must notify the monitoring officer of the interest within 28 days and must not take any steps or further steps in the matter.

#### *Dispensations*

31. The monitoring officer may grant any member a dispensation, but only in limited circumstances, to enable the member to participate and vote on a matter in which the member has a disclosable pecuniary interest.

#### **Gifts and hospitality**

32. Members should not compromise their position by accepting any gifts or hospitality which may give the impression that they might be, or might be thought by others to have been, influenced in making an important decision as a consequence.
33. Member must register any gifts or hospitality given to them or to their partner (as defined in paragraph 25) if given to them directly worth £50 or over. A copy of the register will be available for public inspection and will be published on the council's website.
34. Members must also register what the gift is, the donor (the person, company or body) of the gift or hospitality; the date of the gift, and the value. Members only have to register gifts that are receive in connection with their official duties as a member. Members do not have to register other gifts and hospitality, such as birthday gifts from family.

#### **Visits to offices by members**

35. In relation to visits to front-line services by members, members (except when accessing services as a resident of the borough) should always advise the relevant chief officers in advance of such visits. If the visit is of a statutory inspection nature other procedures apply.

36. Making an agreed time to meet with an officer is a better way of working than arriving at an officer's desk. Managers will have agreed work priorities with staff.
37. Members are advised that they carry some personal responsibilities to ensure health and safety standards are maintained at all times while on council premises and also for their private guests. Members are advised that their private guests also have personal responsibilities regarding health and safety.

### **Reports**

38. Officers' reports should contain clear, evidence-based advice as to why a course of action is being recommended. From time to time corporate advice is given to officers on report writing and they should take care to follow it. The report should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should take care to include even unpopular options if they feel they are relevant.
39. Members can refuse to agree recommendations and table amendments to any recommendations. The member should be clear about the reasons for making alternative recommendations, and any amendments or recommendations proposed at a meeting should have a clear and rational basis, which is accessible to the public.
40. With cabinet reports the report writer should consult with the relevant cabinet member(s). That member is able to write his or her report in addition to the report submitted by the chief officer.
41. Where there is disagreement about the right course of action, it is always best practice for this to be open with both opinions available for discussion. Sometimes, in the course of preparing reports, these disagreements can be reconciled. However, it is always poor practice to bring pressure to bear on officers unwilling to amend their professional judgement, and in some cases this could be construed as bullying.
42. In relation to action between meetings, it is important to remember that the law only allows for decisions (relating to the discharge of any of the council's functions) to be taken by the cabinet, a cabinet member, a committee, a sub-committee or an officer. It is however both legal and good practice for cabinet members individually and as a whole, and chairs of committees to be briefed by officers in advance of meetings and also to meet to plan agendas for meetings.

### **Officer advice to party groups**

43. There is a statutory recognition for party groups and it is common for such groups to give preliminary consideration to matters of council business in advance of such matters being considered by the relevant decision making body. The opposition groups may seek support to enable them to function as an effective opposition on the bodies on which they sit.
44. Officers may properly be called upon to support and contribute to such deliberations by party groups, provided they maintain a stance which is politically impartial. Officers should be required to give information and advice to political groups on matters relating to the council's functions only and not on matters which are primarily issues of party politics or political strategy. It is

important that the political neutrality of officers is preserved. When engaging council officers at group meetings, party members should seek to avoid involving them in any political debate. With the exception of political assistants, officers should not attend, or be invited to attend, any political group meeting which includes non-council members.

45. Attendance at group meetings should normally be restricted to chief officers. If other officers are required this should be organised by the chief officer.
46. These briefings are confidential, to allow the free expression of views, and officers must be careful to maintain confidentiality. However, any written report supplied to a party political group must be accessible to members of other parties.

### **Support services for members**

47. The role of officers is to assist members in discharging their role as members of the council for council business and in their role as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes, and this includes the support offered by political assistants.
48. Council resources (e.g. stationery and photocopying) may only be used for council business or when they are directly required for any office to which the member has been elected or appointed by the council.
49. Support to members is a resource, which is subject to the same budget pressures as any other. Given its importance to how effective members can be, it is essential that its allocation is agreed to be fair and in proportion to the duties of all groups of members.
50. Direct support and administrative help is provided by member services. Information technology support and training responsibilities are shared between a number of sections but are co-ordinated through the member services section. From time to time training and guidelines on the proper and effective use of council supplied IT resources will be issued. Requests for further assistance or clarification should be referred in the first instance to the proper constitutional officer.
51. Use of council resources includes the use of council owned facilities. Outside of council meetings, political groups represented on the council may use meeting rooms at 160 Tooley Street for private meetings of their group which will include ordinary group meetings and training sessions under the standard room booking arrangements. The council's offices at Queens Road are also available for these purposes. Other council owned function rooms can be hired under the council's normal conditions of charging for other types of meetings.
52. During the published normal business hours, elected members may also book meeting rooms at Tooley Street and Queens Road via member services for meetings with constituents. Any meeting outside of normal hours, or that attract special facilities or security requirements, will be chargeable. Members should discuss these matters in the first instance with member services. This facility is subject to availability and the normal booking constraints of rooms, including the priority given to official council and committee meetings and does not

extend to open and public meetings as these require risk assessment and proper arrangements to be in place.

53. Where an officer is present at a meeting involving members, the officer should always lead on making the room booking arrangements.

### **Member development programme**

54. The council runs a member development scheme which is coordinated through the organisational development team. The scheme reflects the obligation on all parts of the council to ensure that all members are able to achieve their full potential in the position to which they have been elected. When this is achieved it benefits the council as a whole and the people of the borough but it also improves the mutual understanding of members and officers.
55. Further advice on support for members can be obtained from member services.

### **Use of Information Technology**

56. Where a member is using or accessing the council's resources, s/he must act in accordance with the council's requirements and ensure such resources are not used for any unauthorised or political purpose. This includes information technology (IT) resources; the term 'IT', means computers and any systems used to create, store, print or exchange information electronically. Similarly 'computer' means an electronic device used for storing and processing information, such as desktop and notebook computers (laptops) and hand held devices (such as BlackBerrys).
57. Members must not use any computer equipment and systems supplied by the council to conduct any business activity other than for their role as a councillor.

### **Using and caring for equipment**

58. Members have a personal responsibility for any IT equipment supplied to them by the council and should take all reasonable steps to ensure that this equipment is kept safe and in good working order. Members should report any loss/theft to member services, but should note that only one issue and one upgrade will be paid for by the council in any 4-year term of office. Members should report any technical problems, lack of service etc. to the council's contractor.
59. Members are advised to consider adding council issued equipment to their home insurance arrangements. Members will be able to claim any additional related premium from the council.
60. A restricted level of personal use of the equipment is permitted provided it does not constitute misuse as detailed in the communication protocol. Members will need to:
1. reimburse the council for any personal use of equipment that incurs a cost to the council or;
  2. confirm that all costs were associated with official council business.

Members will also be responsible for any use of equipment, authorised by them or not (unless reported lost or stolen), and hence any associated costs.

61. Members are reminded that details of expenses paid on their behalf are published on the Southwark website.
62. IT equipment supplied to members remains the property of the council and must be returned when their period of office ends. In addition, members may be asked to return the equipment for servicing.

### **Political assistants**

63. The Local Government and Housing Act 1989 gives councils a power to appoint political assistants to qualifying political groups. Southwark Council currently employs political assistants to the two largest groups. Political assistants are council officers who are employed to assist members of a political group, "in the discharge of any of their functions as members of a relevant authority". Unlike other officer appointments, the political affiliations and preferences of the political group for whom the assistant is hired can be taken into account in the selection process. They provide a useful means of broadening the base of advice to members.
64. The act also restricts the work that political assistants can do. A political assistant's role is to provide assistance to members in carrying out their duties as members of the authority, and not in any additional political, or other, activity. For example, political assistants are not employed to work on election campaigns. Political assistants hold politically restricted posts under the Local Government and Housing Act 1989, and therefore also face restrictions on their personal political activity.

### **Members' access to information and council documents and data information**

65. Members often require access to information to carry out their work in decision making, scrutiny, and representing their constituents. Officers should always process such requests promptly. They are required to ensure that the information required can be released. In some cases they will need to consult their managers or third parties who may hold the information, which may cause some delay.
66. The process for obtaining information is set out in the access to information rules in the council's constitution. Advice on the legal framework can be obtained from the monitoring officer.
67. The common law right of members is based on the principle that any member has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the "need to know" principle and it is well established that a member has no right to "a roving commission" to go and examine documents of the council. The crucial question is the determination of the "need to know" and this question must initially be determined by the particular chief officer whose department holds the document in question (with advice from the monitoring officer).
68. In some circumstances (e.g. a cabinet or scrutiny committee/sub-committee member wishing to inspect documents relating to the functions of their portfolio/committee/sub-committee) a member's "need to know" will normally be

presumed, and also where the member is representing a constituent within his ward, although in these cases there may be legal reasons restricting the information that can be produced. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms in writing.

69. Guidance on holding and processing data to comply with the Data Protection Act can be found on the Source (the council's intranet). Registration is coordinated by member services, but members should be aware that they are personally responsible under the act, and should take care to follow any guidance issued.

### *Confidentiality*

70. Sometimes information will be supplied in confidence and paragraph 4 of the Southwark Council's code of conduct for members makes it clear that such information should not be disclosed without the consent of a person authorised to give it, or unless he or she is required by law to do so.
71. Recent case law confirms that a member may benefit from the public interest defence in some specific circumstances. However, those circumstances are rare and any member considering leaking confidential information should take legal advice immediately where their actions may impact on them as individuals.
72. Members are also reminded that there is an agreed process for applying for the release of information contained in the Freedom of Information Act 2000. Further details of this are available on the council's website

### **Freedom of Information Act 2000**

73. Under the Freedom of Information Act (FOI), councillors like other members of the public have a general right, subject to any applicable exemption, of access to information. Requests under the Freedom of Information Act must be in writing and contain sufficient information to enable the document to be identified. There is a requirement under the act that for the information to be disclosed within 20 working days.
74. There is no requirement under the act for the member to specify whether or not the information is requested under the Freedom of Information Act. Officers should therefore in all cases ascertain from the member whether or not the information is sought under the Freedom of Information Act and if so to advise the member that the request will be dealt with within the statutory time limit of 20 working days.
75. Where the request is for access to documents that are unrelated to any council meeting or where the member requesting the information is not the ward member, officers must inform the member that the request is being treated as a freedom of information request and that a response will be provided within 20 working days.

### **Operation of the overview & scrutiny committee and its sub-committees**

76. The overview & scrutiny committee and its sub-committees may require officers and members to attend and provide any information required to answer questions. It is the duty of any officer or member to attend and answer questions (other than those which he or she would be entitled to refuse to answer in a court of law) if the overview & scrutiny committee and its sub-committees so request. The council may consider that chief officers and other senior managers as described in the departmental schemes of management and not more junior staff are the appropriate officers to attend scrutiny meetings and answer questions.
77. Members of the overview & scrutiny committee or one of its sub-committees should explain the role and operation of the committee/sub-committee, particularly in relation to future policy development, before asking questions of witnesses. Members should adopt an inquisitorial (information seeking) approach to questioning rather than a confrontational one. They may be firm and assertive, but adopting a facilitative and exploratory way of working should generate an atmosphere in which members and officers can explore issues openly and honestly. Under no circumstance should members adopt a rude or aggressive style.
78. Officers should provide all relevant information in their possession, and they should use their best efforts to make sure that they possess all relevant information. They should never seek to conceal or 'improve' inconvenient facts, and more senior officers, or other members should never attempt to persuade them to do so.
79. Reports of scrutiny committees, while drafted by officers, are the reports of the committees themselves and there is nothing improper in members of those committees asking for draft reports to be amended.

### **Ceremonial events**

80. Civic ceremonial events will normally be led by the Mayor or the Deputy Mayor with the leaders of all political groups and other local members informed or invited as appropriate.

### **When things go wrong**

#### **Procedure for officers**

81. It is always preferable to resolve matters informally, through an appropriate senior manager. Officers however do have recourse to the procedure for individual employee complaints (which can be found on the council's intranet), the protections laid down in the officer employment procedure rules (contained in part 4 of the constitution) or the council's monitoring officer. In appropriate cases they may wish to utilise the council's whistleblowing procedure (again contained on the Source). In the event of a complaint being upheld, the matter will be referred to the chief executive. A local solution may be found after discussion with the leader of the council and the leader and/or whip of the group concerned. The advice of the monitoring officer should be sought.

### **Procedure for councillors**

82. Where a councillor is dissatisfied with the conduct of an officer, and they have been unable to resolve the issue, they should refer the matter to the officer's relevant chief officer, who will nominate an appropriate manager to carry out any investigation required. The manager should then make a preliminary investigation and consider whether the council's disciplinary and capability procedure is appropriate, and then follow the appropriate procedure. The manager should then report back to the member concerned that the appropriate procedures have been followed.
83. Where the complaint relates to a chief officer or monitoring officer, the complaint may be referred to the chief executive for an informal review, conciliation and resolution where possible. If the matter is not resolved at this preliminary stage or in cases of serious complaints, the chief executive, taking appropriate advice will consider whether any formal process under the council's employment procedures and as set out in the officer employment procedure rules, as appropriate.
84. Where a complaint relates to the chief executive both the member concerned and the chief executive should consider whether a meeting may resolve the situation and whether that could be facilitated by the whip or leader of the relevant political group, if any, attending. The chief executive will provide the member with a written response to their complaint.
85. If the member remains dissatisfied with the response of the chief executive he or she will notify the monitoring officer and the head of human resources in writing and they will prepare a report for consideration by the leader of the council. The leader of the council, taking advice as appropriate, will have regard as to whether a formal process, as set out in the Local Authorities (Standing Orders)(England) 2001 is appropriate.

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

86. The function of the audit, governance and standards committee is set out in the council's constitution. It has a role in offering guidance on the content and working of this protocol, although it will not arbitrate, except in considering cases relating to potential breaches of the code of conduct for members.

## COMMUNICATION PROTOCOL

### Scope of the protocol

1. This protocol applies to all publicity issued or produced and paid for out of the council's resources.
2. The protocol also applies to any other material issued by organisations that are either wholly or partly separate from the council but which use council's grants or other funding from the council to produce the publicity.

### The legal framework

3. When publishing any material at any time, a local authority must comply with the provisions of the Local Government Act 1986 (the act) and the Code of Recommended Practice on Local Authority Publicity 2011 (the code) which was revised on 31 March 2011. Section 2 of the act states as follows:
  - (1) A local authority shall not publish (or assist others to publish) any material, which in whole or in part is designed to affect public support for a political party
  - (2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of the publication and the likely effect on those to whom it is directed and in particular the following matters:
    - a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the views of one political party and not of another
    - b) where the material is part of a campaign, the effect that the campaign appears to be designed to achieve.
4. Section 6 of the act defines publicity as "any communication in whatever form, addressed to the public at large or to a section of the public".
5. The key points to note from the above section and the code are that publicity by local authorities should:
  - (1) be lawful
  - (2) be cost-effective
    - Consideration needs to be given to achieving value for money and to what is the most appropriate publicity in each case.
    - The code requires that where central government publicity has been issued on a matter, local authorities should not incur expenditure on publicity on the same matter unless they consider additional value is added, i.e. by giving a local context to national issues.

- Local authorities should consider whether to take advice before embarking on a publicity campaign involving very large expenditure.
- (3) be objective
- Where publicity is used to comment on, or respond to the policies and proposals of central government, or other local councils, the comments or response should be balanced and factually accurate and should avoid anything likely to be perceived by readers as constituting a political statement.
  - Any publicity describing council policies and aims should be as objective as possible, concentrating on facts or explanations or both.
  - Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.
- (4) be even-handed
- Where local authority publicity addresses matters of political controversy it should seek to present the different positions in question in a fair manner.
  - Except where a period of heightened sensitivity exists (i.e. purdah), it is acceptable for local authorities to publicise the work done by individual members of the council, even if those views do not reflect the views of the local authority itself, although such publicity should make this fact clear.
  - It is acceptable for local authorities to host publicity prepared by third parties such as blogs and with links to external sites, although those may need to be disabled during a period of heightened sensitivity.
  - It is acceptable for publicity prepared by third parties and hosted by local authorities to include a logo associated with a political party or particular member of the authority such as the leader, but publicity material relating to a particular member must not seek to affect public support for that individual.
- (5) be appropriate
- Local authorities should not incur any expenditure in retaining the services of lobbyists in order to publish material designed to influence public officials, MPs or the government.
  - Publicity about local authorities and services should be freely available in accessible formats.
  - Local authority publicity should clearly identify itself as a product of the local authority.
- (6) have regard to equality and diversity
- Publicity may seek to influence attitudes on health, safety, crime prevention, equality, diversity and community issues.
- (7) be issued with care during periods of heightened sensitivity
- Particularly regard needs to be paid before elections and referendums, when the general rule is that no publicity should be issued which seeks to influence voters.
- (8) When deciding whether publicity may fall foul of the act and the code, the council should consider
- the content and style of the materials

- the timing and circumstances of the materials
- the likely effect on those to whom it is addressed
- whether it refers to a political party or politician
- whether it advocates a particular view that can be easily identified with a political party
- if it is part of a campaign, the effect that campaign is designed to achieve.

### **Publicity of individual councillors**

6. Publicity about councillors may include their contact details, their political affiliation, the position they hold with the council and their responsibilities.
7. Publicity may include information about individual councillor's proposals, decisions and recommendations where this is relevant to their position and responsibilities within the council. Publicity of individual councillors should avoid personalisation of issues or personal image making.

### **Ward member of the council**

8. Ward councillors will be invited to attend public meetings and events organised by the council to consider a local issue and will also be kept informed of consultative exercises on local issues. Some events will involve some members in formal roles, i.e. take part in photo opportunities, make presentations or officially address an audience and members will be advised of what those formal roles are and who is involved in those at the time of invitation.
9. Nothing in this protocol shall prevent the normal publication of the details of members' surgeries on-line, in hard copy or in advertisements.

### **Official visits by government and shadow ministers**

10. It is open to government and shadow ministers to visit the borough at any time. However should the minister require assistance or access to any of the council's services or facilities, the visit will need to be arranged through official channels of the council. This will ensure that appropriate support is provided on the day.
11. To this end all such requests from government and shadow ministers must be referred to the head of communications who will promptly notify the chief executive of the request.
12. The head of communications will liaise with their counterpart at the relevant government department to ascertain the purpose of the visit. The head of communications in consultation with the chief executive and monitoring officer will authorise the visit if satisfied that the visit would assist the council in promoting one or more of its policies and or objectives or would be purely for fact finding.
13. Events which involve government ministers or other political figures and shadow ministers should usually be led by the leader or cabinet member with the Mayor informed or invited to lead as appropriate. Ward councillors and

leaders of all the political parties should be invited where possible and appropriate.

### **Visits by local and other Members of Parliament (MPs)**

14. There may be instances where local and other MPs who are not ministers will have a special interest in attending an event that is taking place in the borough. In this instance the MP in question may either be formally invited or merely informed about the event. Where the MP has not been specifically invited to attend, he or she should not expect to be treated as an "official" invitee.

### **Promotional publicity**

15. Local authorities are authorised under the Local Government Act 1972 to publicise information as to the services provided by them or other local authorities in their area. Publicity can also be used to explain or justify the council's policies either in general, such as in the annual report, or on specific topics, for example as a background to consultation. However, any such publicity should comply with the principles of the code.

### **Publicity of matters going before the cabinet, council assembly or any committee of the council**

16. All matters going before the cabinet or committees for decision are publicised five clear working days before the meeting or seven clear working days in the case of council assembly unless the report contains exempt information (i.e. information that has been judged by the proper officer as confidential). Some matters will obviously generate more press interest than others. Where the press is interested in a matter that is to be the subject of a decision by the council, the head of communications in conjunction with the relevant chief officer and cabinet member may issue a press release explaining the reasons behind the recommendations. Any such press release must be factual and objective. Members may be asked by the media to comment on this press release but should remember that whilst criticism of ideas and opinion is part of the democratic process, a member must comply with the code of conduct.
17. Where there has been misinformation about any of the council's policies or objectives the head of communications is authorised to take any appropriate corrective measures.

### **Scrutiny**

18. Publicity about scrutiny will concentrate on factual information about which scrutiny exercises the council is conducting, who is involved, the process they will follow and the decisions they take. Where scrutiny suggests a course of action that differs to or challenges one agreed by the cabinet or any other council decision making body, this would be made clear in publicity together with the process for resolving the difference.

### **Contact with press**

19. As outlined in the code of conduct for employees, employees and other staff should not communicate with press and other media unless authorised by the appropriate manager to do so.

### **Press releases**

20. All press releases from the council must be agreed and signed off by the communications unit and issued either electronically or on council headed paper. Press releases containing quotes from members must be agreed and signed off by the appropriate member.

### **Social media**

21. It is acceptable for the council to host social media, such as a blog, which itself contains links to external sites where the content would not itself comply with the code. However care needs to be exercised in that such links do not:
- contain content that may result in actions for libel, defamation or other claims for damages
  - be used to process personal data other than for the purpose stated at the time of capture
  - be used in an abusive, hateful or disrespectful manner.
22. However particular care must be taken during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums during such periods.
23. In addition, where members are present as voting members at any meeting where they are determining any application for any approval, consent, licence, permit or permission, they should not access the internet (except as it relates to the official business of the meeting), send or receive emails, text, messages or tweets concerning the business of that committee. Further advice is given by the monitoring officer's guidance 'A few top tips for members using social media' issued in September 2016. <http://thesource/tools-and-resources/communications/>

### **Publicity during periods of heightened sensitivity**

24. Candidates in an election or referendum should not be provided with any form of publicity during the period between the notice of an election and the election itself.
25. Any publicity should be objective, factual, not deal with controversial political issues and avoid personalisation of the issues or inappropriate personal image making.
26. The council should not produce publicity designed to influence the views of local people on petitions, referendums or specific proposals.

### **The role of the communications unit**

27. The communications unit works on behalf of the council and not for any political party. The purpose of its work is to provide high quality information about the council, its policies and its services and to maintain public confidence and where appropriate to protect and to promote the council's reputation. It aims to encourage better relationships with the local community. It is important to remember that all publicity and press releases are directed through the communications unit so these goals can be achieved.

28. The head of communications can advise members on how to deal with press enquiries, and how to arrange publicity for events, which can be properly publicised. Members have a remit to discover and make public inefficiency and poor public service; however, they should be careful where a matter they wish to make public relates to identifiable officers.
29. Publicity and information will cover areas such as why the council makes the decisions it does, and why other proposals are rejected. The communications unit will feature the decisions of the council, i.e. those decisions made by the council assembly, cabinet, scrutiny, planning or licensing committees or community councils, or those actions which have been taken within the broad policy framework already set by the council, subject to any call-in arrangements.

### **Obligations on officers in relation to documents being prepared for public consumption**

30. Council staff and resources must not be used to arrange proactive events, such as photocalls, if they would provide politicians with a platform to communicate with the public that would not otherwise be available to them.
31. When considering whether a communication or publicity is safe to be put out officers should ask themselves whether the communication or publicity is objective, balanced, informative and accurate. If the answer is an unequivocal yes then the communication or publicity is safe to be put out.
32. Where officers are uncertain as to whether a communication or publicity is appropriate they should seek advice from the communications unit and the monitoring officer in those cases.
33. If something cannot go out as a member has suggested then officers can explain why and offer an alternative form of words. Again the communications unit or the monitoring officer can offer you guidance on what would be appropriate.

### **The role of the Mayor**

34. The Mayor is the first citizen of the borough and as such is apolitical. He or she is responsible for promoting the council as a whole and representing the council in civic and ceremonial events.
35. The Mayor is also responsible for chairing meetings of the council assembly and interpreting the constitution as necessary. Where the Mayor is unable to act or the office is vacant, the Deputy Mayor will discharge all of the Mayor's duties except that the deputy may not chair meetings of the council assembly unless specifically appointed to do so.

### **Key spokespeople**

36. The role of the spokesperson is to present facts about council decisions, the context in which they were taken, actions, and issues faced by the council. Members who are key council spokespeople are the leader and deputy leader and cabinet members within their portfolio, the chair of overview and scrutiny committee, planning chair, licensing chair, chair of the relevant community

council, standards chair and chair of the audit and governance committee. They will be quoted or featured in publicity where it relates to their responsibilities on the council.

### **Correspondence**

37. Generally correspondence from one member should not be copied to, or discussed with, another member without the member's consent subject to any rights of access arising from the Freedom of Information Act 2000 and the Data Protection Act 1998. If a member has sought advice from an officer and included a circulation list, it can be assumed that the officer's response can be circulated to those people on the circulation list for the original letter, even if that list includes other members.
38. This does not prevent officers copying letters to each other about casework across ward or interest boundaries in order to respond to a member inquiry. Points of general interest to all members may be converted into general advice, and circulated (within the limitations set down in the Data Protection Act). A chief officer is also able to advise a relevant cabinet member in general terms of an issue raised with the chief officer in correspondence, or otherwise, by another member.
39. Official letters from the council should normally be sent out in the name of the appropriate officer rather than a member. It may be appropriate for members to write in certain circumstances (e.g. representations to a government minister); however, this would be the exception rather than the norm. Letters which create obligations or give instructions should not be sent out in the name of a member.

### **Postage**

40. Preparation and postage of correspondence are a significant part of the support given to members. The content and purpose of letters, leaflets, and other correspondence must relate to the member's role in the authority. The members' services manager will arrange for monitoring arrangements to be put in place, and refer doubtful cases to the monitoring officer.
41. The use of council resources in the preparation and postage of the following kinds of post are not permitted:
  - private mail including correspondence for other bodies
  - mailshots
  - letters sending out information (concerning planning application, refuse collection, etc) which is the responsibility of officers
  - letters which criticise other groups and their members or praise the writer or their political group
  - group publicity such as political party greetings cards.

For the avoidance of doubt, correspondence to residents about the location of surgeries by members who do not have a fixed location for their surgery shall not constitute a mailshot.

42. The question of what is a mailshot has proved problematic. Members are entitled to use council resources to respond to requests that their constituents

have raised with them for action and explain what action has been taken, but not generally to publicise their work in the ward. Requests to send out large numbers of letters will have to show what demand is being responded to, and that the letter is a proportionate response to that demand. In any event, member services do not have the resources to send out more than one batch of such letters a month for any member. Members are reminded that this is a finite resource, and member services may need to limit the use of this if excessive costs are incurred. Further advice is given by the monitoring officer's guidance 'Correspondence and Mailshots' issued 18 January 2013 (<http://modern.gov.southwark.gov.uk/documents/s35152/Monitoring%20Officer%20Guidance%20on%20Mailshots.pdf>).

43. Where members are uncertain as to whether a communication or publicity is appropriate they should seek advice from the head of communications and the monitoring officer in those cases.

### Emails

44. Email and internet access facilities are provided to members to support work on council related activities. The standards set out for officers in the use of emails apply equally to members. The key standards are that:
- any behaviour or comment that is not permitted in the spoken or paper environment is also not permitted in an email message
  - email messages should be inoffensive and should not be construed to harass
  - emails must not incite racial hatred or be pornographic in nature either in the body of the text or as an attachment
  - chain emails should not be forwarded on.
45. As a general rule, emails cannot be used for party political purposes but:
- emails organising the political group in relation to council business are allowed
  - the use of the email address in a party political leaflet to advertise a ward surgery or as a means of allowing residents to contact their ward members on non-party political matters is allowed
  - emails to newspapers as a means of commenting on council business from the political group's perspective are allowed.
46. Members should note the requirements for social media are given in paragraphs 21 and 22.
47. Members should remember that emails may be subject to disclosure if a request is made under the Freedom of Information Act 2000.
48. Any use of IT resources, including email and the internet, that contravenes any legislation (such as the Data Protection Act 1998; the Computer Misuse Act 1990; and the Copyrights, Designs and Patents Act 1988 (amended 2002)); or breaches the general obligations of the code of conduct for members; or breaches council policies on information security is considered to be unacceptable. Members are responsible for the content of any email sent from your username and in certain circumstances the council may also be found liable for the content of such email.

49. Emails and other personal information should be retained only for the minimum period necessary, in accordance with the Data Protection Act 1998. Further details on the Data Protection Act in term of members' business use can be obtained from legal services.
50. It is important that members manage the information that they store to ensure its availability, confidentiality and integrity. Therefore members should regularly review all council information (including files and email messages) they hold and delete all redundant or irrelevant data.
51. Where a telephone number has been issued to a member or group of members it is expected that this number will be publicised except on political publicity material.

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## MEMBER ALLOWANCES SCHEME

### Introduction

1. The Local Government and Housing Act 1989 and the Local Authorities (Members' Allowances) (England) Regulations 2003 require authorities to make a scheme for payment of allowances to councillors. The regulations do not limit the amount that can be paid.
2. Before making, amending or reworking its allowance scheme, the council is required to have regard to the recommendations of an independent remuneration panel. The council is not, however, bound to adopt all or any of the panel's recommendations provided it has given them due consideration and is satisfied that it has justifiable reasons for not doing so. For this authority the relevant independent panel is the London Councils Panel.
3. On 22 March 2017, the council agreed its member allowances scheme, having considered the recommendations of the constitutional steering panel and having taken into account the London Councils Independent Remuneration Panel's 2014 report. This scheme will cover a period from 1 April 2017 to 31 March 2018.

### Basic allowance

4. Each member of the council is entitled to receive the annual basic allowance of £11,049. This is paid on a monthly basis rather than as a lump sum.

### Special responsibility allowance

5. The council has decided to pay special responsibility allowances (SRAs) to those members whom it considers to have special responsibilities for the discharge of the council's functions. This allowance is in addition to the basic allowance. No member may receive more than one SRA.

Where the leader of the council has appointed two members to the cabinet in a job share, the SRA is split between the members with 50% payable to each member.

The list of SRAs payable is set out below:

<b>Band 1a</b>	<b>SRA</b>
Chair audit & governance committee	£2,888
Deputy leader majority opposition	£2,888
Leader minority opposition	£2,888
Opposition whip	£2,888
Vice-chair overview & scrutiny committee	£2,888
Deputy cabinet member	£2,888

<b>Band 1b</b>	<b>SRA</b>
Deputy Mayor	£8,712

<b>Band 1b</b>	<b>SRA</b>
Chair community council	£8,712
Scrutiny sub-committee chair	£8,712
Planning sub-committee chair	£8,712

<b>Band 2a</b>	<b>SRA</b>
Chair planning committee	£15,065
Chair licensing committee	£15,065
Chief whip	£15,065
Leader majority opposition	£15,065

<b>Band 2b</b>	<b>SRA</b>
Mayor	£23,593
Chair overview & scrutiny committee	£23,593

<b>Band 3</b>	<b>SRA</b>
Cabinet member	£35,033
Deputy leader	£35,033

<b>Band 4</b>	<b>SRA</b>
Leader	£52,194

6. The level of allowance paid to a band 3 or band 4 member is dependent on the average number of hours per week the member is employed elsewhere, as set out below:
- less than 11 hours elsewhere, full SRA
  - 11 to 24 hours elsewhere, two thirds SRA
  - more than 24 hours elsewhere, one third SRA.

Where cabinet members are appointed in a job share, the average number of hours employed elsewhere are doubled.

### **Licensing committee**

7. Ordinary members of a licensing sub-committee will receive a payment of £121.98 per meeting attended.

Members will be selected to attend the sub-committee in accordance with a system of rotation agreed by members of the licensing committee which ensures all members have an equal opportunity to attend.

Where a sub-committee is cancelled, ordinary members summonsed to sub-committee meetings will be eligible for the attendance payment unless a cancellation notice is sent by 10.00am on the second working day prior to the date of the meeting, thereby giving one clear working day's notice.

Ordinary members attending the licensing committee will not be eligible for the attendance payment.

### Travel allowance

8. Councillors (and co-optees receiving a special responsibility allowance) may only claim travel expenses necessarily incurred in carrying out their approved duties outside the borough, subject to the following exceptions:
- Members with mobility difficulties are able to claim the cost of travel when on council business
  - Members are able to claim for taxis home after council meetings ending after 9.00pm in summer (BST) and 7.00pm in winter (GMT)
  - It is noted that when undertaking civic duties, the Mayor and the Deputy Mayor may be required to use taxis when other forms of transport are unavailable. Similarly cabinet members may on occasions need to take taxis to allow them to efficiently and effectively perform their approved duties, e.g. to enable them to attend back to back meetings.
  - Non statutory co-optees (who do not receive an allowance) can claim their travel expenses.

A full list of approved duties is set out in paragraph 27 below.

9. Members cannot reclaim expenses they have incurred due to:
- a) congestion charges, including fines or penalties
  - b) parking/clamping fines.
10. For public transport, receipts must be produced in respect of all claims. Members using their own transport may submit mileage claims. The maximum rates per mile are set out below.
11. The following is a summary of the conditions, and has been excerpted and adapted from those which apply to officers.

### Car users

12. Casual car users allowances – general conditions:
- Public transport must be used on all appropriate occasions, e.g. where more economic, timely etc
  - Members should not use their own cars when there is room in one of the local authority's cars or in the car of another member making the same journey on the same business. As far as possible journeys over the same route should be arranged so as to synchronise
  - All official mileage has to be recorded
  - Members shall have included and maintain in their insurance policy a clause indemnifying the local authority against all third party claims (including those concerning passengers) arising out of the use of the vehicle on official business
  - Members must ensure that the car they are travelling in has current insurance and MOT certificates and are encouraged to ensure that their car has passed emission checks:
    - For cars less than three years old, annually
    - For cars three years and above, twice yearly.
13. The national joint council reviews the rates payable to staff on an annual basis. The current rates are set out below. There are three bands of allowance

according to the cubic capacity of the car: 451-999 cc; 1000-1199 cc; 1200 cc and above.

<b>Casual Users</b>	<b>451-999 cc</b>	<b>1000-1199 cc</b>	<b>1200 cc and above</b>
Per mile-first 8,500 miles	46.9 pence	52.2 pence	65.0 pence
Per mile-after 8,500 miles	13.7 pence	14.4 pence	16.4 pence

### **Motorcycles and mopeds**

There are five bands of allowance according to the engine size of the motorcycle: the rates are set out below:

<b>Engine Size (cc)</b>	
Up to 150	9 pence per mile
151 – 244	14 pence per mile
245 – 500	17 pence per mile
501 – 999	23 pence per mile
1000+	27 pence per mile

### **Pedal cycles**

A monthly cycle allowance is payable to councillors, independent and co-opted members who use their own cycles in connection with their official duties. The rate is currently £20 per month. Members must notify the proper constitutional officer of their intention to claim this allowance as unlike other travel allowances it is not paid as an expense. Except in circumstances agreed by the proper constitutional officer members in receipt of the cycle allowance may not claim other travel allowances. Except in circumstances agreed by the proper constitutional officer members who have taken advantage of the Bikes4Work scheme are required to use their cycle for normal council business whether they claim the cycle allowance or not and will not be eligible to claim other travel allowances.

### **Subsistence allowance**

14. Subsistence allowance may be claimed in respect of approved duties, except where food is provided, if they involve an absence from the normal place of residence exceeding four hours in total which includes one hour travelling time.
15. Claims are subject to the following maximum, which are the same for members as they are for officers:

Breakfast	£6.05
Lunch	£8.34
Evening Meal	£10.30

16. The amount to be reimbursed in respect of approved duties is the actual amount spent subject to the maximum figures quoted above. Receipts must be produced in respect of all claims.

### **Child-care and dependant carers allowance scheme**

17. Members may claim this allowance against any costs they incur in arranging carers to look after dependants who cannot be left by themselves by reason of age or other special needs. The allowance may only be claimed in respect of

approved duties and is subject to tax and national insurance deductions at personal rates.

18. The maximum rate claimable shall be set at the level of the London living wage rate set annually by the Living Wage Foundation and calculated by the Greater London Authority. The rate shall be reviewed annually so it keeps in line with changes to the London Living Wage and be reported to the chief executive.
19. The following criteria also apply:
  - payment is claimable in respect of children aged 15 or under or in respect of other dependants where there is medical or social work evidence that care is required
  - the allowance is not payable to a member of the claimant's own household
  - the carer must be 18 or over (and not a spouse or partner/co-habitee of the member or a relative living at the same address)
  - the claim shall cover the time spent at the meeting plus up to one hour for travel to and from the meeting
  - the allowance will be paid upon submission of the claim form and accompanied by relevant receipts
  - claims must be submitted within two months of the duty undertaken
  - any dispute as to entitlement and any allegation of abuse will be referred to the audit, governance and standards sub-committee for adjudication.

### **Co-opted members**

20. The following allowances are payable to co-opted members:
  - a) All statutory co-optees (i.e. statutory co-optees to the education committee) should receive an annual allowance; this is £1,106
  - b) No statutory co-optees may receive more than one allowance under (a) above
  - c) That statutory co-optees should be subject to the same travel and subsistence claim regime as councillors, i.e. not able to claim for intra borough travel and subsistence except where one of the exceptions applies
  - d) Non-statutory co-optees should be able to claim reimbursement of travelling and subsistence expenses.
21. Co-optees may, in writing to the proper constitutional officer, elect not to receive allowances.
22. The allowance to education co-optees should be payable from the date of appointment.
23. Co-optees allowances are subject to the same index linking as members' allowances generally.
24. Co-optees do not receive the basic allowance.
25. If a co-opted member does not serve for the whole of the 12 month period, or become disqualified, they will only be entitled to pro-rata payments for the period(s) during which they were actually a serving co-opted member.

26. Both statutory and non-statutory co-opted members are entitled to claim dependant carer's allowance as set out in paragraphs 17 - 19.

### **Approved duties**

27. For a member, an approved duty for the purpose of travel, subsistence and childcare and dependant carers allowances means:
- a) attendance at a meeting of the council or of any committee or sub-committee of the council
  - b) attendance at a meeting of a body to which the member has been nominated by the council or of any committee or sub-committee of such a body, provided they are a member of the body concerned
  - c) attendance at any other meeting, the holding of which is authorised by the council, or a committee or sub-committee of the council or a joint committee of the council, or a sub committee of such a joint committee, provided that it is a meeting to which members of at least two political groups have been invited
  - d) attendance at a meeting of any association of authorities of which the council is a member
  - e) attendance at a meeting of the cabinet or of any of its committees
  - f) performance of any duty in connection with the discharge of a function of the authority empowering or requiring the inspection of premises
  - g) performance of any duty in connection with arrangements made by the authority for the attendance of pupils at special schools
  - h) any other duty approved by the council for the purpose of, or in connection with, the discharge of the functions of the council, or any of its committees or sub-committees
  - i) any duty for the purpose of or in connection with the discharge of the functions of the cabinet
  - j) attendance at neighbourhood forums that fall within the member's ward
  - k) attendance at tenants' council and leaseholders' council
  - l) attendance at licensing or planning committees as a ward representative.
28. No allowances can be claimed in respect of political group meetings, members' surgeries or attendance at college or school governing bodies.

### **Entitlement to allowances**

29. Allowances are paid automatically in equal monthly instalments. If a member of the council does not serve for the whole of the year, becomes disqualified or ceases to be entitled to a special responsibility allowance (SRA), they will only be entitled to payments for the proportion of the number of days served in that year. Overpayment of SRAs for continuing members will be automatically deducted from the basic allowance. Other overpayments must be repaid to the authority. If the scheme is amended so as to affect entitlement any variation will be paid from an agreed date only. Retrospective payments will not be made to members who are no longer serving.

### **Waiving right to receive allowances**

30. Members do not have to take their allowance(s) – if a member wishes to waive their right to receive a basic allowance, SRA, any other allowance, or part thereof, they must notify the proper constitutional officer in writing.

### **Claiming allowances**

31. Claims for travel, subsistence, child-care and independent carers allowances must be submitted within two months of the duty undertaken and accompanied by relevant receipts. Claims submitted outside of the two month period may be put forward to the audit, governance and standards sub-committee for consideration.

### **Taxation and allowances**

32. Allowances are not salaries but are subject to tax and national insurance as any allowance is considered as income. Any such deductions are subject to personal circumstances. Members should note that the council is unable to deal with personal tax enquiries on their behalf and should inform their tax office of any change in circumstances.

### **Publication of allowances**

33. In accordance with the Local Authorities (Members Allowances) (England) Regulations 2003, the council is required to publish details of any basic and special responsibility allowances paid to councillors for the previous financial year, along with details of the allowances scheme which applied at that time. This statutory notice also includes details of subsistence, travel and carer's allowance. In addition the council publishes further information regarding members' expenses. Any payments to cabinet members for loss of office will also be published.

### **Withholding allowances**

34. The audit, governance and standards sub-committee may withdraw allowances from individual members (including co-opted members) in whole or in part for non-attendance at meetings, or, for elected members only, for failure to attend required training. Withheld allowances are not repayable / recoverable.
35. Audit, governance and standards sub-committee may also consider the withdrawal of allowances for a member given approval by council assembly for a failure to attend, subject to a referral being made by council assembly.

### **Amendments to the allowances scheme**

36. Allowances will be adjusted in line with the national local government officer pay settlement and allowances for officers<sup>1</sup>. This includes basic allowance, SRA levels, licensing payments and co-opted member allowances.
37. Travel and subsistence allowances will be amended in line with changes to allowances for officers.
38. Dependant carer's allowance shall be set at the level of the London living wage rate set annually by the Living Wage Foundation and calculated by the Greater London Authority. The rate shall be reviewed annually so it keeps in line with changes to the London Living Wage and be reported to the chief executive.

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<sup>1</sup> Index linking is to the general settlement rather than any special provision for particular groups of staff such as the low paid.

### **Special leave arrangements**

39. The special leave arrangement for members applies to all recipients of special responsibility allowances. Where SRAs are paid at a reduced level that level will apply during any special leave absence. Where members have elected not to receive their allowance no special leave payment will be made.
40. Where a period of special leave includes the annual meeting of council assembly and the member is not reappointed to a post attracting an SRA the special leave allowance will cease on the day following council assembly.

#### **Maternity leave**

41. The maternity leave arrangement will be for up to three months on full allowance. No additional allowance will be paid for absence beyond three months. Antenatal care is part of the normal arrangements for short term absence and is not affected by special leave arrangements.
42. Members are not eligible for Statutory Maternity Pay (SMP) if they are not employed elsewhere. The council cannot pay SMP.

#### **Adoption leave**

43. The adoption leave arrangement will be for up to three months on full allowance. No additional allowance will be paid for absence beyond three months.

#### **Paternity leave**

44. The paternity leave arrangement will be for ten days paid absence and parental support absence of up to 13 weeks with no allowance.

#### **Sick leave**

45. The sick leave arrangement will be for up to six months full allowance in any 12 months.

#### **Other special leave**

46. Normal leave arrangements and emergency situations do not affect SRAs. Extended absence e.g. service abroad in the Territorial Army or jury service to be in line with officer guidelines.

#### **Other arrangements**

47. During any period for which special leave arrangements are in place any member who is appointed to deputise for the absent member who is not a member of the cabinet will be eligible for the full SRA payments due in the same period.
48. During any period for which special leave arrangements are in place any member who is appointed to deputise for an absent cabinet member will be eligible for a proportion of the SRA payments due in the same period, not exceeding nine tenths of the full SRA payment.

### **Payment to cabinet members for loss of office**

49. Members entitled to a full band 3 or full band 4 SRA will be entitled to a payment for loss of office when they cease to be eligible for a full band 3 or 4 allowance.

50. Members must have served at least one year in cabinet to claim a payment for loss of office. Members are eligible to claim a payment for loss of office no more than once in any 4 year council term.
51. The level of payment is set at 4 weeks of the full band 3 or band 4 SRA plus 1 week for every year in continuous full time service. The maximum level any member can receive is 13 weeks of the full band 3 or band 4 SRA.
52. The audit, governance and standards committee (or its relevant sub-committee) will adjudicate on any dispute as to entitlement and any allegation of abuse, and shall be authorised to determine any reduction or withholding of a loss of office payment.

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## LIST OF COUNCILLORS

Ward	Councillors	Political party
<b>Brunswick Park</b>	Radha Burgess	Labour
	Mark Williams	Labour
	Ian Wingfield	Labour
<b>Camberwell Green</b>	Dora Dixon-Fyle MBE	Labour
	Tom Flynn	Labour
	Kieron Williams	Labour
<b>Cathedrals</b>	Maria Linforth-Hall	Liberal Democrat
	Adele Morris	Liberal Democrat
	David Noakes	Liberal Democrat
<b>Chaucer</b>	Helen Dennis	Labour
	Karl Eastham	Labour
	Vijay Luthra	Labour
<b>College</b>	Jon Hartley	Labour
	Catherine Rose	Labour
	Andy Simmons	Labour
<b>East Dulwich</b>	James Barber	Liberal Democrat
	Rosie Shimell	Liberal Democrat
	Charlie Smith	Labour
<b>East Walworth</b>	Rebecca Lury	Labour
	Darren Merrill	Labour
	Martin Seaton	Labour
<b>Faraday</b>	Paul Fleming	Labour
	Samantha Jury-Dada	Labour
	Lorraine Lauder MBE	Labour
<b>Grange</b>	Lucas Green	Labour
	Ben Johnson	Liberal Democrat
	Damian O'Brien	Liberal Democrat
<b>Livesey</b>	Evelyn Akoto	Labour
	Richard Livingstone	Labour
	Michael Situ	Labour
<b>Newington</b>	Maisie Anderson	Labour
	James Coldwell	Labour
	Eleanor Kerslake	Labour
<b>Nunhead</b>	Sunil Chopra	Labour
	Fiona Colley	Labour
	Sandra Rhule	Labour

<b>Ward</b>	<b>Councillors</b>	<b>Political party</b>
<b>Peckham</b>	Barrie Hargrove Johnson Situ Cleo Soanes	Labour Labour Labour
<b>Peckham Rye</b>	Gavin Edwards Renata Hamvas Victoria Mills	Labour Labour Labour
<b>Riverside</b>	Anood Al-Samerai Eliza Mann Hamish McCallum	Liberal Democrat Liberal Democrat Liberal Democrat
<b>Rotherhithe</b>	Stephanie Cryan Kath Whittam Bill Williams	Labour Labour Labour
<b>South Bermondsey</b>	Catherine Dale Sunny Lambe Leo Pollak	Labour Labour Labour
<b>South Camberwell</b>	Peter John Sarah King Octavia Lamb	Labour Labour Labour
<b>Surrey Docks</b>	David Hubber James Okosun Dan Whitehead	Liberal Democrat Liberal Democrat Liberal Democrat
<b>The Lane</b>	Jasmine Ali Nick Dolezal Jamille Mohammed	Labour Labour Labour
<b>Village</b>	Anne Kirby Jane Lyons Michael Mitchell	Labour Conservative Conservative

## GLOSSARY OF TERMS FOUND IN THE CONSTITUTION

Articles	The basic rules setting out the different features of the council's governance system and describing how the council's business is governed.
Budget and policy framework	The council's revenue and capital budget in any one year together with certain major plans and strategies as determined by the government and the council, as described in part 4 of the constitution.
Background papers	Any papers on which a report was based or relied upon to a material extent. This excludes already published material, or papers which would include exempt or confidential information.
Cabinet	The leader and no less than two and no more than nine portfolio holding councillors collectively form the cabinet. The cabinet are legally responsible for implementing council policies within the budget and policy framework set by the council. The leader may delegate "executive function" decision-making to individual cabinet members, cabinet committees or to officers, but the cabinet as a whole remains responsible for the decision and the action taken.
Call-in	A mechanism that allows councillors to review a decision taken by the cabinet prior to its implementation.
Chief finance officer	The officer responsible for ensuring that the council's financial affairs are administered in a proper manner, in compliance with all relevant professional codes of practice, and all statutory obligations. In Southwark, the strategic director of finance and governance is the officer appointed by the council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit (England) Regulations 2011, and section 25 of the Local Government Act 2003.
Co-opted member	A person who is not an elected councillor but is appointed to serve as a member (voting or non-voting) of a council committee or sub-committee. This includes the school governor representatives on the overview & scrutiny committee.
Committees	Committees are charged with making decisions on behalf of the council where those decisions are prohibited by law or by local choice from being made by the cabinet. Decisions that are made by committees include quasi-judicial matters such as deciding planning applications (planning committee) or public entertainment licensing (licensing committee).

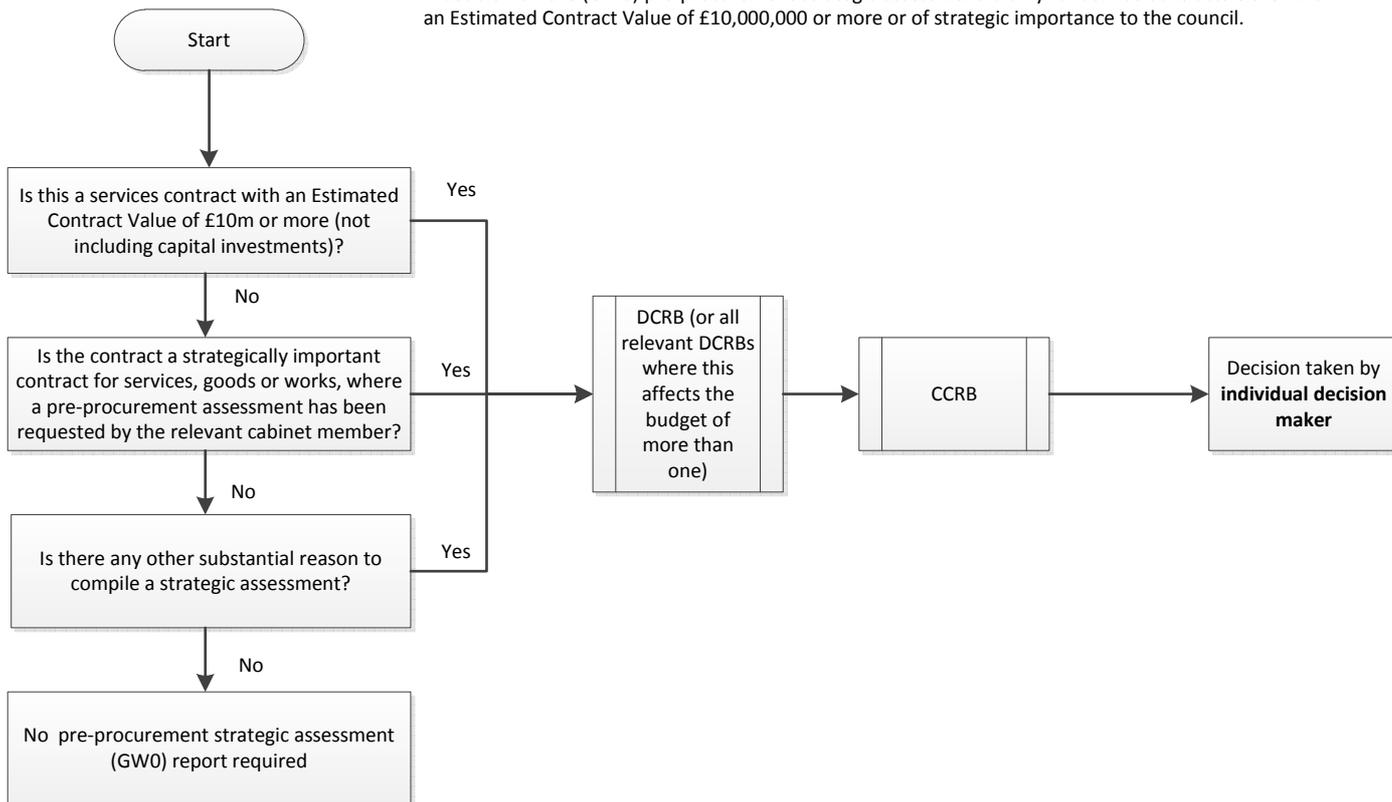
Committee procedure rules	Rules governing meetings of council committees and sub-committees. Note that different rules govern cabinet meetings.
Community council	Committees made up of the ward councillors for specific areas of the borough. Community councils are responsible for some leisure, environmental and planning matters, including responsibility for dealing with some planning applications in their area. Community councils are also a focal point for discussion and consultation on issues affecting the area.
Confidential information	Information either given to the council by the government on terms which <u>forbid</u> its public disclosure or which cannot be publicly disclosed by court order.
Constitution	A document setting out how the council operates, how decisions are made and the council's procedural rules and codes of conduct.
Councillors	Elected representatives who collectively are the members of the council (sometimes called 'members').
Delegated powers	Specific powers given to a particular cabinet member, officer, committee or sub-committee to take decisions on behalf of the council.
Exempt information	Information falling into one of seven categories set out in the Local Government (Access to Information) Act 1985 and updated by March 2006 statutory instruments, which usually cannot be publicly disclosed (see the access to information procedure rules).
Forward plan	A schedule of all the key decisions to be taken over the next four months. An indicative plan for the next eight months is also published. The plan also includes budget and policy framework decisions to be considered by the cabinet and by the council assembly within that period.
Head of paid service	The most senior officer, with overall responsibility for the management and operation of the council; also known as the chief executive.
Independent person	A person who is not an elected councillor but is appointed to promote and maintain high standards of conduct by members and co-opted members of the authority. The independent person will advise on any breaches of the member code of conduct. The views of the independent person will be considered by the council's audit, governance and standards committee, who are responsible for determining the outcome of any complaints and any remedial action.

Key decision	A decision taken, or to be taken, by or on behalf of the cabinet, which is likely either to incur significant expenditure/make significant savings (i.e. £500,000 or more) or to have a significant impact on those living or working in one or more wards. The criteria used to identify key decisions are set out in the Appendix attached to the access to information procedure rules within the constitution.
Leader	The councillor appointed by the council to provide leadership to the council and to chair meetings of the cabinet. The leader is responsible for the delegation of executive functions.
Mayor	The councillor appointed by the council to chair meetings of the council. The Mayor has special representative and ceremonial responsibilities, but is not a political leader (as the Mayor can be in some other local authorities).
Member	An elected member of the council or of a committee as appropriate. It includes the co-opted members of committees and sub-committees.
Monitoring officer	The officer responsible for ensuring that everything that the council does is fair and lawful. In Southwark the monitoring officer is the director of law and democracy.
Overview & scrutiny committee	A committee appointed by the council to provide support and advice to the cabinet by contributing to the review and development of policy; and to hold the cabinet to account by questioning, challenging and monitoring their performance.
Political proportionality	Comes from legal rules that require that committees of the council include elected politicians in proportion to the size of their political groups on the council as a whole. This does not apply to the cabinet, cabinet committees, licensing committee or community councils.
Portfolio holder	Responsible for ensuring the effective management and delivery of executive functions. Each portfolio holder has specific areas of responsibility allocated to them by the leader. (See Part 3B – Cabinet portfolios)
Procedure rules	Detailed rules which govern how the council operates and how decisions are taken. See Part 4 of the constitution.
Proper constitutional officer	The officer who is responsible for a number of constitutional and/or procedural functions such as: receipt of petitions, deputations and public questions for meetings; receipt of members' questions for council assembly; providing advice on meeting procedures; maintaining an up to date version of the constitution. In Southwark, the chief executive has designated the constitutional manager to undertake this role.
Proper officer	A senior officer of the council who is given a set of responsibilities by statute.

Quasi-judicial	Refers to a process of decision-making which is similar to a Court of Law, in that each party with an interest in the matter under discussion has an opportunity to make their case, following which the committee will make decision on the facts and representations.
Quorum	The minimum number of people who have to be present before a meeting can take place. This is set out in the relevant procedure rules in Part 4 of the constitution.
Reserves	On most committees councillors can appoint a reserve (or substitute) councillor to attend a meeting which they cannot attend themselves.
Summons	This is the document sent to every member of the relevant council meeting providing notice that a meeting is to be held and specifying the business to be transacted.
Terms of reference	A written definition setting out the responsibilities and boundaries of a particular forum.
Virement/Budget adjustment	A virement or budget adjustment or is a movement of an approved budget from one budget heading or service to another. It will be self-balancing and will be in response to either a change in the level of service (increased or decreased) or additional net costs or benefits within a service. It includes changes to expenditure and income budgets to take account of new grants or other income and associated expenditure including movements between subjective categories of income and expenditure and also corrections to budgets which were set on the basis of incomplete information. It may recognise movements to and from reserves and balances, which may only be actioned by the chief finance officer.
Working day	This applies to the period of notice to be given for summoning a meeting or the submission of deputation requests, questions or motions. For example, all agendas and papers for decision in public must be available five clear working days before the decision is taken (special rules apply to council assembly where the notice period is seven clear working days and to urgent late items). The five days does NOT include the day the papers are sent out, the day of receipt or the date of the meeting (hence the use of the word 'clear'). 'Working day' is taken to be Monday to Friday inclusive and excludes Saturdays, Sundays and bank holidays. A 'working day' means a period of 24 hours running from midnight to midnight.
Ward	The borough is divided into 21 electoral areas or wards, which are each represented by three councillors.

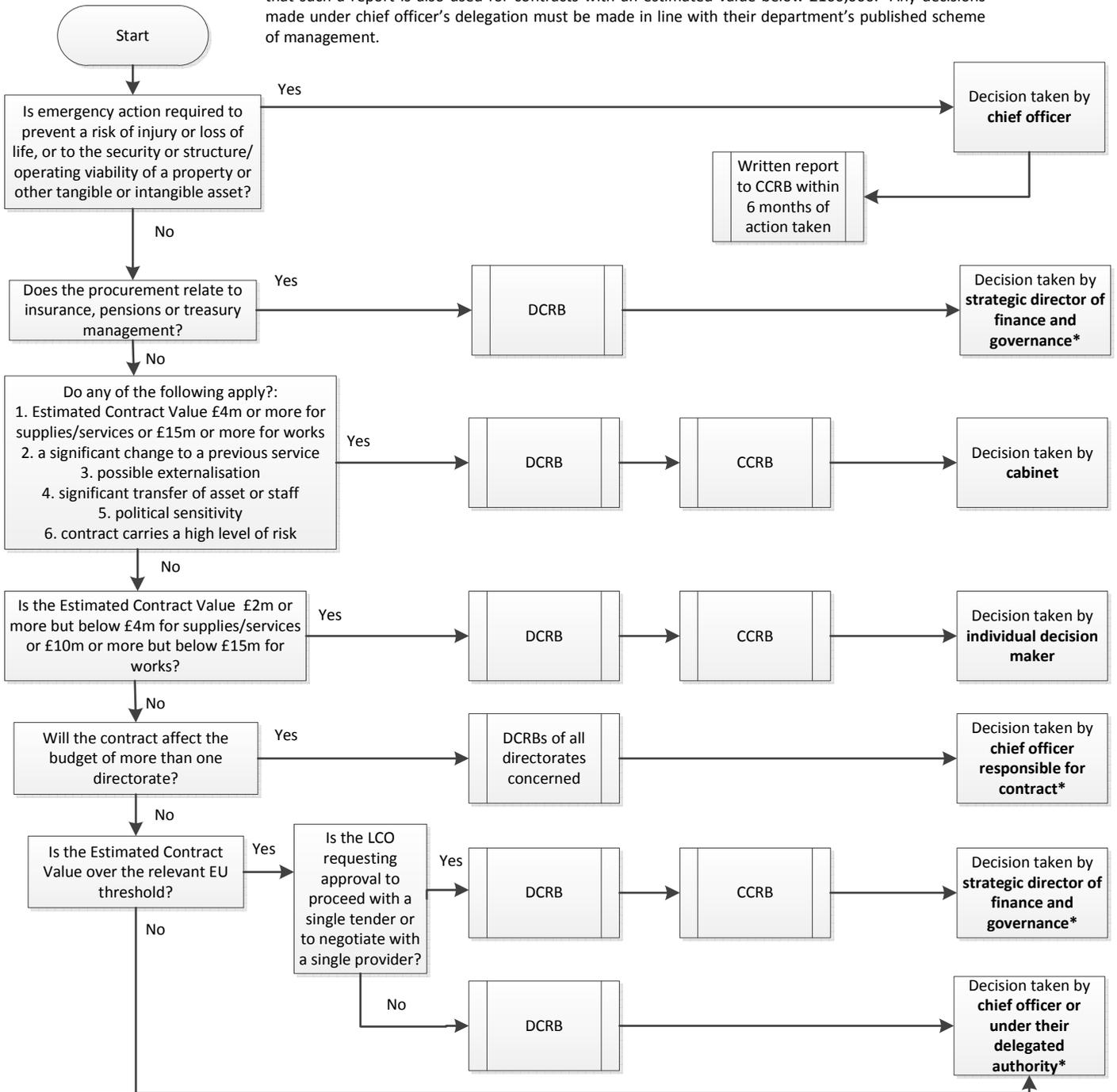
## Decision on Pre-Procurement Strategic Assessment - GW0

A decision on the (GW0) pre-procurement strategic assessment is only for service contracts either with an Estimated Contract Value of £10,000,000 or more or of strategic importance to the council.



### Decision on Procurement Strategy - GW1

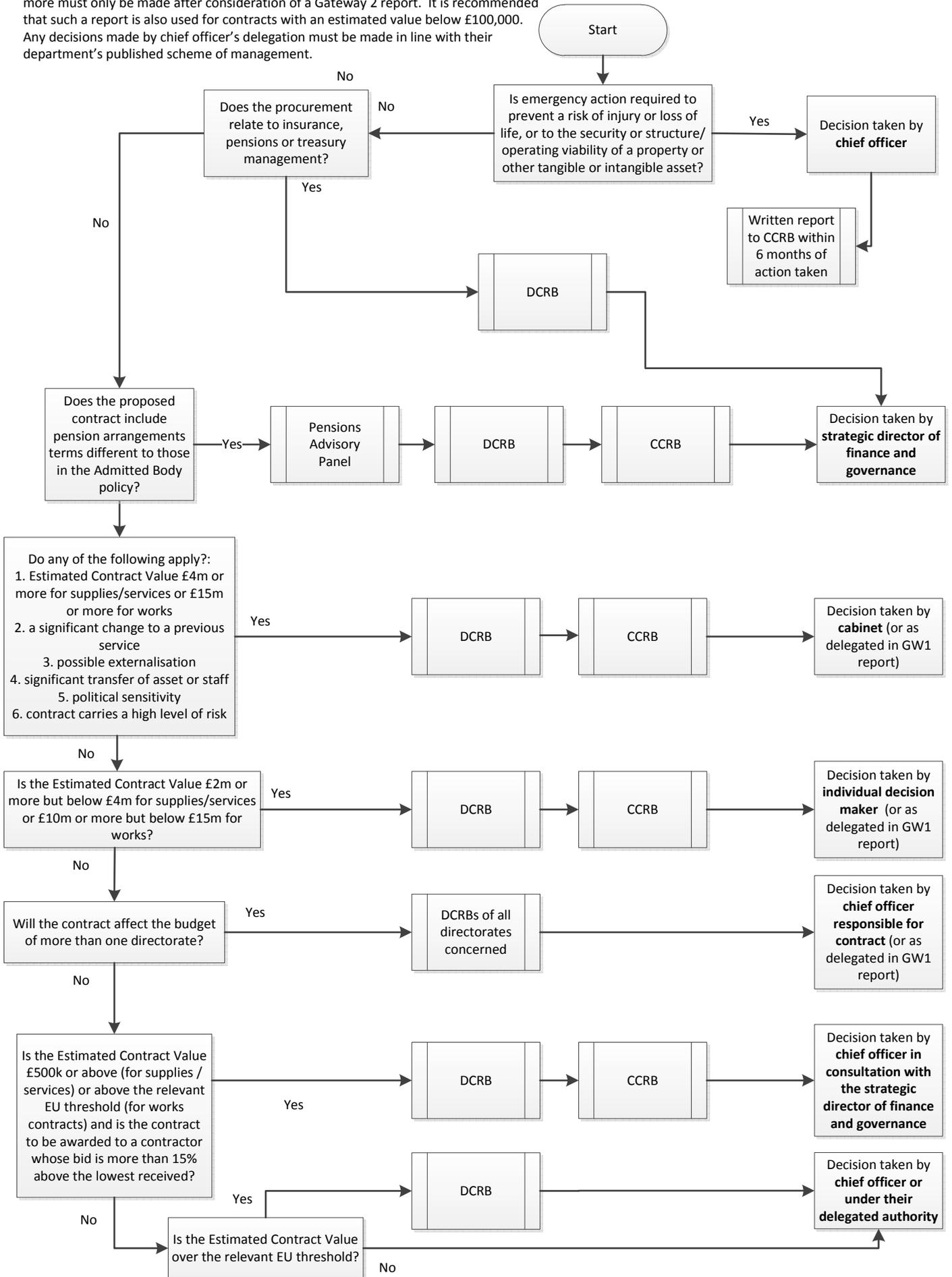
A decision on the procurement strategy to be used on any contract with an Estimated Contract Value of £100,000 or more must only be made after consideration of a Gateway 1 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. Any decisions made under chief officer's delegation must be made in line with their department's published scheme of management.



\* All procurement strategies with a value of £100k or more should involve a briefing to the individual decision makers before they are implemented

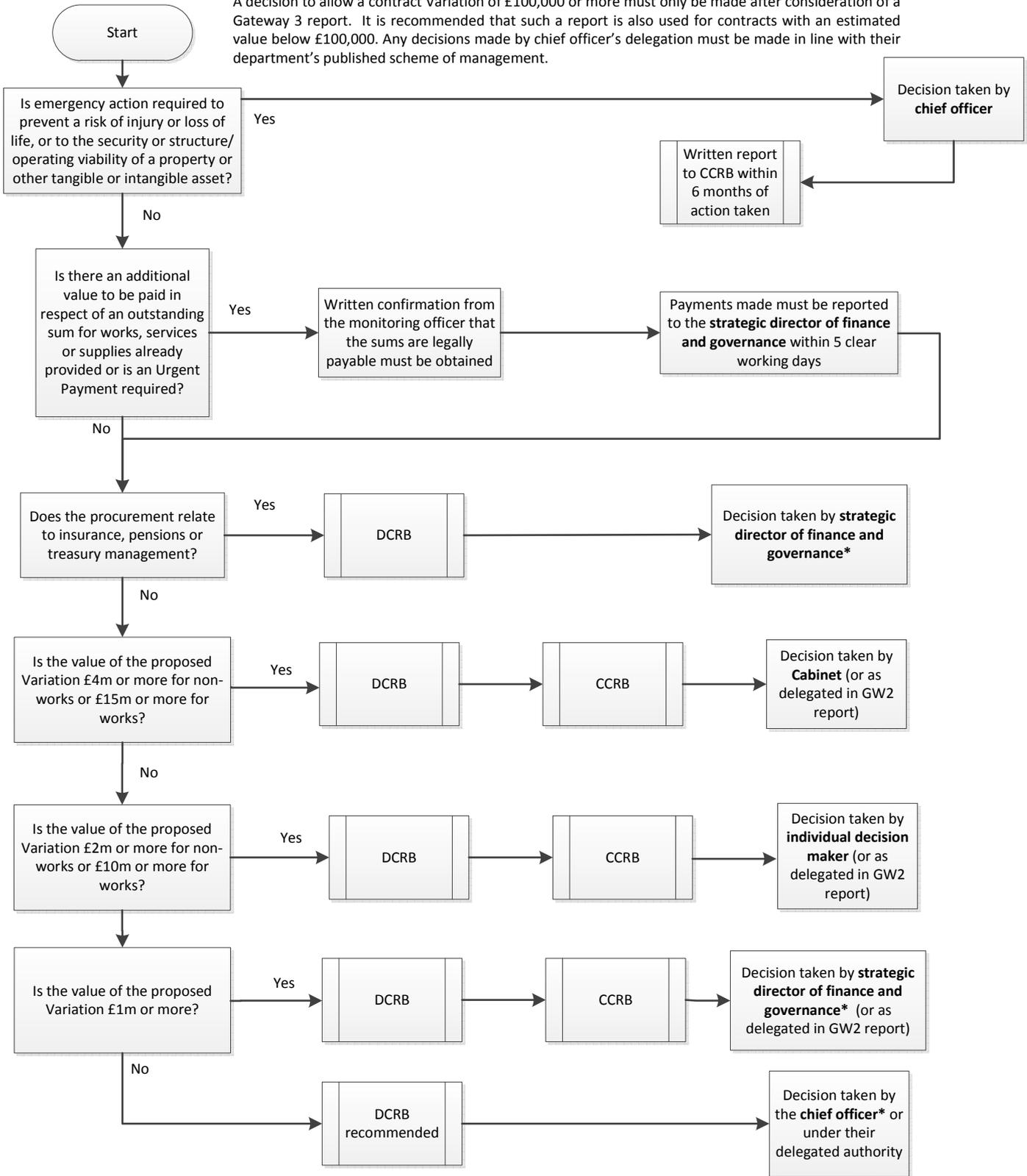
**Decision on Contract Award - GW2**

A decision to award any contract with an Estimated Contract Value of £100,000 or more must only be made after consideration of a Gateway 2 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. Any decisions made by chief officer's delegation must be made in line with their department's published scheme of management.



**Decision on Contract Variation - GW3**

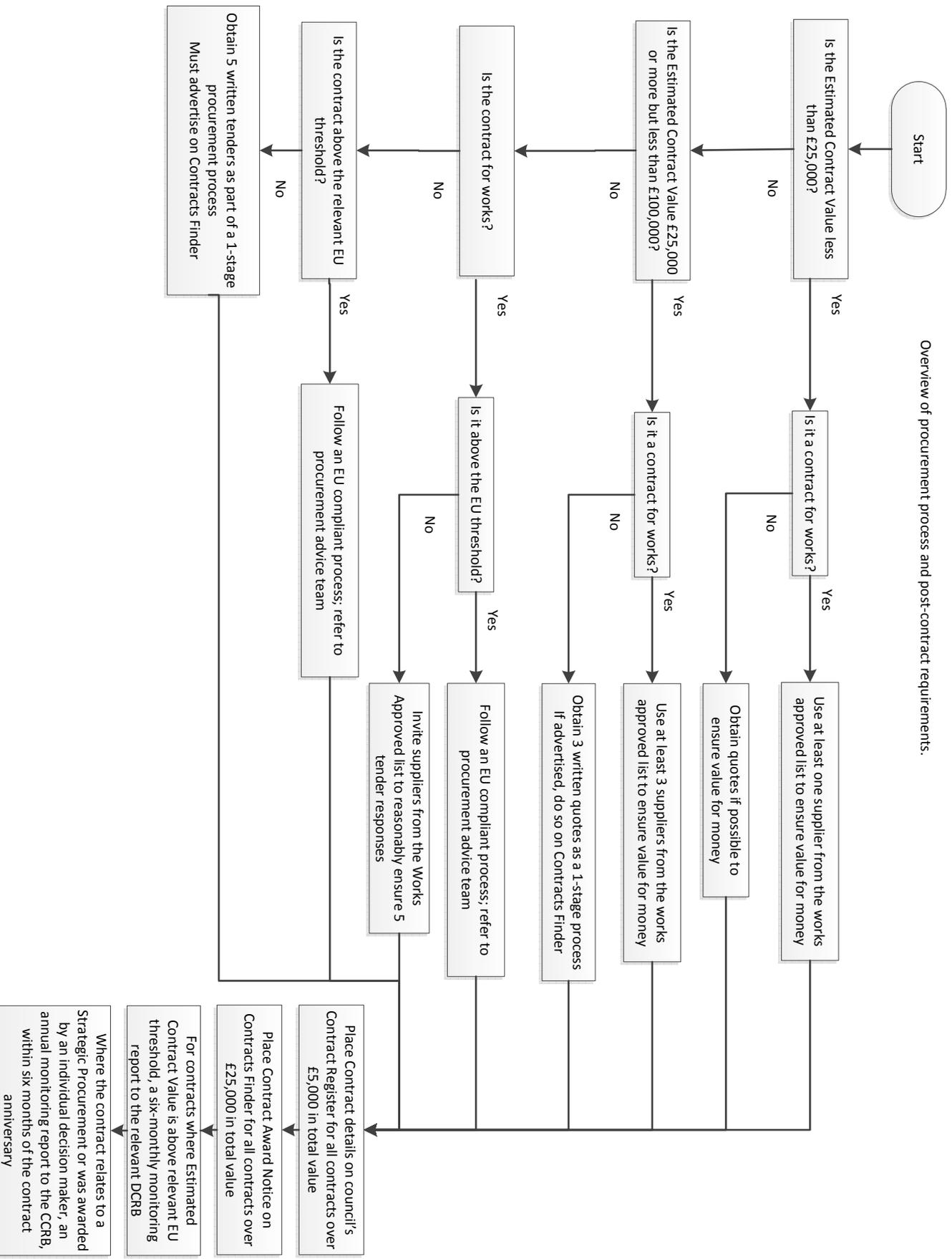
A decision to allow a contract Variation of £100,000 or more must only be made after consideration of a Gateway 3 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. Any decisions made by chief officer's delegation must be made in line with their department's published scheme of management.



\* All contract Variation decisions with a value of £100k or more should involve a briefing to the individual decision makers before they are implemented

# Procurement Process Overview

Overview of procurement process and post-contract requirements.



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## APPOINTMENTS TO JOINT COMMITTEES AND OUTSIDE BODIES

Responsibility for appointments and revocation of appointments to outside bodies is a local choice function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulation 3(1), schedule 2, and paragraph 19. Members may therefore decide that any of the following appointments should be made by council assembly, but statutory guidance is that the cabinet should make appointments to outside bodies in connection with functions which are the responsibility of the cabinet, and all other appointments should be made by the council assembly, a committee or officer.

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. Cabinet members only may be appointed as representatives (and deputies) to joint committees. The provisions on joint arrangements are set out in article 9 of the council's constitution.

Name	Purpose	No. of places	Who appoints
<b>Local Government Association General Assembly</b>	To consider strategic policy of national significance to local government.	Up to 3	<b>Council assembly</b>  The Local Government Association (LGA) advises that votes can be allocated amongst the representatives as the local authority sees fit. LGA encourages local authorities with three or four representatives to allocate one of the positions to minority group leaders.
<b>London Councils Leaders' Committee</b> (Section 101 Joint Committee)	The committee is London Councils' main decision-making forum. It sets policy and takes decisions on the latest developments affecting London local government.	1	<b>Cabinet</b>  1 representative and up to 2 deputies  Representative usually the leader of the council, but another cabinet member can be nominated. Cabinet members only may be appointed as deputies.
<b>London Councils Transport and Environment Committee</b> (Associated Section 101 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	1	<b>Cabinet</b>  1 representative and up to 4 deputies  Cabinet members only may be appointed as the representative and deputies.

Name	Purpose	No. of places	Who appoints
	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.		
<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.	1	<b>Cabinet</b>  1 representative and up to 4 deputies  Cabinet members only may be appointed as the representative and deputies.
<b>London Councils Pensions Common Investment Vehicle Sectoral Joint Committee</b>	This committee fulfils 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.	1	<b>Cabinet</b>  1 representative and up to 2 deputies  Preferably cabinet member with responsibility for pensions.
<b>Greater London Employment Forum</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	1	<b>Cabinet</b>  1 representative and 1 deputy

Name	Purpose	No. of places	Who appoints
	concern to the London authorities and their workforces and, where appropriate, recommend areas/opportunities for regional agreement and working.		
<b>Age UK London</b>	To promote the welfare of the aged in any manner that may be deemed by law to be charitable within Greater London.	1	<b>Cabinet (Health and adult social care function)</b>
<b>Better Bankside Board</b>	To improve the quality of the Bankside environment, further develop the potential draw of the area, increase the sense of security and ensure that better and sustainable maintenance and management arrangements are put in place.	1	<b>Cabinet (Regeneration function)</b>
<b>Blue Bermondsey BID Board</b>	<p>To help tackle street crime and anti-social behaviour.</p> <p>To offer access to free recycling services to local businesses.</p> <p>To engage the local community to report on areas of grime to ensure streets stay clean.</p> <p>To work with local business support organisations to try and get local people into jobs.</p> <p>To work with local schools to get young people involved in apprenticeships and works schemes.</p>	1	<b>(Community safety function)</b>
<b>Canada Water Consultative Forum</b>	The forum is responsible for advising on the overall direction of development proposals and ensuring public awareness and involvement in the development proposals.	4	<b>Cabinet (Regeneration function)</b>
<b>Central London</b>	To provide a cross-sector 'voice for central London'. It	1	<b>Cabinet (Regeneration function)</b>

Name	Purpose	No. of places	Who appoints
<b>Forward</b>	operates at a strategic level, seeking to influence policy makers on matters of mutual interest to the communities and businesses of central London.		Must be the Leader of the Council
<b>Centre for Literacy in Primary Education</b>	Professional development and family learning centre. Provides a range of education support, advisory and direct delivery services to schools and families throughout Southwark.	1	<b>Cabinet (Education function)</b>
<b>Creation Trust</b>	The Creation Trusts key aims are:  Engaging the community within the regeneration programme.  Tackling issues around skills and training, young people and health and wellbeing.	3	<b>Cabinet (Regeneration function)</b>
<b>Cross River Board</b>	To deliver cross-borough regeneration initiatives north and south of the River Thames in the London Boroughs of Southwark and Lambeth, the Corporation of London and the City of Westminster.	1	<b>Cabinet (Regeneration function)</b>  Usually the leader or cabinet member for regeneration.
<b>Crystal Palace Community Development Trust</b>	To oversee the development of the Crystal Palace area.	1	<b>Cabinet (Regeneration function)</b>
<b>Greater London Enterprise Limited</b>	To assist, promote, encourage and secure the physical and economic development and regeneration of the whole or any part of Greater London.	1	<b>Cabinet (Regeneration function)</b>  Does not have to be a councillor.
<b>Groundwork London, Local Authority Strategic Input Board</b>	To collectively oversee Groundwork's activities across South London.	1	<b>Cabinet (Environment function)</b>  One representative from amongst those appointed to the borough steering group to be nominated.

Name	Purpose	No. of places	Who appoints
<b>Guys and St Thomas NHS Foundation (Council of Governors)</b>	<p>To advise the trust on how it carries out its work so that it is consistent with the needs of the members and wider community.</p> <p>The governors:</p> <ul style="list-style-type: none"> <li>• help the trust to carry out its duties in ways that meet with NHS values and the terms agreed with Monitor, the independent regulator for NHS Foundation Trusts</li> <li>• advise the trust on its longer term strategy</li> <li>• provide advice and support to the board of directors, who are responsible for the overall management of the trust.</li> </ul>	1	<b>Cabinet (Health function)</b>
<b>Kings College Hospital NHS (Council of Governors)</b>	To become a fundamentally new kind of hospital built around patient need, offering patients the highest quality of care, and to deliver this as part of a joined-up and well-managed healthcare system, built in partnership with GPs and other healthcare providers.	1	<b>Cabinet (Health function)</b>
<b>London Road Safety Council (LRSC)</b>	To reduce the number of road accident casualties within Greater London and provide a means of communication relating to road accident prevention between London local authorities, central government and other organisations.	2	<b>Cabinet (Community safety function)</b>  Does not have to be a councillor.
<b>London Youth Games Limited</b>	The London Youth Games Limited organise the annual London Youth Games on behalf of the London boroughs. It is a non-profit making company owned and guaranteed by the London boroughs and the City of London Corporation.	1	<b>Cabinet (Leisure function)</b>  1 representative and 1 deputy

Name	Purpose	No. of places	Who appoints
<b>Millwall For All</b>	<p>The objectives of Millwall for All are:</p> <ul style="list-style-type: none"> <li>• To promote equality and diversity in football and other sports at amateur and professional</li> <li>• To promote awareness of equality and diversity in primary schools in Lewisham and Southwark</li> <li>• To develop active programmes and partnerships designed to promote equality and diversity in football and build community cohesion</li> <li>• To raise funds for equalities programmes</li> <li>• To represent the boroughs of Lewisham and Southwark on equalities and diversity in football</li> <li>• To publicise the work being done by Millwall Football Club to tackle racism and promote equalities and community cohesion.</li> </ul>	1	<b>(Equalities and Diversity function)</b>
<b>North Southwark Environment Trust</b>	<p>The preservation and conservation of the environment for the benefit of the public, including the promotion of energy efficiency and efficient methods of disposing of waste.</p> <p>The provision of facilities for education, recreation or other leisure time occupation, in the interests of improving the conditions of life of the inhabitants covered by the area of benefit.</p>	1	<p><b>Cabinet (Environment function)</b></p> <p>Does not have to be a councillor.</p> <p>The area of benefit covered by the trust is north of the roads known as Camberwell New Road, Camberwell Church Street, Peckham Road, Peckham High Street and Queens Road.</p>
<b>Potters Fields Park Management Trust</b>	Potters Fields Park Management Trust leases the park for events, functions and other activities in order to	2	<p><b>Cabinet (Leisure function)</b></p> <p>Does not have to be a</p>

Name	Purpose	No. of places	Who appoints
	provide funds for maintenance, and to develop programmes which educate and engage with the community.		councillor
<b>South Bank Partnership</b>	Engagement with South Bank employers groups, local MPs and community organisations in North Lambeth and Southwark (Bankside).	4	<b>Cabinet (Regeneration function)</b>  1 representative and 3 local ward councillors.
<b>South Bank and Bankside Cultural Quarter Directors Board</b>	To work with the community to celebrate the richness and diversity of cultural activity in the quarter and across London and engage with local communities.	1	<b>Cabinet (Culture function)</b>
<b>South London and Maudsley (SLaM) NHS Trust Members Council</b>	To support the board of directors in setting the longer-term vision for the trust and to influence proposals to make changes to services and to act in a way that is consistent with NHS principles and values and the terms of the trust's authorisation.	1	<b>Cabinet (Health function)</b>
<b>South London Gallery Trustee Limited</b>	To act as trustees and director of South London Gallery Trustee Ltd (the sole trustee of the South London Fine Art Gallery and Library Trust), which operates the South London Gallery as a public contemporary art gallery. Southwark Council is a major funder of the gallery but trustees must act solely in the best interests of the charity and are responsible for controlling the management and administration of the charity in line with the governing document.	3	<b>Cabinet (Leisure function)</b>  The membership is allocated by local agreement – 1 from each political group.
<b>Southwark and Lambeth Archaeological Excavation committee (SLAEC)</b>	The SLAEC is an advisory body established to promote archaeological work in Southwark and to advance the knowledge of the history of Southwark and Lambeth by archaeological investigation.	1	<b>Cabinet (Leisure function)</b>  One representative and one deputy.

Name	Purpose	No. of places	Who appoints
<b>Southwark Cathedral Education Centre</b>	The Education Centre exists to help teachers cover the curriculum for primary and secondary education in imaginative ways, while playing its part in the Cathedral's out-reach and mission and presenting the Cathedral as a place of worship.	1	<b>Cabinet (Education function)</b>
<b>Southwark Community Leisure Ltd. (Fusion) Management Board</b>	Responsible for the management of the strategic development of health, fitness and leisure services within the borough in partnership with Southwark Council.	3	<b>Cabinet (Leisure function)</b>  One from each political group. Does not have to be a councillor.
<b>Southwark Police and Community Consultative Group</b>	To provide for consultation, discussion and consideration with local community representatives, the police and the local authority on any matter directly or indirectly concerned with any aspect of the policing within the borough of Southwark.	10	<b>Cabinet (Community safety function)</b>
<b>Waterloo Quarter Business Alliance – Southwark (Business Improvement District)</b>	To create a safer and more pleasant trading environment for businesses and to promote the area to bring in more visitors, whilst maintaining its individuality and unique character.	1	<b>Cabinet (Regeneration function)</b>
<b>Appointments to other charities</b>	The council has been given the power (by trusts, wills, and Charity Commission schemes) to appoint trustees for a number of local charities.	Variable	<b>Council Assembly</b> (Voluntary bodies appointments panel to recommend to monitoring officer)  The Charity Commission advises that appointments to charities should be made on a non-political basis.  When appointed, charity trustees do not represent the council, and must act solely in the best interests of the charity and must act independently of the council.

## STATUTORY OFFICERS AND PROPER OFFICER FUNCTIONS

### 1. Statutory Officers

Legislation requires local authorities to appoint certain officers with statutory responsibilities. These appointments and the officer to whom the council has allocated responsibility are listed below.

<b>Title/Description</b> (and statutory derivation)	<b>Officer appointed</b>
Head of Paid Service (Section 4 – Local Government & Housing Act 1989)	Chief Executive
Monitoring Officer (Section 5 – Local Government & Housing Act 1989)	Director of Law and Democracy
Officer responsible for financial administration (Section 151 – Local Government Act 1972)	Strategic Director of Finance and Governance
Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)	Strategic Director of Finance and Governance
Chief Education Officer (Section 532 – Education Act 1996)	Strategic Director of Children's and Adults' Services
Director of Children's Services (Section 18 – Children Act 2004)	Strategic Director of Children's and Adults' Services
Director of Adult Social Services (Section 6 – Local Authority Social Services Act 1970)	Strategic Director of Children's and Adults' Services
Director of Public Health (Section 73A National Health Service Act 2006)	Director of Public Health*
Scrutiny Officer (Section 31 – Local Democracy, Economic Development and Construction Act 2009)	Head of Overview and Scrutiny

\*Director of Public Health must be appointed by the authority *acting jointly* with the Secretary of State

### 2. Proper officer functions

The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.

STATUTE AND FUNCTION	PROPER OFFICER
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### REPRESENTATION OF THE PEOPLE ACT 1983

Section 8 – The Electoral Registration Officer for the purpose of the registration of electors	Strategic Director of Finance and Governance
Section 28 – The Acting Returning Officer at an election of a Member of Parliament	Strategic Director of Finance and Governance
Section 35 – The Returning Officer at an election of London Borough councillors	Strategic Director of Finance and Governance

### LOCAL GOVERNMENT ACT 1972

Section 83(1) – The officer to whom a person elected to the office of councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act	Monitoring Officer
Section 83(3)(b) – The officer before whom a declaration of acceptance of office of chair of council or deputy chair of council may be made	Chief Executive
Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Monitoring Officer
Section 86 – To declare any vacancy in any office under this section	Monitoring Officer
Section 88(2) – The officer by whom a meeting of the council for the election of the vacant office of chairperson of the council may be convened	Chief Executive
Section 89(1)(b) – The officer to whom notice in writing of a casual vacancy occurring in the office of councillor may be given by two local government electors for the Borough	Monitoring Officer
Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given	Monitoring Officer
Section 99 and Schedule 12 – To give notice and send summonses in respect of any council meeting	Chief Executive
Section 100A(6) – To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Chief Executive
Section 100B(2) – The officer to exclude from committees, sub-committees, council or cabinet meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Monitoring Officer
Section 100B(7)(c) – The officer to supply to any newspaper copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration	Monitoring Officer
Section 100C(2) – The officer to prepare a written summary of proceedings of committees, sub-committees, council or the cabinet from which the public were excluded	Proper Constitutional Officer / Scrutiny Officer as appropriate

<b>STATUTE AND FUNCTION</b>	<b>PROPER OFFICER</b>
Section 100D(1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, council or the cabinet	Monitoring Officer
Section 100D(5) – The officer to determine which documents constitute background papers and Section 100H – ability to charge for the provision of such documents	Monitoring Officer
Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Monitoring Officer

### **LOCAL GOVERNMENT ACT 1972**

Section 100G – To maintain a register of the names and addresses of members and membership of committees, lists of delegations and the like	Proper Constitutional Officer
Section 115 – The officer to whom money properly due from officers shall be paid	Strategic Director of Finance and Governance
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Strategic Director of Finance and Governance
Section 151 – The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Strategic Director of Finance and Governance
Section 223 – Authorising officers to attend court and appear on behalf of the council under Local Government Act 1972 and the County Courts Act 1984	Monitoring Officer
Section 225(1) – The officer to receive and retain statutory documents on behalf of the authority	Monitoring Officer
Section 229(5) – The officer to certify photographic copies of documents	Monitoring Officer
Section 233 – The officer to receive documents required to be served on the authority	Monitoring Officer
Section 234(1) and (2) – The officer to authenticate documents on behalf of the authority	Monitoring Officer
Section 238 – The officer to certify printed copies of bylaws	Monitoring Officer
Section 248 – The officer responsible for the keeping of the roll of freemen	Monitoring Officer
Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Proper Constitutional Officer / Scrutiny Officer as appropriate
Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Monitoring Officer
Schedule 29 [paragraph 41] – The officer responsible for the exercise of functions under Sections 9(1) & (2), 13(2)(h) and (3)(b) and 20(b) of the Registration Services Act 1953 (Proper Officer)	Chief Executive

<b>STATUTE AND FUNCTION</b>	<b>PROPER OFFICER</b>
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### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the authority as evidence in any legal proceedings	Monitoring Officer
Section 16 – Notices requiring details of interest in land	Any officer of the council

### **LOCAL GOVERNMENT AND HOUSING ACT 1989**

Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 – provision of certificates as to whether a post is politically restricted	Monitoring Officer
Sections 15-17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Monitoring Officer

### **LOCAL GOVERNMENT ACT 2000**

The officer responsible for ensuring a proper record is made of cabinet decisions and that the document comprising the authority's forward plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Proper Constitutional Officer
To establish and maintain the members' register of interest (Section 81 LGA 2000) and ensure it is available for public inspection	Monitoring Officer
To ensure that copies of the constitution are available for inspection	Proper Constitutional Officer
To make payments of relevant allowances in accordance with the council's members allowances scheme	Proper Constitutional Officer
To defray expenses of any members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	Chief Executive

### **LAND CHARGES ACT 1975**

Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	Monitoring Officer
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### **NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951**

Proper officer to seek an order for removal of persons into care	Strategic Director of Children's and Adults' Services
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<b>STATUTE AND FUNCTION</b>	<b>PROPER OFFICER</b>
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### **REGISTRATION SERVICES ACT 1953**

Proper officer for births, deaths and marriages	Chief Executive
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### **LOCAL GOVERNMENT ACT 2003**

Section 25 – Requirement to report to council annually on the robustness of estimates and the adequacy of the proposed financial reserves	Strategic Director of Finance and Governance
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### **PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984, FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS 1995 AND THE MILK AND DAIRIES (GENERAL) REGULATIONS 1969**

Requirement to appoint a suitably qualified person as the council's medical advisor on environmental health and proper officer for notifiable diseases	As may be appointed from time to time by the Strategic Director of Environment and Leisure
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### **CIVIL EVIDENCE ACT 1995**

To certify council records for the purposes of admitting the document in evidence in civil proceedings	Monitoring Officer
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### **CRIME AND DISORDER ACT 1998**

Section 12 – to apply for the discharge or variation of a Child Safety Order	Strategic Director of Children's and Adults' Services
Sections 17 and 37 – to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	The Chief Executive and Strategic Directors

### **CRIMINAL JUSTICE AND POLICE ACT 2001**

Delegated power to authorise officers to enter premises and seize items where the council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	The Chief Executive and Strategic Directors
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### **GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1969**

Certification of documents as a decision of any officer of the council exercising delegated powers	Monitoring Officer
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### **LOCAL GOVERNMENT FINANCE ACT 1988**

Section 114 – The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Strategic Director of Finance and Governance
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<b>STATUTE AND FUNCTION</b>	<b>PROPER OFFICER</b>
Section 116 – Notification to the council’s auditor of any meeting to be held under Section 115 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114)	Strategic Director of Finance and Governance
Section 139A – Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Strategic Director of Finance and Governance

#### **LOCAL GOVERNMENT (CONTRACTS) ACT 1997**

Certification of relevant powers to enter into contracts	The Chief Executive, Monitoring officer, Strategic Director of Finance and Governance and posts designated in accordance with article 10.01(b) as chief officers
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#### **LOCAL AUTHORITIES' CEMETERIES ORDER 1977 (SI 1977 NO 204)**

Schedule 2, Article 10, Part 11.1(1) – To appoint an officer for the purpose of signing the Grants of Exclusive Right of Burial Deeds on behalf of the burial authority  Note: It is not necessary for that deed to be executed under seal	As may be appointed from time to time by the Strategic Director of Environment and Leisure
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#### **OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS**

Any other miscellaneous proper or statutory officer functions not otherwise delegated by the authority	Chief Executive or his/her nominee
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#### **NATIONAL HEALTH SERVICE ACT 2006**

Section 2B – the exercise by the authority of its duty to take steps as it considers appropriate for improving the health of the people in its area	Director of Public Health
Section 111 – the exercise by the authority of any functions prescribed by Secretary of State in relation to dental public health	Director of Public Health
Section 249 – the exercise by the authority of its duty to cooperate with the prison service with a view to improving the exercise of their respective functions in relation to securing and maintaining the health of prisoners	Director of Public Health
Schedule 1 – the exercise by the authority of any of its functions as set out in Schedule 1	Director of Public Health
Section 6C(1) – the exercise by the authority of any of the Secretary of State’s public health functions, which it is required to carry out by regulations issued by the Secretary of State	Director of Public Health

STATUTE AND FUNCTION	PROPER OFFICER
Section 7A – the exercise by the authority of any of the Secretary of State’s public health functions, which are delegated to it by the Secretary of State	Director of Public Health
Section 73A(1)(d) – the exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health
Section 73A(1)(e) – the exercise by the authority of its functions under section 325 Criminal Justice Act 2003 (cooperating with “responsible bodies” in relation to the assessment of risks posed by certain offenders)	Director of Public Health
Section 73A(1)(f) – the exercise by the authority of such other functions relating to public health as may be prescribed	Director of Public Health

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## STATUTORY AND GUIDANCE REFERENCES

These references are intended to act as an aide memoire to identify which legislative provisions and other guidance establish the various decision making powers, procedures and rules set out in the constitution.

Where the relevant legislation is already expressly stated in the body of the constitution the relevant Act or Regulations are not repeated in this section.

The Local Government Act 2000 ('the 2000 Act') established executive arrangements and as part of this change new constitutions replaced the committee model of member decision making. The executive arrangements established by the 2000 Act were subsequently amended in part by the Local Government and Public Involvement in Health Act 2007 ('the LGPIHA 2007) and new sections were inserted into the 2000 Act. Where this is the case the statutory reference listed is that set out in the LGIPHA 2007 rather than the new section inserted in the 2000 Act.

### PART 2 - ARTICLES

#### Article 1 – The constitution

- Section 37 Local Government Act 2000
- The Local Government Act 2000 (Constitutions) (England) Direction 2000
- Chapter 10 Department of Environment Transport & Regions ('DETR') New Council Constitutions Guidance

#### Article 2 – Members of the council

- Part I Local Government Act 1972
- Chapter 2 DETR New Council Constitutions Guidance

#### Article 3 – Council assembly

- Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Chapter 2 DETR New Council Constitutions Guidance
- John Stewart, The Council Meeting: A Role for All Members. LGA/IDeA, June 2000

#### Article 4 – Role and function of the Mayor

- Sections 3, and 5; Schedules 2 and 12 Local Government Act 1972
- Schedule 3, Local Government Act 2000
- Chapters 2, 4 and 9 DETR New Council Constitutions Guidance

#### Article 5 – Overview and scrutiny committee and sub-committees

- Section 21 and schedule 1 (Paragraphs 9, 10 and 11) Local Government Act 2000

- Sections 119-123 and 125-128 Local Government and Public Involvement in Health Act 2007
- Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002
- The Crime and Disorder (Overview and Scrutiny) Regulations 2009
- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
- The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012
- Schedule 3 Localism Act 2011
- Chapters 3 and 9, DETR New Council Constitutions Guidance

#### **Article 6 – The cabinet**

- Section 11 Local Government Act 2000
- Sections 62, 63, 65, 66 and 68-74 Local Government & Public Involvement in Health Act 2007
- Schedules 3 and 25 Localism Act 2011
- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
- Chapters 4, 14 and 15, DETR New Council Constitutions Guidance

#### **Article 8 – Community councils**

- Section 18 Local Government Act 2000
- Regulation 16A Local Government (Committees and Political Groups) Regulations 1990
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Schedules 3 and 25 Localism Act 2011
- Chapters 6 and 9, DETR New Council Constitutions Guidance

#### **Article 9 – Joint arrangements**

- Sections 2, 19, 20 Local Government Act 2000
- The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012
- Sections 1-8 Localism Act
- Chapters 6 and 9, DETR New Council Constitutions Guidance

#### **Article 10 – Officers**

- Section 4 and 5 Local Government and Housing Act 1989
- Chapters 8 and 9, DETR New Council Constitutions Guidance

#### **Article 11 – Documents**

- Section 234, Local Government Act 1972

### **PART 3 – WHO TAKES DECISIONS?**

- Section 13 Local Government Act 2000
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Sections 62, 63, 65, 66 and 68-74 Local Government and Public Involvement in Health Act 2007
- Chapter 5, DETR New Council Constitutions Guidance

## **PART 4 – RULES**

### **Access to information procedure rules**

- Sections 100 A-H and Schedule 12A Local Government Act 1972
- Section 22 Local Government Act 2000
- Chapter 7, DETR New Council Constitutions Guidance

### **Budget and policy framework procedure rules**

- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- Chapter 2, DETR New Council Constitutions Guidance

### **Council assembly procedure rules**

- Part VA Local Government Act 1972
- Parts I and VI, Schedule 12 Local Government Act 1972
- Local Authorities (Standing Orders) Regulations 1993

### **Committee procedure rules**

- Part VA, Local Government Act 1972
- Part VI, Schedule 12 Local Government Act 1972
- Local Authorities (Standing Orders) Regulations 1993

### **Community council procedure rules**

- Part VA, Local Government Act 1972
- Part VI, Schedule 12 Local Government Act 1972

### **Cabinet procedure rules**

- Part VA Local Government Act 1972
- Chapters 4 to 9, DETR New Council Constitutions Guidance

### **Financial standing orders**

- Chapter 2 DETR New Council Constitutions Guidance

### **Officer employment procedure rules**

- Section 7, Local Government and Housing Act 1989

- Chapters 8 and 9 DETR New Council Constitutions Guidance

#### **PART 5 – CODE OF CONDUCT**

- Sections 26-37 Localism Act 2011
- Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012

#### **PART 6 – PROTOCOLS**

##### **Member allowances scheme**

- Section 7, Superannuation Act 1972 and regulations thereunder
- Section 18, Local Government and Housing Act 1989 and regulations thereunder
- Local Authorities (Members' Allowances) (England) Regulations 2003