

SOUTHWARK COUNCIL

CONSTITUTION

Published: 25 JULY 2018

Contents

	Section	Page number
	Part 1: Introduction	
1.	Introduction	1 - 8
	Part 2: Articles	
2.	Articles	9 - 26
	Part 3: Who Takes Decisions	
3.	Who Takes Decisions	27 - 28
3.	A: Council Assembly	29 - 30
3.	B: Cabinet	31 - 34
3.	Cabinet Portfolios	35 - 46
3.	C: Full Cabinet	47 - 48
3.	D: Individual Cabinet Members	49 - 52
3.	E: Cabinet Committees	53 - 56
3.	F: Planning Committee and Planning Sub-committees	57 - 60
3.	G: Licensing Committee and Sub-Committees, the Head of Service and Officer Panel Exercising Licensing Functions	61 - 64
3.	H: Community Councils	65 - 66
3.	I: Appointments Committee	67 - 68
3.	J: Corporate Parenting Committee	69 - 70
3.	K: Audit, Governance and Standards Committee	71 - 74
3.	L: Health and Wellbeing Board	75 - 76
3.	M: Urgency Arrangements and Committees	77 - 78
3.	N: Panels	79 - 82

	Section	Page Number
3.	O: Matters Delegated to Officers	83 - 84
3.	P: Local Act Functions	85 - 92
3.	Q: Local Choice Functions	93 - 94
	Part 4: Rules	
4.	Access to Information Procedure Rules	95 - 106
4.	Protocol on Key Decisions	107 - 108
5.	Budget and Policy Framework	109 - 112
6.	Council Assembly Procedure Rules	113 - 148
7.	Committee Procedure Rules	149 - 164
8.	Cabinet Procedure Rules	165 - 176
9.	Overview and Scrutiny Procedure Rules	177 - 188
10.	Contract Standing Orders	189 - 206
11.	Financial Standing Orders	207 - 222
12.	Officer Employment Procedure Rules	223 - 228
	Part 5: Codes	
13.	Code of Conduct	229 - 232
	Part 6: Protocols	
14.	Member and Officer Protocol	233 - 244
15.	Communication Protocol	245 - 254
16.	Member Allowances Scheme	255 - 264
	Part 7: Additional Information	
17.	List of Councillors	265 - 266
18.	Glossary	267 - 270
19.	Contract Standing Order Flowcharts	271 - 276
20.	Appointments to Joint Committees and Outside Bodies	277 - 284
21.	Proper Officer List	285 - 292
22.	Statutory and Guidance References	293 - 296

This page is intentionally left blank

Southwark's constitution – introduction

The council

Council composition

Southwark is made up of 23 wards, with 63 councillors 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.

Two political parties are represented on the council. The Labour party holds 49 seats and the Liberal Democrat party 14 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 Rebecca Lury – Deputy Leader of the Council and Cabinet Member for Culture, Leisure, Equalities and Communities
- Councillor Evelyn Akoto – Cabinet Member for Community Safety and Public Health
- Councillor Jasmine Ali – Cabinet Member for Children, Schools and Adult Care
- Councillor Stephanie Cryan – Cabinet Member for Housing Management and Modernisation
- Councillor Richard Livingstone – Cabinet Member for Environment, Transport Management and Air Quality
- Councillor Victoria Mills – Cabinet Member for Finance, Performance and Brexit
- Councillor Leo Pollak – Cabinet Member for Social Regeneration, Great Estates and New Council Homes
- Councillor Johnson Situ – Cabinet Member for Growth, Development and Planning
- Councillor Kieron Williams – Cabinet Member for Jobs, Skills and Innovation

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.
- **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 (known as commissions), and can take a number of forms:

- reviews into individual topics
- "call in" – scrutiny of decisions of the cabinet before they are implemented
- 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
- Scrutiny team: 020 7525 4350 or 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:

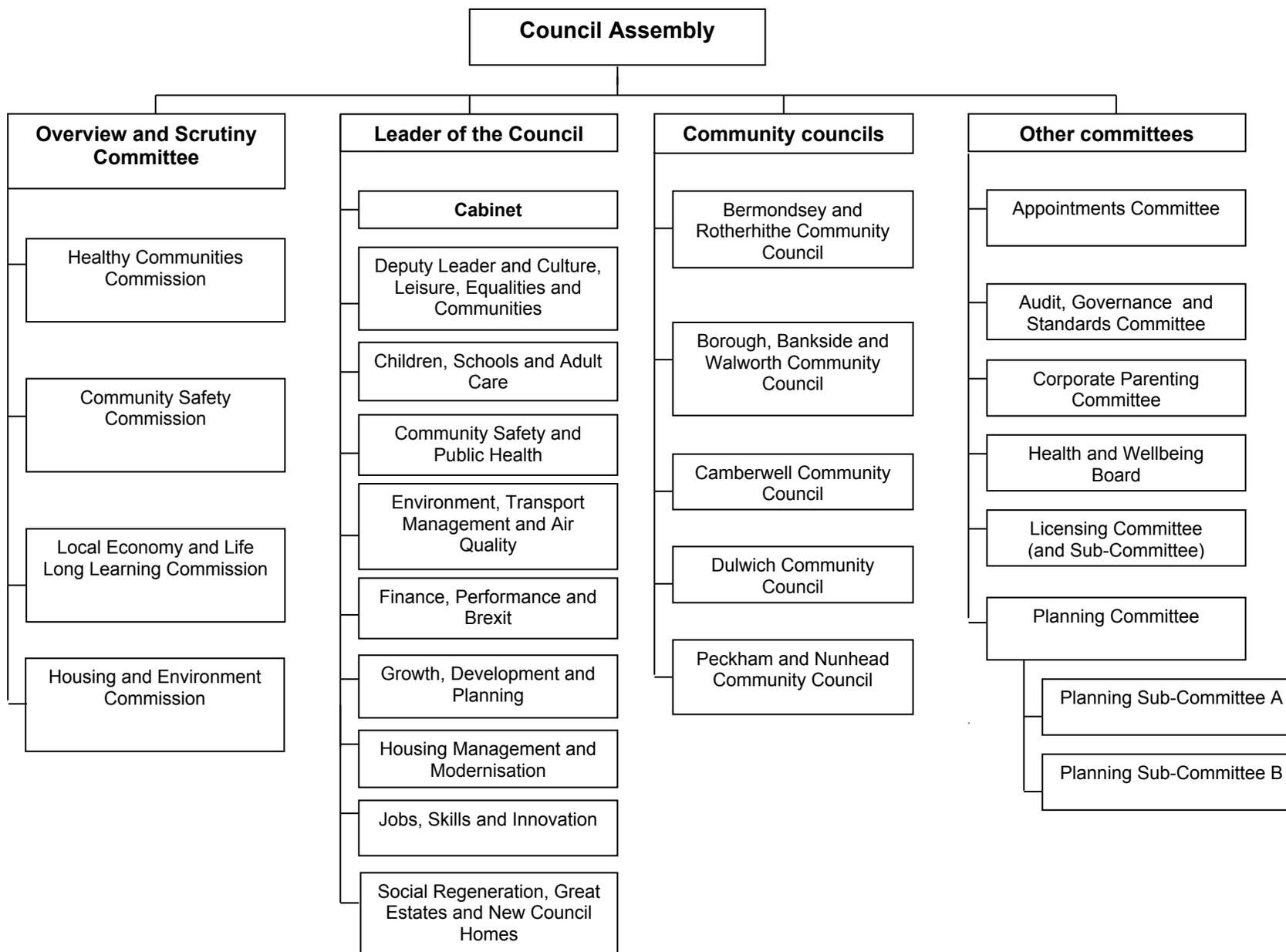
- <http://www.southwark.gov.uk/Public/Home.aspx>

Useful links

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

<http://moderngov.southwark.gov.uk/ieListMeetings.aspx?Committeeld=425>

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:²

- 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

²(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.	Introduction	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.	Articles	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.	Who takes decisions?	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.	Procedure rules	
	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.
5.	Codes	
	Code of conduct	Agreed by council assembly.
6.	Protocols	
	Member and officer	Agreed by council assembly.
	Communication	Agreed by council assembly.
	Members' allowances scheme	Agreed by council assembly.
7.	Other information	
	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. Sub-committees will operate as scrutiny commissions whose role will be to undertake specific reviews as specified by Overview & Scrutiny Committee

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
- 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 the chair of overview and scrutiny committee

The Overview and scrutiny committee chair will:

- a) lead the scrutiny function
- b) propose 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.³

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

³ 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 1994,⁴ 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.

⁴ 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:

Post	Designation
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 directive⁵ 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

⁵ 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.

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. Sub-committees will operate as scrutiny commissions whose role will be to undertake specific reviews as specified by Overview & Scrutiny Committee
- 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) 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. Education representatives

- 3.1 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
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 4. Co-optees**
- 4.1 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.
- 4.2 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.
- 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) review and scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions
 - b) 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
 - c) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas

- d) 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
- e) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- f) make reports and recommendations to the cabinet and or council assembly arising from the outcome of the scrutiny process
- g) consider any matter affecting the area or its inhabitants
- h) 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
- i) 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
- j) conduct research and consultation on the analysis of policy issues and possible options
- k) question and gather evidence from any other person (with their consent)
- l) consider and implement mechanisms to encourage and enhance community participation in the scrutiny process and in the development of policy options
- m) 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 propose reviews for 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 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. Policy review and development

- 8.1 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.
- 8.2 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.

9. Meetings of the overview and scrutiny committee and its sub-committees

- 9.1 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.
- 9.2 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.
- 9.3 The sub-committees shall determine their own arrangements for when meetings are held.

10. Prohibition of party whip over voting on overview and scrutiny committee/sub-committees

- 10.1 The party whip does not apply to meetings of overview and scrutiny committees or sub-committees.
- 10.2 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."

11. Work programmes

- 11.1 The overview and scrutiny committee will develop an annual work programme and propose reviews for the sub-committees.

12. Agenda items

Reference by councillors

- 12.2 Any member of the council or co-opted member of Overview & Scrutiny Committee 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"¹ to be included on the

¹ 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:

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 consideration².

13. Members and officers giving account

13.1 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.

13.2 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.

13.3 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.

13.4 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.

13.5 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny officer in consultation with the

- 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.

² 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 shall be included on the next available agenda of the committee/sub-committee with responsibility for scrutinising the crime and disorder function.

committee/sub-committee and the member or officer shall arrange an alternative date for attendance.

14. Attendance by others and public attendance

14.1 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.

14.2 Where people attend to give evidence as part of an investigation, meetings are to be conducted in accordance with the following principles:

- 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.

14.3 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 disclosed³.

15. Reports from the overview and scrutiny committee and its sub-committees

15.1 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).

15.2 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.

15.3 The cabinet shall consider and provide a written response to a scrutiny committee's/sub-committee's report within two months.

15.4 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.

³ See Access to Information Procedure Rules 3 and 10.

16. Decisions subject to call-in

16.1 The overview and scrutiny committee can “call-in” any executive decision⁴ 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
- 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

16.2 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.

17. Procedure to call-in a decision

Publishing the decision and call-in period

17.1 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.

17.2 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.

⁴ 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.

- 17.3 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

- 17.4 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.
- 17.5 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

- 17.6 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.
- 17.7 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.

18. Procedure following call-in

Invalid call-in request – next steps

- 18.1 a) 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) by 4pm on the second working day after the day that the request is received. In the event of dispute, the decision of the monitoring officer shall be final.

b) Where a call-in has been ruled invalid by the scrutiny officer, a request by the relevant members for the monitoring officer to review shall be made by 4pm on the second working day after the day of the notification of the decision by the scrutiny officer.

Valid call-in request – Notice and next steps

- 18.2 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

- 18.3 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

- 18.4 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.

19. Call-in meeting and action required of decision-makers

Attendance of decision maker or an appropriate substitute

- 19.1 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

- 19.2 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

- 19.3 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

- 19.4 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

- 19.5 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.

- 19.6 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.

- 19.7 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.
- 19.8 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.
- 19.9 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.

CONTRACT STANDING ORDERS

Introduction

1. When do Contract Standing Orders apply?

2. General principles

- 2.1 Compliance with relevant statutory and corporate requirements
- 2.2 Consequences of non-compliance
- 2.3 General principle of contract decision making
- 2.4 Contracts in writing
- 2.5 Record keeping
- 2.6 Lead contract officer
- 2.7 Authority to act in line with scheme of management
- 2.8 Declarations of interest
- 2.9 Changes to CSOs

3. Overview of procurement process

4. Requirements to obtain quotes or tenders

- 4.1 Contracts less than £25,000
- 4.2 Contracts from £25,000 or more to below £100,000
- 4.3 Contracts of £100,000 or more to below EU threshold
- 4.4 All contracts above EU thresholds

5. Use of Framework agreements and Purchasing consortia

- 5.1 Using Framework agreements
- 5.2 Third-party Framework agreements
- 5.3 Contracts secured through Purchasing consortia

6. Approvals processes

- 6.1 Gateway and other reports
- 6.2 Supplemental advice from other officers in Gateway and other reports
- 6.3 Decision on pre-procurement strategic assessment – Gateway 0
- 6.4 Decision on procurement strategy – Gateway 1
- 6.5 Decision on contract award – Gateway 2
- 6.6 Decision to allow Variations during contract term – Gateway 3
- 6.7 Retrospective approvals
- 6.8 Exemptions
- 6.9 Emergencies

7. Quote and Tender issue, return and opening procedure

- 7.1 Issue of quotes and tenders through the e-procurement system
- 7.2 Quote and tender return and opening procedure

7.3 Exceptions to the requirements set out in 7.2 above

8. Advertisement and publication of procurement notices

9. Contract management and monitoring

10. Contract termination / Mergers and acquisitions

10.1 Contractor termination

10.2 Mergers and acquisitions

11. Contractor insolvency

Glossary

Flowcharts

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.

2.3.4 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.

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.

2.5 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 Where the Estimated Contract Value is £25,000 or more, these records must be kept on the e-procurement system.

2.5.3 Chief officers must ensure that all contracts with an Estimated Contract Value of £5,000 or more are included on the council's contract register via the e-procurement system.

2.6 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.

2.7 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.

2.8 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.

2.9 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 (Gateway 0 report) – 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.a) and d) above, unless approval has been previously obtained via a GW0 report.

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 Gateway 1 and Gateway 2 reports.

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 Where it is not possible to undertake a procurement through the e-procurement system and the Estimated Contract Value or proposed variation is £25,000 or more, a Gateway report must include procurement advice from the strategic director of finance and governance or delegated officer(s).
- 6.2.3 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 department but does not fall into a) or b) above, the decision must be taken by the chief officer responsible for the contract after consideration of the report by all relevant DCRBs or as otherwise agreed by the relevant chief officers.
- 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 £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 department but does not fall into a) or b) above, the decision must be taken by the chief officer responsible for the contract after consideration of the report by all relevant DCRBs or as otherwise agreed by the relevant chief officers.
- 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 procurement activity being commenced or 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 0, 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 DCRB 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 CCRB and 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. Quote and tender issue, return and opening procedure

7.1 Issue of quotes and tenders through the e-procurement system

- 7.1.1 Officers must use the e- procurement system for all quotes and tenders with an Estimated Contract Value of £25,000 or more to ensure compliance with

relevant legislative and corporate requirements and to provide a complete audit trail.

- 7.1.2 If the e-procurement system is not to be used for a quote or tender with an Estimated Contract Value of £25,000 or more, the Gateway 1 must include procurement advice from the strategic director of finance and governance or delegated officer(s).
- 7.1.3 If the e-procurement system is not used for a tender with an Estimated Contract Value above the relevant EU threshold, a report should be submitted to the relevant DCRB for information and to CCRB and 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.

7.2 Quote and tender return and opening procedure

- 7.2.1 All quote and tender processes must comply with the following requirements.
- 7.2.2 Those submitting quotes or tenders must be told that their quotes or tenders may only be considered if they are received in time within the protocols of the council's e-procurement system.
- 7.2.3 All quotes and tenders will be electronically released or opened at the same time and place, after the closing date and time for receipt stated in the quote or tender documents and the e-procurement system.
- 7.2.4 A quote or tender received by the council via the e-procurement system or otherwise (subject to CSO 7.3) after the time and date specified in the invitation shall not be accepted or considered.
- 7.2.5 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, quotes or tenders will be released from the e-procurement system by the relevant LCO or their authorised representative.

7.3 Exceptions to the requirements set out in 7.2 above

- 7.3.1 Exceptions to the requirements set out in 7.2 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.
Contracts Finder	Contracts Finder is a government website which the council is legally required to use to advertise contract opportunities, contract award notices and early engagement advertisements, as set out in the Contracts Finder Protocol which can be found on the Source at: http://thesource.southwark.gov.uk/tools-and-resources/contracts/eu-procurement/advertising-eu-contracts/?_ga=2.249398721.79453278.1523519154-77434579.1523519154 .
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.
e-procurement system	The council's e-procurement system, Pro-Contract 3, should be used for all procurements with an Estimated Contract Value of £25,000 or more unless approval has been obtained, to use an alternative e-procurement system. Agreement not to use the council's system must be obtained from the procurement advice team and their advice included in the Gateway 1 report.
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 http://thesource/SectionLandingPage.asp?id=22344&cat=1234.</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"> • 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) • those which have a significant impact on communities • Strategic Assessment (Gateway 0) approvals • Gateway 1 approvals in respect of a Strategic Procurement.

Lead contract officer (LCO)	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.
Light Touch Regime	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.
Lowest Bid	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.
Procurement Guidance	Guidance, advice or templates published on the intranet pages in relation to the procurement process.
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"> 1) Estimated Contract Value of £4 million or more for non-works and of £15 million or more for works 2) a significant change to previous service 3) possible externalisation or change in manner of delivery 4) significant transfer of assets or staff 5) political sensitivity 6) contract carrying a high level of risk.
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.

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.

This page is intentionally left blank

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. Constitutional steering panel at its meeting on Tuesday 5 June 2018 noted the annual local government pay settlement rates applicable from 1 April 2018 and 1 April 2019, which is 2% increase covering the year 2018/19 and a further 2% increase for 2019/20.

Basic allowance

4. Each member of the council is entitled to receive the annual basic allowance of £11,270. 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:

Band 1a	SRA
Chair audit & governance committee	£2,946
Deputy leader majority opposition	£2,946
Leader minority opposition	£2,946
Opposition whip	£2,946
Vice-chair overview & scrutiny committee	£2,946
Deputy cabinet member	£2,946

Band 1b	SRA
Deputy Mayor	£8,886
Chair community council	£8,886

Band 1b	SRA
Scrutiny sub-committee chair	£8,886
Planning sub-committee chair	£8,886

Band 2a	SRA
Chair planning committee	£15,367
Chair licensing committee	£15,367
Chief whip	£15,367
Leader majority opposition	£15,367

Band 2b	SRA
Mayor	£24,065
Chair overview & scrutiny committee	£24,065

Band 3	SRA
Cabinet member	£35,734
Deputy leader	£35,734

Band 4	SRA
Leader	£53,238

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 £124.42 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.

Casual Users	451-999 cc	1000-1199 cc	1200 cc and above
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:

Engine Size (cc)	
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 officers¹. 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.

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.

¹ Index linking is to the general settlement rather than any special provision for particular groups of staff such as the low paid.

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

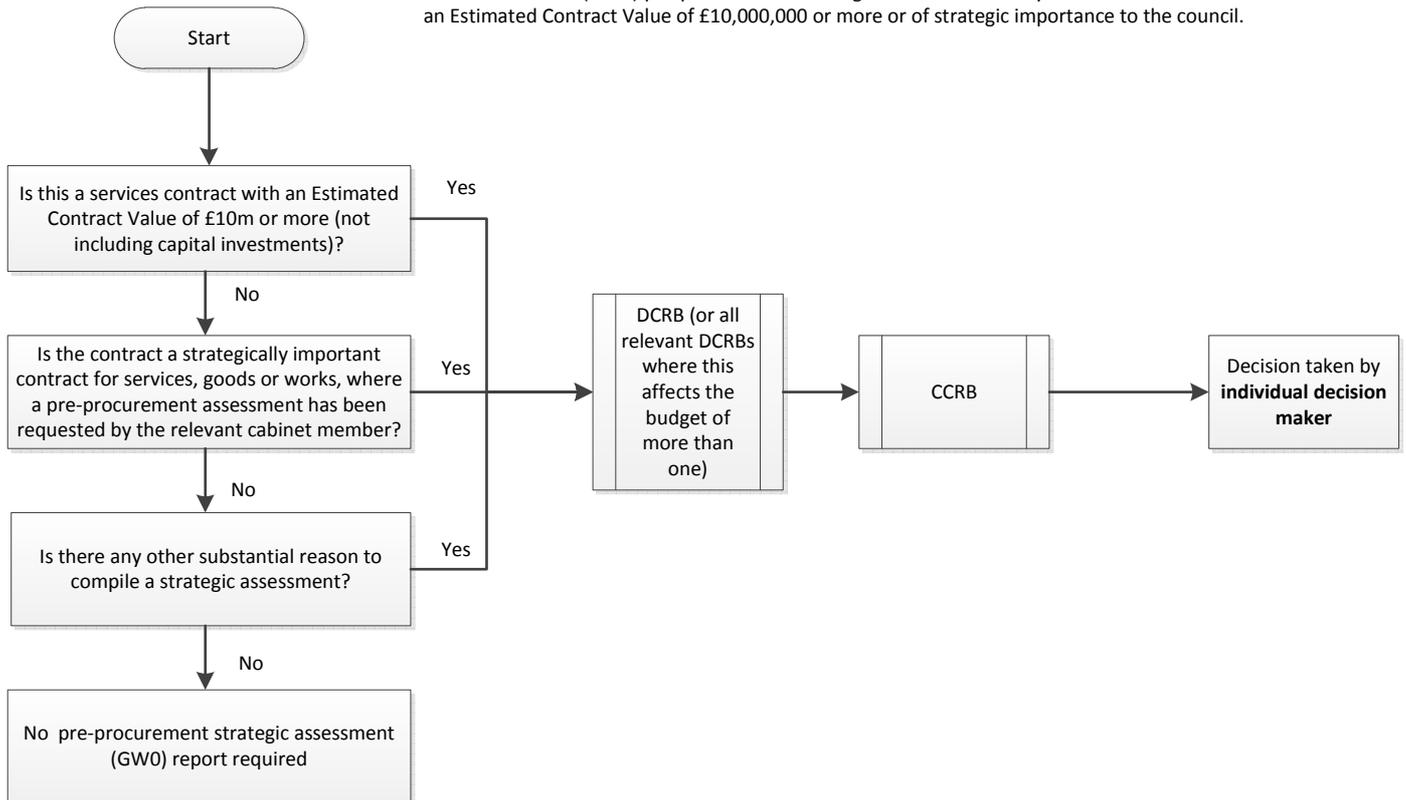
49. Members entitled to a full band 3 or full band 4 SRA will be entitled to a payment for loss of office when they cease to be eligible for a full band 3 or 4 allowance.
50. Members must have served at least one year in cabinet to claim a payment for loss of office. Members are eligible to claim a payment 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.

This page is intentionally left blank

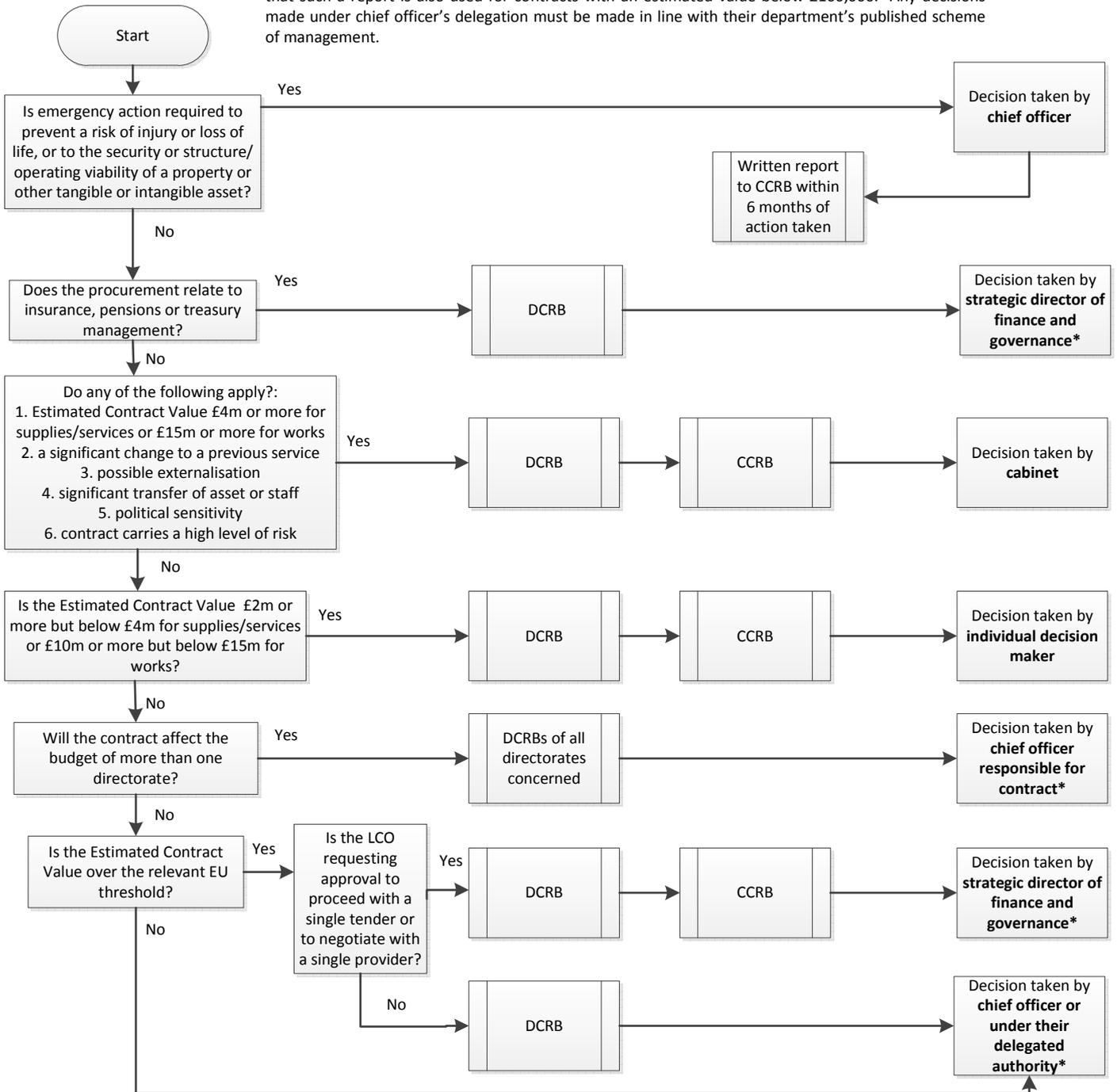
Decision on Pre-Procurement Strategic Assessment - GW0

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

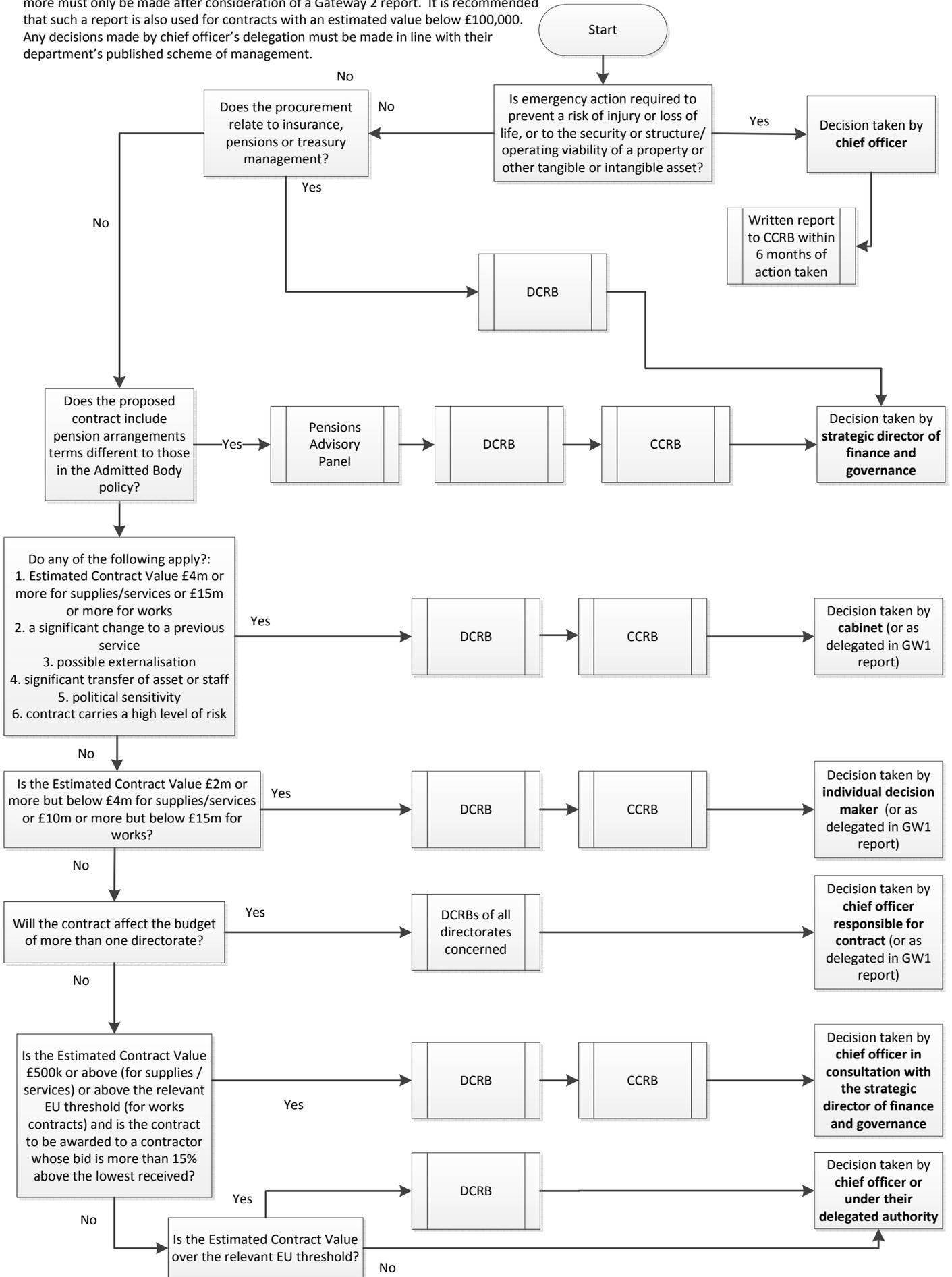
A decision on the procurement strategy to be used on any contract with an Estimated Contract Value of £100,000 or more must only be made after consideration of a Gateway 1 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. Any decisions made 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

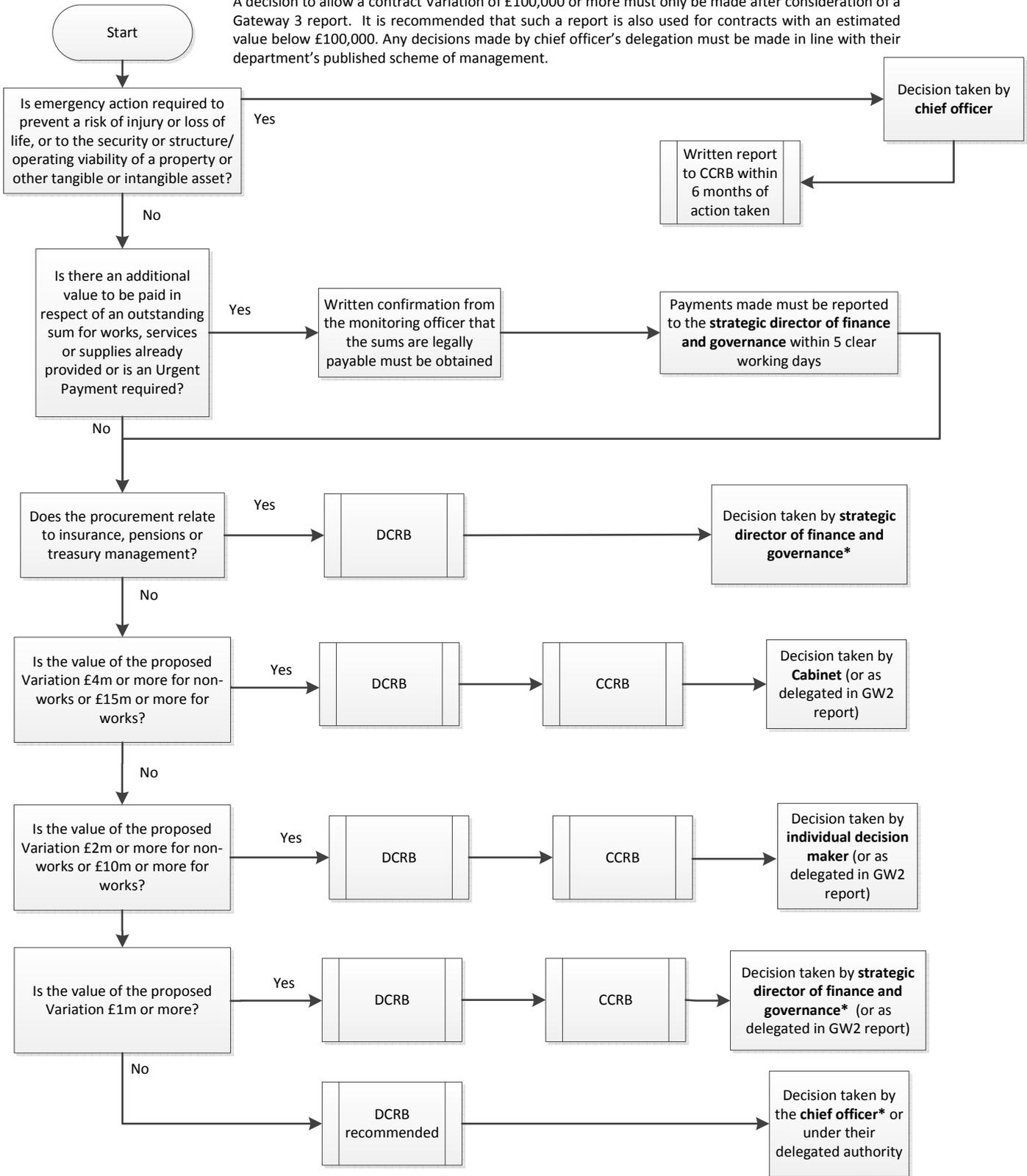
Decision on Contract Award - GW2

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

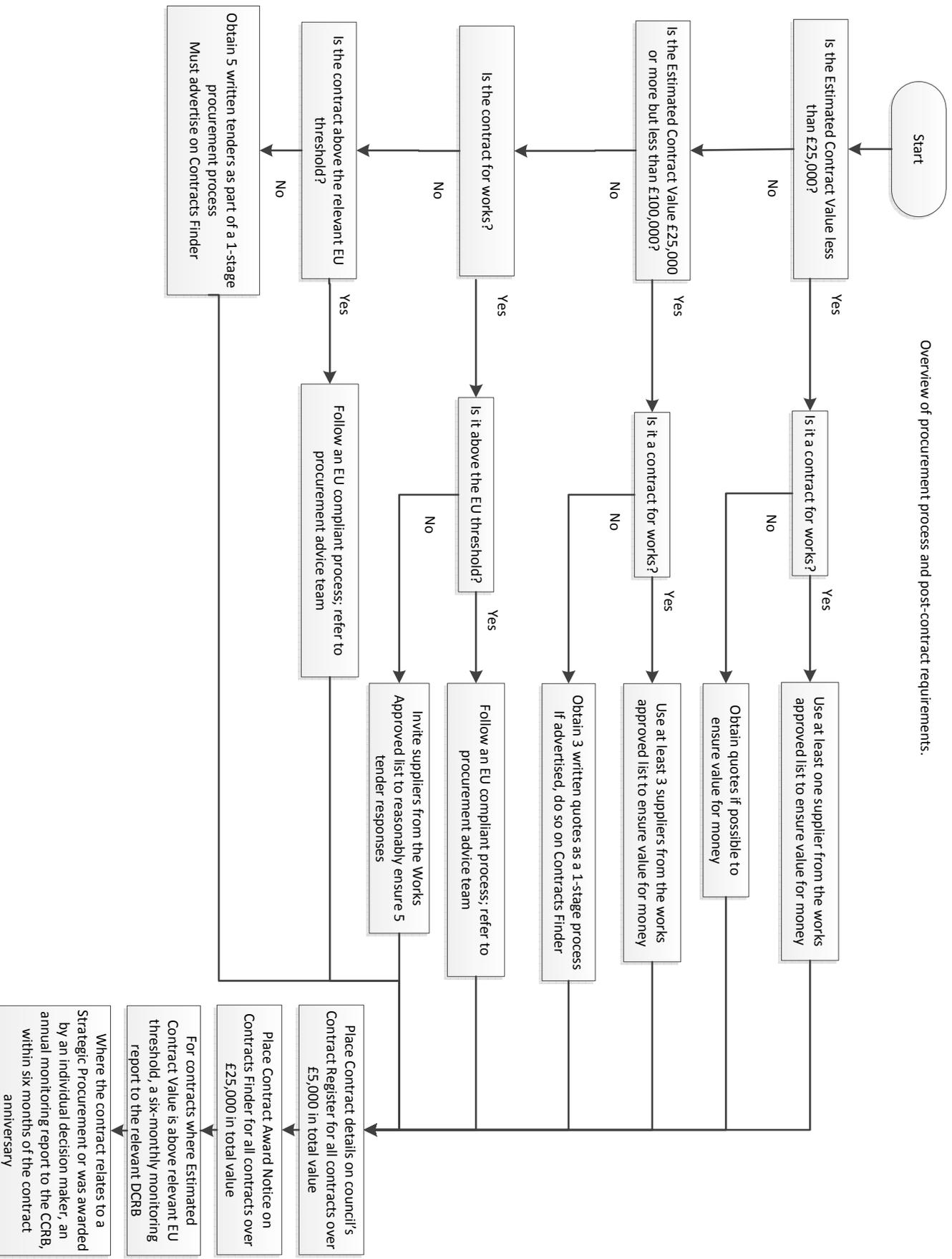
A decision to allow a contract Variation of £100,000 or more must only be made after consideration of a Gateway 3 report. It is recommended that such a report is also used for contracts with an estimated value below £100,000. Any decisions made by chief officer's delegation must be made in line with 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.



This page is intentionally left blank

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.

Title/Description (and statutory derivation)	Officer appointed
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)	Strategic Director of Place and Wellbeing (Director of Public Health)
Scrutiny Officer (Section 31 – Local Democracy, Economic Development and Construction Act 2009)	Head of Overview and Scrutiny
Data Protection Officer Article 37-39 General data Protection Regulation 2018)	Strategic Director of Finance and Governance

*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
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
---	---

STATUTE AND FUNCTION	PROPER OFFICER
-----------------------------	-----------------------

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

STATUTE AND FUNCTION	PROPER OFFICER
----------------------	----------------

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
---	--------------------

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
--	---

STATUTE AND FUNCTION	PROPER OFFICER
REGISTRATION SERVICES ACT 1953	
Proper officer for births, deaths and marriages	Chief Executive
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
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 Social Regeneration
CIVIL EVIDENCE ACT 1995	
To certify council records for the purposes of admitting the document in evidence in civil proceedings	Monitoring Officer
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
GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1969	
Certification of documents as a decision of any officer of the council exercising delegated powers	Monitoring Officer
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

STATUTE AND FUNCTION	PROPER OFFICER
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
--	--

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 Social Regeneration
--	--

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
--	------------------------------------

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

This page is intentionally left blank