

Item No. 6.1	Classification: Open	Date: 20 March 2024	Meeting Name: Council Assembly
Report title:		Proposed Constitutional updates 2023-24: Council assembly procedure rules	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATIONS

1. That council assembly agree the proposed changes to the constitution affecting council assembly as outlined in Appendix 1 and 2 of this report.

Consequential changes

2. That the proper constitutional officer be authorised to make any necessary consequential changes to the constitution as a result of the above.

BACKGROUND INFORMATION

Legal background

3. Under the Local Government Act 2000 the council is required to have a constitution that covers all the standing orders, delegated processes and the codes of conduct for councillors.
4. Southwark Council's constitution is regularly reviewed and updated to ensure good governance and transparent decision-making. The formal process to agree changes to the constitution is first via the constitutional steering panel (CSP), and then by agreement of council assembly.

KEY ISSUES FOR CONSIDERATION

Council Assembly

5. The Local Government Act 1972 sets out a requirement for an annual meeting of council assembly, and beyond that does not require any further gatherings of all councillors.
6. The business transacted at council assembly is set out in the constitution (CAPR 2.2) as:
 - Introduction and preliminary business
 - Time for residents to bring issues to assembly (petitions, public questions)
 - Themed debate (community evidence, motion on the theme)
 - Deputations

- Time for members to bring issues to assembly (members' questions, general motions)
 - Consideration of reports (cabinet, scrutiny, any other)
 - Formal constitutional business.
7. Council assembly has a guillotine set to three hours after the start of the meeting, where all motions not debated are deemed to be formally moved, and voted on without further debate. The only discussion following the guillotine is on reports, where members may give up to 15 minutes' debate on each report.
8. In order to ensure the smooth running of the meeting, the following changes have been recommended for discussion.
- a. Remove the requirement for rotation of questions to cabinet members (CAPR 2.9.8).

This rotation limits members' capacity to challenge cabinet members on matters which may be timely and relevant simply if the appropriate portfolio holder is at the end of the rotation. The concept was originally to ensure that all cabinet members were given appropriate challenge, but it may be more useful for members to have the chance to ask questions on current events, immediate issues and matters that are important to them, rather than to be restricted by an artificial rotation.

- b. Questions from members to the leader and cabinet members

- Bring the deadline for submissions of members' questions earlier
The current deadline for submission of members' questions is nine clear working days prior to the meeting (CAPR 2.9.9). It is recommended that this be changed to twelve clear working days before the meeting to ensure that officers and cabinet members have sufficient time to offer a thorough and effective written response response.

- c. Late questions

The late question from the leader of the majority opposition has been a valuable tool in bringing urgent matters to the attention of the cabinet; but the deadline for receipt and for answering is a significant pressure on council time.

- Change the name of this rule to "Late and urgent questions by group leaders" (CAPR 2.8)
This should be defined as "a question that could not have been raised before the deadline for questions by members", in order for this to be a meaningful differentiation between late and urgent questions and questions by members.

- Change the number of supplementary questions by the leader of the majority opposition following the late and urgent question from two to one (CAPR 2.8.10)
This brings the question in line with all other questions by members and ensures parity.

- Bring the deadline for late and urgent questions earlier. The current deadline is 10am on the day of the meeting (CAPR 2.8.7). It is recommended that this be changed to 10am one clear working day before the meeting, on the Monday of the week of council assembly. This will allow officers and the leader to offer a thorough and effective written response tabled at the meeting.

d. Motions (CAPR 2.10)

- Introduce proportionality to the submission of members' motions on notice
The current council assembly procedure rules do not limit the number of motions that can be proposed beyond the limitation that a member may only move one motion and second one motion. It is proposed that the number of motions submitted be directly proportionate to the number of members in the political group or independent members as follows:
 - Up to 10 councillors 1 motion
 - 11-20 councillors 2 motions
 - 21+ councillors 3 motions

Policy framework implications

9. If approved by council assembly, the constitutional changes will be enforceable immediately.

Community, equalities (including socio-economic) and health impacts

10. There are no direct impacts arising from this report. Any changes to the scheme are published on the council's website.

Climate change implications

11. There are no immediate climate change implications arising from this report.

Legal implications

12. The legal implications are set out in the body of the report.

Financial implications

13. There are no immediate financial implications arising from this report.

Consultation

14. Consultation is undertaken with group whips, relevant cabinet members and officers.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive - Governance and Assurance

15. The constitution is a written legal document that guides the council on its decision making processes. 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. The constitution may be amended from time to time according to the law and the opportunities contained in the constitution for making such changes.
16. Article 1.5 of the states that any changes, other than minor, to the constitution are approved by the council assembly. Such changes require the prior consideration of the proposal by the constitutional steering panel. This consideration has taken place.

Strategic Director of Finance

17. None in the context of this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark constitution	Constitutional Team 160 Tooley Street, London SE1 2QH	Constitutional Team constitutional.team@southwark.gov.uk

APPENDICES

Appendix	Title
Appendix 1	Proposed constitutional changes

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Assistant Chief Executive, Governance and Assurance	
Report Authors	Chidilim Agada, Head of Constitutional and Member Services Virginia Wynn-Jones, Principal Constitutional Officer	
Version	Final	
Dated	8 March 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director of Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	8 March 2024	