

Council Assembly powers and opportunities for change

The Local Government Act 2000 ('the Act') radically changed the nature of government by introducing the system of a powerful Cabinet with a statutory remit that dictates it takes the majority of decisions as set out in the Act. Further amendments by the Local Government and Involvement in Health Act 2007 extended these powers; it is now the Leader who appoints the Cabinet and decides who makes executive decisions.

The Act abolished the old committee system. This used to have elected members of both the ruling party (or coalition) and opposition parties and would report to the full Assembly where all members sat.

The Act abolished the committee system and introduced a Cabinet of up to ten members and Overview and Scrutiny. Scrutiny committees involve backbench members from all parties and their role is to hold the Cabinet to account and contribute to policy making. (Southwark has a 'mother' overview and scrutiny committee and 5 sub committees covering set policy areas). Scrutiny reports to Cabinet which has to consider its recommendation, but does not have to adopt them.

Under the old system the full Council was previously the ultimate decision maker, but this is no longer the case. The Assembly decision making powers given to it under the Act are now, principally, to set the policy framework within which the Leader & Cabinet act and agree the budget. The Assembly also retains overall responsibility for non-executive matters (essentially regulatory activities covered by Committees such as the Planning Committee, Licensing Committee and Standards Committee), to appoint members to committees, elect the Mayor, ratify the appointment of the Leader and Cabinet, and agree changes to the constitution.

However the Act does allow Cabinet to delegate additional roles and functions to other bodies, including Council Assembly. For Council Assembly this is restricted to such matters as plans and strategies which could be added to the policy framework and therefore become its responsibility. A list of these is listed below. When considering this the Commission would need to consider good governance including how to best strike a balance between the need for effective and timely decision making and the benefits of wider consultation by both more members and the wider public.

These are some of the principles that underpin Cabinet decision making:

- Efficiency – in that a small cabinet can act quickly;
- Transparency – the Cabinet arrangements enable the public to ascertain from the outset who is making decisions; and
- Accountability – the Cabinet can be judged by whether it has implemented the policies on which it was elected.

When considering if it would like to recommend more powers are delegated to Assembly the Commission would need to consider the need for good governance including how to best strike a balance between the need for effective and timely

decision making and the benefits of wider consultation by both more members and the wider public.

The Commission could consider recommending Assembly debate and make recommendations that would ultimately go to the Cabinet (or in some cases the Leader) for decision or it could recommend the assembly both debate and make decisions. It is for the Cabinet ultimately to decide if this is the right course of action.

The Act also gave provision for decisions to be devolved down to a local level and Southwark introduced local based decision making bodies; which evolved into the Community Councils. The Commission could recommend that more executive functions are delegated down to Community Councils, while taking into account the need for good governance.

This is what Council Assembly has to do by law

- *Appoints Mayor
- *Receives the Leader's report on the delegation of executive functions at the annual meeting
- *Establishes committees and appoints chairs and vice chairs, except chair of standards committee
- *Agrees constitution
- *Agrees the budget and sets the council tax
- *Agrees the Policy Framework plans and strategies, most of these are statutory requirements (see below for details)
- *Agrees licensing and gambling statements of policy
- *Confirms appointment of head of paid service i.e. chief executive
- *Makes, amends, revokes, re-enacts or adopts by-laws or opposes making local legislation
- *Adopt the local authority's code of conduct
- *Agrees members' allowances scheme
- *Confers title of Honorary Alderman or Freedom of the Borough
- *Agree any application to the Secretary of State in respect of any housing land transfer
- *To consider petitions submitted under the Council's petition scheme
- *Taking decisions in respect of functions which are the responsibility of the cabinet which are not in accordance with the policy framework or budget agreed by council assembly
- Taking decisions in respect of functions which are not the responsibility of the executive and which have not been delegated by council assembly to committees, community councils, sub-committees or officers

These are the policy framework documents it has to receive:

The 'policy framework' means the following plans and strategies

- Children and young persons plan
- Corporate plan

- Development plan documents (which form part of the development plan framework)
- Policy on community councils
- Sustainable community strategy
- Treasury management strategy (including prudential borrowing arrangements)
- Youth justice plan

Council Assembly is also responsible for agreeing the following policies:

- Licensing statement
- Gambling statement

These are plans and strategies the cabinet has responsibility for and it could ask the Assembly to decide or debate

This list includes some of the plans and strategies that are currently the responsibility of the cabinet. These include:

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

Community Councils

The Act enabled functions to be discharged by an area committee. An area committee is defined as a 'committee or sub-committee of the authority'. Area committees have to meet certain conditions

In Southwark 'area committees' are known as community councils.

At present decisions on the following have been delegated in part to community councils;

- local planning applications,
- the cleaner, greener, safer capital programme,
- the community fund programme,
- traffic management,

- appointment of local education authority governors to local nursery and primary schools
- and community project banks.

Community councils therefore take decisions which affect a relatively small area and the commission could recommend the Cabinet delegate more executive functions to Community Councils.