

Item No. 6.	Classification: Open	Date: May 20 2009	Meeting Name: Council Assembly
Report title:		Constitutional Review	
Ward(s) or groups affected:		All	
From:		Strategic Director of Legal and Democratic Services	

RECOMMENDATIONS

1. That the recommendations of the constitutional steering panel set out in the items referred to within this report on changes to the constitution be considered:
 - a) That the recommendations in relation to the member and officer protocol set out in item 6.1 be agreed.
 - b) That the recommendations in relation to the communication protocol set out in item 6.2 be agreed.
 - c) That the recommendations in relation to contract standing orders and financial standing orders set out in item 6.3 be agreed
 - d) That the recommendations in relation to the community councils protocol set out in item 6.4 be agreed.
 - e) That the recommendations in relation to tree preservation orders set out in item 6.5 be agreed.
 - f) That council assembly agree all the other changes to the constitution as set out in item 6.6.
 - g) That officers be authorised to undertake any consequential and cross referencing changes arising from the review of the constitution.

BACKGROUND INFORMATION

Comprehensive Constitutional Review 2009-10 - objectives

1. This report constitutes the annual report on the constitution. All constitutional issues listed within the recommendations have first been considered by the constitutional steering panel.
2. In 2008-09 the constitution underwent a comprehensive review culminating in significant changes being recommended to May 21 2008 council assembly. This was based on a series of principles to the overall format and structure of the new constitution for 2008-09. These principles have also been applied to the 2009-10 review and are as follows:
 - (a) Extended introduction outlining the key information in the constitution and including more lay person's language.

- (b) Remove duplication.
 - (c) Include all meeting bodies in the constitution in Part 3.
 - (d) Include information specially required by statute.
 - (e) Reorder so there is a more logical flow and order.
 - (f) Making use of usable binders with loose leaf pages and dividers.
3. The 2009-10 review was more limited with the main focus being on specific issues identified in the programme and the impact of government issues.
 4. One of the ongoing objectives of the review is to ensure that the constitution is easily understood and user friendly. In order to achieve this, CSP has taken into account the following key issues:
 - **Accessible** to all those who need to use it to understand their rights and obligations under it.
 - **Efficient:** supporting effective decision-making so that the business of the council can be delivered in line with best practice on corporate governance.
 - **Inclusive:** so that decision-making is open and transparent and involves local communities.
 5. At the same time as undertaking a general review of the constitution CSP had to consider the impact of a number of other linked projects, in particular the Local Government and Public Involvement in Health Act which required changes to Article 5 of constitution and Scrutiny Procedure Rules arising from the Councillor Call for Action (CCfA), which became implementable from April 1 2009.

KEY ISSUES FOR CONSIDERATION

Introduction

6. The report sets out the main key issues and changes arising from the constitutional review. Any changes to sections of the constitution will be shown as follows :
 - additions (shown as underlined);
 - deletions (shown with a strike through).

Consequential Changes

7. As a result of the changes suggested within this report officers will be required to update the constitution. Therefore council assembly is requested to authorise officers to undertake any necessary consequential changes.

Community Impact Statement

8. There will be no direct impact on local people of adoption of these changes. However, providing for wide involvement of those using the constitution, including the local community where relevant, will enable people to understand the role that they can play in the decision making of the council and how the council will safeguard high standards of conduct amongst members and officers.

Legal Implications

9. This comment advises council assembly of the legal procedure relating to changes to the council's constitution.
10. Section 37 of the Local Government Act 2000 requires the council to "prepare and keep up-to-date" a constitution. Statutory guidance from the Department for Communities and Local Government states that constitutions "should be drafted as a flexible document" but leaves it up to local authorities to determine how the constitution is to be changed. It is also recognised that council constitutions cannot cover every eventuality.
11. Article 1 (1.5)(a) of Southwark's constitution states that any changes to the constitution which can only be approved by council assembly will require the prior consideration of the proposal by the constitutional steering panel.
12. Council assembly may approve any amendment to the constitution where the issue in general has previously been considered by the constitutional steering panel. Further, there is a distinction between changes to the constitution which clarify existing roles and functions and those which raise completely new matters which have not been considered in accordance with Article 1.

Resource Implications

13. The budget for 2009-10 has been set and any changes to the constitution must be contained within the current budget.
14. Last year the constitution was produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. Therefore, the cost can be contained within existing budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Reports and Notes of the Constitutional Steering Panel	Constitutional Team, Town Hall, Peckham Road, London SE5 8UB	Lesley John 020 7525 7228

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Legal and Democratic Services	
Report Author	Lesley John, Constitutional Officer Ian Millichap, Constitutional Team Manager	
Version	Final	
Dated	May 8 2009	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Legal and Democratic Services	Lead officer	Yes
Finance Director	No	No
Executive Member	N/a	N/a
Date final report sent to Constitutional/Community Council/Scrutiny Team		May 8 2009