

Item No. 5	Classification: Open	Date: 3 August 2011	Meeting Name: Democracy Commission
Report title:		Role and Purpose of Community Councils	
Ward(s) or groups affected:		All	
From:		Strategic Director Communities Law & Governance	

RECOMMENDATIONS

1. To consider the role and functions of community councils, particularly in relation to the environment.
2. To consider evidence provided by witnesses at this meeting in relation to the environment function of community councils.
3. To consider drafting any recommendations based on the evidence considered in the report and at this meeting.

BACKGROUND INFORMATION

4. This report looks at the role and purpose of community councils, including an overview of the environment functions they fulfill. Officers will be available to provide further detail on the environment function at this meeting.
5. The role and purpose of community councils can be split into three distinct areas:
 - Constitutional/formal decision making role
 - Engagement role
 - Consultative role
6. At the May meeting, the Commission was asked to consider how community councils balance the three areas of their responsibilities. Some of the information that was made available for that meeting is presented again in this report for further consideration. A broader overview of the role and function of community councils will provide the context necessary to enable the Commission to focus on the specific areas covered in this meeting.
7. This report examines these roles in the context of the budgetary savings required from the community council's budget. The task of the Commission is to make recommendations to cabinet and council which can deliver savings of £344,000 in the total costs of community councils to take effect from 1 April 2012.

KEY ISSUES FOR CONSIDERATION

Constitutional/ formal decision making role

8. The community councils have a number of formal functions as set out in Part 3H of the council's constitution, extract attached at Appendix A. These formal functions are split into decision making and consultative/non-decision making. The community councils also have executive and non-executive functions. Non-Executive functions are delegated by Council Assembly and Executive functions are delegated by the Leader of the Council. The only non-executive decisions taken by community council relate to planning matters and these will be considered in more detail at the June meeting of the Commission. Any recommendations to amend the roles and functions of community councils need to be made to Council or the Leader of the Council depending on whether the function is non-executive or executive.
9. The Executive functions delegated to community councils include: the cleaner greener, safer capital programme, the community council fund, traffic management and appointment to local education authority governors to local nursery and primary schools.
10. Formal decisions require statutory processes to be followed in terms of the administration of community council meetings. Notice of meetings must be given 5 clear working days before meetings, any formal decision require reports which must be provided to members and made publically available 5 clear working days before the meeting. Minutes are produced to record the decisions taken by the community council and in the case of executive functions (which are subject to call-in) decision notices must be published in the 2 days following the meeting. The community council team provide the necessary constitutional support for the community council meetings.
11. Community councils also have formal consultative/non decision making roles for example in relation to environmental management issues and contract reviews. As this is a formal role the constitutional and legal process must be followed in a similar way as decisions, for example, reports must be published 5 clear working days before the meeting and included in the agenda and minutes of the discussion and outcomes produced.
12. Some of the decision making powers of the community councils are considered below. Any change in scope of powers needs to be considered in the legislative context. It is also worth noting as the Commission has discussed previously, meetings are the main cost of the community councils. Any change in role which increases the number of meetings increases the cost of community councils.
13. Care must be taken when, considering which powers could be extended and devolved, to acknowledge the impact that this could have on the agenda of meetings, in particular the ability of residents to participate and the ability for the agenda to be flexible to meet local needs. The successful balance between the formal decision making and community engagement role is discussed in more detail at paragraphs 28-29.

Environmental Management

14. Community councils have delegated powers to make recommendation on local contract variations to the strategic director of environment and the cabinet. They also have the power to appoint ward members to service on warden schemes steering groups. In terms of consultative/non-decision making community councils should receive regular reports on environmental issues and participate in contract reviews. In practice community councils have not received any formal reports on environmental management in 2010/11 although the environment department has provided support in terms of public questions and support environment themes at specific community council meetings.
15. No departmental payments are made to support this function.

Cleaner Greener Safer

16. Community councils approve the allocation of funds to cleaner greener safer capital schemes using the resources identified by cabinet. Resources are identified by the cabinet through an Individual Decision Maker (IDM) report. No resources have been allocated in 2009/10 and 2010/11 and officers are currently progressing projects from previous years.
17. Community councils also receive updates on Cleaner Greener Safer projects, usually at the request of the chair and reports on change control requests when funding needs moving around projects. No departmental payments are made to support this function.

Traffic Management Functions

18. The constitution sets out powers for community councils to determine local non-strategic matters for traffic management and determine objections to traffic management orders that are not strategic or borough wide. The community councils also have consultative/non-decision making roles on consultation for parking or traffic safety schemes, are to be consulted on the council's annual bid to Transport for London for transport funding (known as the Local Implementation Plan) and to be consulted on traffic management decisions of a strategic nature. Community councils receive traffic management reports on a quarterly basis.
19. The Public Realm Division, who report to the community councils on traffic management issues such as CPZ and disabled parking bays, has been consulted and they commented that the traffic management function works relatively well at community council.
20. Payments of £20,162 are made to the regeneration and environment departments to support this function.

Highways and Lighting capital scheme

21. In 2009 the then Executive Member for Environment agreed to allocate some funding for the highways and lighting capital schemes to community councils. Each community council was assigned £100,000 for highways schemes and £75,000 for lighting schemes. This was repeated in 2010/11. No departmental payments are made to support this function.

22. As recommended for the Community Council Fund this could be formalised in the constitution along a similar line to Cleaner, Greener, Safer by delegating the approval of funds to highways and lighting capital schemes, using the resources identified by cabinet.

Education Functions

23. Community councils make appointments of local education authority school governors to the governing bodies of nursery and primary schools within the community council area. The school governor development team has been consulted on how this function operates at community councils and in their view it works well. Officers from the governor development team do not attend community council meetings to present reports. A payment of £10,895 was made to Children's Services in 2010/11 for supporting this function at community councils.
24. The information councillors consider in making the appointments is restricted under the categories set out in paragraph 10.4 of the council's access to information procedure rules. This means that the public and press are excluded from community council meetings when these decisions are taken. This can be difficult from a practical point of view as members of the public often want to talk to councillors at the end of the meeting. Therefore, considering these appointments at the close of the meeting acts as a clear barrier to engagement. Excluding the public from community council meetings does not necessarily fit with the engagement role of the community councils as the public has no opportunity and no role in influencing these decisions.
25. The Voluntary Bodies Appointments Panel currently makes recommendations to the Strategic Director of Children's Services on appointments of local education authority school governors to the governing bodies of secondary schools in Southwark. If members are minded to remove the education function from community councils it is not recommended that this is moved to this panel and it is recommended that these decisions are taken at chief officer level as this would reduce the level of administration required in taking decisions. As previously discussed by the Commission any change which results in more meetings either by community councils or other committees or panels of the council will not incur the savings required.
26. There is a proposal that Overview & Scrutiny conduct a review into the appointment of school governors, although at the time of writing this report this has not been confirmed. If there is a scrutiny review any recommendations/outcomes will be reported to the Commission.

Community Project Bank

27. Community councils approve projects for inclusion within the community project bank. When projects are suggested for inclusion within the community council project banks the relevant community council consider reports on the matter. No departmental payments are made to support this function.

Community Council Fund

28. The Executive established the community council fund for all community council areas in a decision taken in November 2005 following pilots in Rotherhithe, Peckham and Dulwich. Each community council has £15,260 to support activities run by community groups for local people, which promote community cohesion. As this delegated function is not set out in the constitution the Commission may wish to recommend that this role is formalised in Part 3H. No departmental payments are made to support this function.

Deputations/Petitions/Public questions

29. The community council procedure rules and petition scheme set out the community councils' formal engagement role with members of the public. The constitution allows community council meetings to have a public question time on the order of business. In practice this works in very different ways across all community councils, for example some answers are given by councillors at the meeting and in some community councils questions are submitted in writing and written responses are provided at the next meeting.
30. Deputations can be made to community councils in a similar way to council assembly. Community councils receive a relatively low number of deputations as the less formal public question time tends to be used by members of the public to raise an issue.
31. Since December 2010 petitions can also be considered by community councils, the trigger for a debate at a community council meeting is 250 signatures. The limited experience to date has identified some issues. Often petitions do not meet the requirements of the petition scheme in that they do not have the required number of signatures or they have not been submitted in the required 10 clear working days before the meeting. In these instances members of the public are advised to submit a public question to raise their issue at the community council meeting.

Community Engagement Role

32. Community councils have been successful in balancing the constitutional and legal requirements of taking formal decisions and engaging effectively with local people. Being area based community councils give an opportunity for members to enhance their ward role by engaging with residents in their locality. Community councils are encouraged to be 'more than a meeting'. Many community councils have piloted ways to encourage this role by: supporting events, neighborhood walks and activities within meetings.
33. More detail on the engagement role of community councils is covered in the other reports presented at this meeting.

Consultative Role

34. As well as the formal consultative/non-decision making role, community councils are used as a discussion forum for consultations which affect the area. Some of the consultations which have been promoted or conducted at community councils in 2010/11 include: a fairer future for all, the transport plan, sex establishments licensing and residential car parking charges based on Co2 emissions.

35. Community councils are an established mechanism for consultation within the council and are effective in raising awareness of consultations. Some chairs have been critical of the lack of clearance on consultations before they are brought to community councils and there is sometimes a feeling of 'consultation overload'. Community councils have also identified that they alone should not constitute the only form of consultation as the audience at community councils meetings is not necessarily reflective of an entire community council area. The Commission may wish to consider how this important consultation role could be more effective.
36. Community councils were involved in the recent budget consultation: 'Fairer Future for All'. Cabinet members attended community council meetings to explain the budget process prior to the launch of community councils meetings. Residents were invited to participate in the spending challenge at community council meetings and various other organisations in Southwark. In the 'Southwark Spending Challenge' residents were asked to identify areas for investment and savings using red and green cheques. The results were reported to cabinet and fed into the budget process. Cabinet members returned to the community councils to explain the results at each of the community councils meetings. Residents were also invited to take part by giving comments via the website and contacting cabinet members directly.
37. These engagement roles all come under the paragraphs 3 and 4 of part 3H, the Commission may wish to consider recommending developing the wording of these paragraphs to recognise the influence and engagement role of the community councils

Other roles

38. Overview and Scrutiny have used community councils as a valuable source of local knowledge and experience on particular issues. For example at Walworth in November the chair of the Housing and Community Safety Scrutiny Sub-Committee attended to get residents views on housing repairs. This was the theme of the community council meeting which coincided with a scrutiny review into the performance monitoring of the housing repairs service. The chair of the sub-committee asked a series of questions and the results were collated instantaneously at the meeting with the use of voting buttons. The results of the questions were used as evidence in formulating a set of recommendations on the housing repairs service which have since been considered by cabinet on 17 May 2011.
39. The link between community councils and overview and scrutiny has worked in an informal way and the Commission may wish to consider if this could be further developed.
40. There are other roles for community councils which it is suggested the Commission consider at the mid-point of the review if they wish:
 - Developing annual themes link to MORI survey results of local priorities
 - Developing links to the voluntary sector- some community councils have a regular slot at meetings for community and voluntary groups especially those funded by the Community Council Fund
 - Developing reporting links to cabinet on specific local issues
 - Performance monitoring of specific local service issues

41. It is important to remember that meetings are the main community council cost so any development of roles must not add to the level of meetings or it is unlikely that the targeted savings will be reached. If the scope of the role and functions of community councils is amended there may also be an effect on resources required to support meetings, specifically in terms of officer time. If further support and development is required then this may take officers away from other tasks and there may be an impact on staff resources across the departments affected.

Policy implications

42. The Democracy Commission is being conducted within the context of current council policies, plans and strategies. Any recommendations of the Commission will be made to Council Assembly via the Cabinet. Any policy considerations will be taken into account by Cabinet if recommendations are implemented.

Community impact statement

43. This is a discussion paper and any specific proposals will be included in the final report of the Democracy Commission.

Resource implications

44. The task of the Commission is to make recommendations to deliver a saving of £344,000 across the community council budgets to take effect from 1 April 2012 as agreed in the council's Policy and Resources Strategy 2011-2014.

Legal/Financial implications

45. There are no specific legal or financial implications arising directly from this report. Any change to the role and functions of community councils needs to be considered in the legislative and constitutional framework. Changes to the role and functions of community councils may impact on the cost of community council meetings; this will be considered when the Commission makes its final recommendations.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Executive Report 8 November 2005	Constitutional Team 160 Tooley Street, London SE1 2QH	Alexa Coates alexa.coates@southwark.gov.uk 020 7525 7385
Executive Member for Environment reports/decision notices 21 July 2009 and 29 March 2010	Constitutional Team 160 Tooley Street, London SE1 2QH	Alexa Coates alexa.coates@southwark.gov.uk 020 7525 7385

APPENDICES

No.	Title
Appendix A	Constitution extract Part 3H

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities Law & Governance	
Report Author	Stephen Douglass, Head of Community Engagement	
Version	Draft	
Dated	19 May 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	No
Finance Director	No	No
Head of Public Realm	Yes	Yes
Cabinet Member	Yes/No	Yes/No
Date final report sent to Constitutional Team	25 July 2011	