



SOUTHWARK CONSTITUTION 2010/11

Agreed by Annual Meeting of Council Assembly on 19 May 2010 and Council Assembly on 14 July 2010

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Note: This constitution was agreed by the annual meeting of council assembly on 19 May 2010 and council assembly on 14 July 2010.

Southwark's constitution – introduction

The council

Council composition

Southwark is made up of 21 wards, with 63 councillors (three from each ward) 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.

Three political parties are represented on the council. The Labour party holds 35 seats, the Liberal Democrat party 25 seats and the Conservative party 3 seats. The council has a Labour administration.

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 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 Ian Wingfield – Deputy Leader of the Council and Cabinet Member for Housing Management
- Councillor Fiona Colley – Regeneration and Corporate Strategy
- Councillor Dora Dixon-Fyle – Health and Adult Social Care
- Councillor John Friary – Community Safety
- Councillor Barrie Hargrove – Environment, Transport and Recycling
- Councillor Richard Livingstone – Finance and Resources
- Councillor Catherine McDonald – Children's Services
- Councillor Abdul Mohamed – Equalities and Community Engagement
- Councillor Veronica Ward – Culture, Leisure, Sport and the Olympics.

The majority opposition party in Southwark Council is the Liberal Democrat party who have a shadow cabinet with 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 9 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 monthly, normally at 7.00pm. 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 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.
- **Disciplinary appeals committee** – to look at dismissal decisions of capability/disciplinary panels on the application of the dismissed employee.
- **Corporate parenting committee** – responsible for overseeing and monitoring services provided to looked after children in the borough.
- **Audit and governance committee** – to consider the internal audit annual report, risk management and governance, including approving the statement of accounts on an annual basis.
- **Standards committee** – to maintain high standards of conduct among elected councillors and independent members and investigate complaints against those who have contravened the code of conduct.

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 local matters and at present have some responsibility for decisions in the following key areas: local planning, the cleaner, greener, safer capital programme, traffic management, appointment of local education authority governors to local nursery and primary schools 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 | • Borough and Bankside |
| • Camberwell | • Dulwich |
| • Nunhead and Peckham Rye | • Peckham |
| • Rotherhithe | • Walworth |

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. The community councils meet about every six weeks, with a separate planning meeting about every four weeks. 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.

The cabinet has set up a Democracy Commission to consider the engagement of the council with the public, and this will be making recommendations on any changes needed to improve this.

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 to the Standards Committee** if someone believes that a councillor's behaviour has breached the members' 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/YourCouncil/FreedomofInformation/>

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 the cabinet or community council meetings. Council assembly may receive deputations if it is the relevant decision making body.
- **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.

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:

- act fairly and properly at all times
- treat others with respect
- not do anything which would bring the authority into disrepute
- act in accordance with the council's reasonable requirements.

All councils are required to set up a **standards committee** to ensure that councillors have high standards of conduct. In Southwark, the standards committee is made up of both elected councillors and independent members. An independent member will chair the committee. The idea of having independent members is to strengthen the independence and effectiveness of the committee. The committee is responsible for investigating complaints against elected councillors and independent members who have contravened the code of conduct. Complaints at a certain level will be investigated by Standards for England which is the body responsible for the strategic oversight of local standards committees.

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 overview and scrutiny committee and its sub-committees examine council decisions and services and the performance of other public bodies in Southwark such as the police and the health services. Each year an annual work programme of scrutiny reviews is agreed. In addition, the overview and scrutiny committee is able to look at or "call-in" cabinet decisions and can ask the original decision-makers to re-consider these decisions before they are implemented. Overview and scrutiny committee and its sub-committees also question individual members of the cabinet, chief officers and partner authorities and investigate matters of ward concern raised under the council's councillor call for action procedures.

The committees have the power to inquire into matters of local concern. They may review other organisations that provide services to Southwark residents. Scrutiny may also review some statutory services including the National Health Service (NHS).

Scrutiny does not look at individual complaints but looks at issues that affect a number of people.

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
- Community council team: 020 7525 7187 or communitycouncil@southwark.gov.uk
- Scrutiny team: 020 7525 4350 or scrutiny@southwark.gov.uk

You can also write to these teams at: Communities, Law and Governance, PO Box 64529, London SE1 5LX.

Other contacts within the council can be found at:

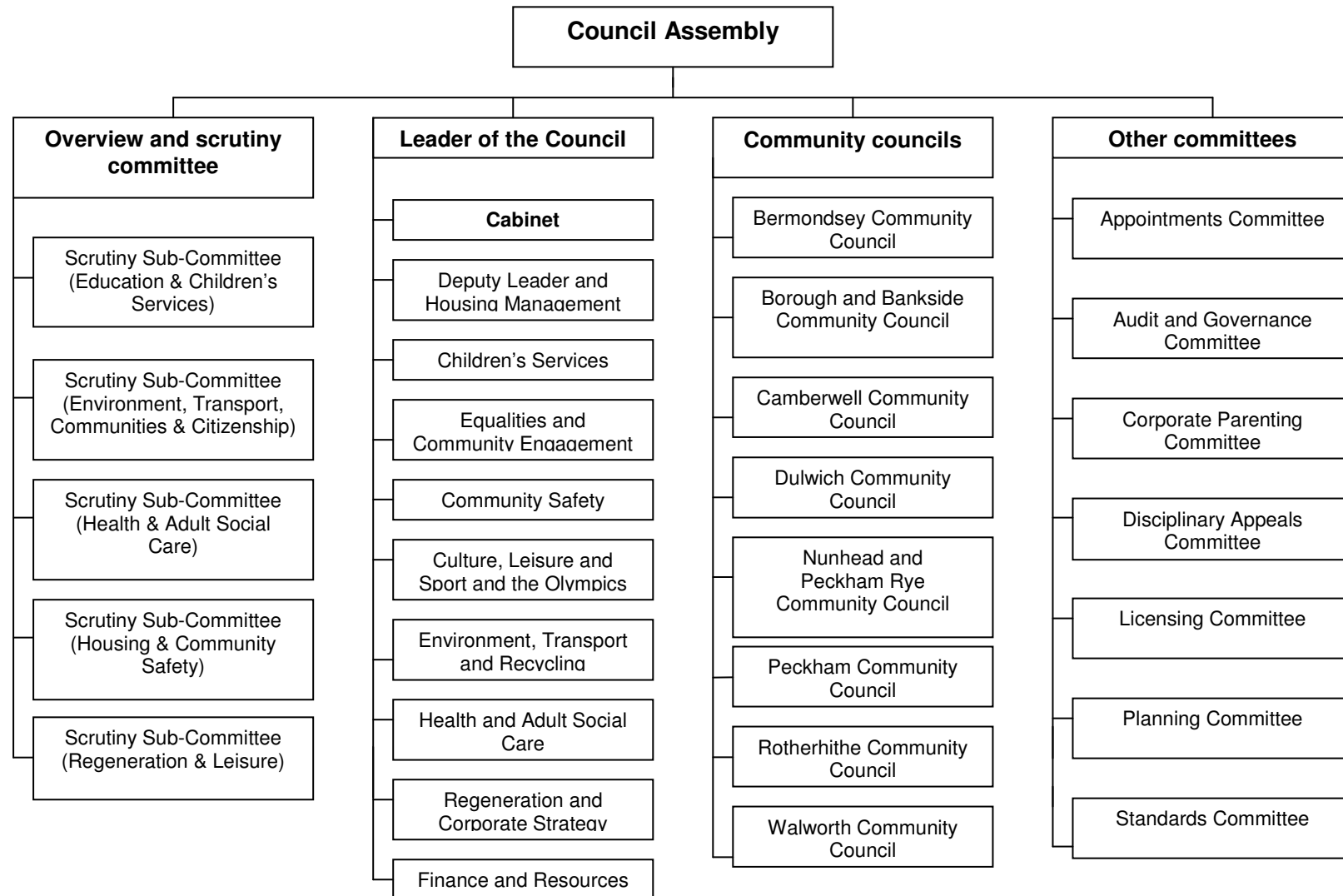
- <http://www.southwark.gov.uk/Public/Home.aspx>

Useful links

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

http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution

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:¹

- 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

¹(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) 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 monitoring officer as necessary. Changes notified to all members by monitoring officer.
	Decision making structure	Maintained and published by the monitoring 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 – monitoring 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.
	Cabinet	Agreed by council assembly.
	Overview and Scrutiny	Agreed by council assembly.

Part	Title	Changes by:
	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 finance director. Changes notified to all members by monitoring officer.
	Financial standing orders (FSOs)	Agreed by council assembly, with minor changes (as defined in the FSOs) being made by the finance director, after consultation with the monitoring officer. Changes notified to all members by monitoring 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 monitoring officer.
	Overall departmental structure showing the management structure.	Determined and published by the chief executive (Article 10.02).
	Glossary	Maintained and published by the monitoring officer.
	Index	Maintained and published by the monitoring officer.
	Other	Background information on constitution and decision making including flow charts. Maintained and published by the monitoring officer.

Article 2 – Members of the council

2.1 Roles and functions of all councillors

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 21 of the Local Government Act 2000. The overview and scrutiny committee will appoint sub-committees and determine their terms of reference.

5.2 General role

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

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.

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/sub-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).

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 chairs of overview and scrutiny committee and sub-committees**

Overview and scrutiny committee and sub-committee chairs will:

- a) lead the scrutiny function
- b) propose to the appropriate committee/sub-committee 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 an cabinet member ceases to be a member of the cabinet because of reasons (a) to (e) 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.

If a cabinet member is absent for a significant period of time, the leader has discretion as to whether he/she appoints an assistant to the cabinet member to discharge specific responsibilities in their absence.

These responsibilities will not include formal decision making. In exercising his/her discretion the leader must consult with the monitoring officer. If after consulting with the monitoring officer the leader confirms a decision to appoint an assistant the leader will advise the council of the responsibilities allocated to the assistant and the period for which the assistant will act.

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.

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.

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
Borough and Bankside	Cathedrals and Chaucer wards.
Bermondsey	Grange, Riverside and South Bermondsey wards
Rotherhithe	Livesey (north of Old Kent Road), Rotherhithe and Surrey Docks wards.
Walworth	East Walworth, Faraday and Newington wards.
Peckham	Livesey (south of Old Kent Road) and Peckham wards.
Camberwell	Brunswick Park, Camberwell Green and South Camberwell wards.
Nunhead and Peckham Rye	Nunhead, Peckham Rye and The Lane wards.
Dulwich	College, East Dulwich and Village wards.

Note on voting rights of Livesey ward members. In respect of Livesey ward members they shall serve as:

- voting members on Peckham community council
- voting members on 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.²

² A detailed schedule of arrangements with other authorities will be partly dependent on decisions taken by other councils.

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**

- 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 1994,³ 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.
- 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
Strategic director of communities, law & governance	Monitoring officer
Finance director	Chief finance officer
Head of overview and scrutiny	Scrutiny officer

Such posts will have the functions described in article 10.02 – 10.04 below.

10.2 Functions of the head of paid service

³ Government guidance suggests that councils may wish to make clear those functions to which this section currently or potentially applies.

- 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 finance director 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) **Maintaining the constitution.** The monitoring officer will maintain an up-to-date version of the constitution and will ensure that it is available for consultation by members, staff and the public.
- c) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and finance director, 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.
- d) **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.
- e) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- f) **Conducting investigations.** The monitoring officer will arrange for investigations into matters referred by the Standards Board for England and make reports or recommendations in respect of them to the standards committee.
- g) **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.

- h) **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 personal and prejudicial interests.
- i) **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.
- j) **Restrictions on posts.** The monitoring officer cannot be the finance director or the head of paid service.
- k) **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 finance director

- a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the finance director 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 finance director will have responsibility for the administration of the financial affairs of the council.
- c) **Contributing to corporate management.** The finance director will contribute to the corporate management of the council, in particular through the provision of professional financial advice.
- d) **Providing advice.** The finance director 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 finance director 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 finance director.

10.6 **Duty to provide sufficient resources to the monitoring officer and finance director**

The council will provide the monitoring officer and finance director 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 directive⁴ 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
- 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

⁴ The current thresholds (net of VAT) under the EU public procurement directive are as follows:

- supplies and services – £156,442
- works – £3,927,260

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 monitoring 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 monitoring 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.

PART 3: WHO TAKES DECISIONS?

Introduction

This section of the constitution sets out who can take what decision.

Each meeting of the council and decision makers are listed in this section. Each part provides details of:

- the role 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 – these can only be taken by the named 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 senior officers are the chief officers and the heads of service who report to them.

Any issue that is delegated can be taken by the parent body, i.e. the body who originally delegated the decision. Although in practice any decision maker can refer a decision up to a parent body, all decision makers should endeavour to exercise the authority as delegated to it by council assembly unless exceptional circumstances apply.

PART 3A: COUNCIL ASSEMBLY

Role and functions

Council assembly is responsible for setting up the decision making structure of the council including its committees. It does this annually. Council assembly takes a number of decisions including agreeing the annual budget, setting the council tax, agreeing policy framework strategies and plans. It makes decisions on local legislation and bylaws. The meeting also appoints to outside bodies unless the appointment is an executive function or has been delegated by council assembly.

The council assembly will question the cabinet. The meeting will receive reports from the cabinet, overview and scrutiny committee and officers. It will also debate matters of local importance and consider members' motions.

Matters reserved for decision

The following matters are reserved to the council assembly for decision:

1. Electing the Mayor.
2. Adopting the local authority's code of conduct.
3. Electing the leader.
4. Establishing committees and community councils.
5. Agreeing and amending terms of reference for committees and community councils except for executive functions.
6. Deciding the composition of committees and sub-committees.
7. Agreeing the budget and determining the level of local taxation. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds including reserves and balances, the council tax base, setting the council tax and decisions relating to the control of the council's borrowing requirement, the treasury management strategy and the setting of virement limits.
8. Agree the capital strategy and programme at least once every four years and as necessary in the event of a significant change in circumstances, and the approval of virements over £10,000,000 between capital projects or programme headings as set out in the overall programme.
9. Agreeing the constitution, subject to the provisions in Article 1.05 on changing the constitution.
10. Agreeing the policy framework comprising 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 the community councils
 - Sustainable community strategy
 - Treasury management strategy (including prudential borrowing arrangements)
 - Youth justice plan.
11. Agreeing the following policies:
 - Licensing statement
 - Gambling statement.
 12. Agreeing any application to the Secretary of State in respect of any housing land transfer. Housing land transfer means the approval or adoption of applications to the Secretary of State (whether in draft form or not) for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.
 13. 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 the council assembly.
 14. Subject to the urgency procedure contained in the access to information procedure rules in part 4 of this constitution, making decisions about any matter on the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
 15. All local choice functions set out in part 3 of this constitution which the council assembly decides should be undertaken by itself rather than the cabinet.
 16. Taking decisions in respect of functions which are not the responsibility of the cabinet and which have not been delegated by council assembly to committees, community councils, sub-committees or officers.
 17. Making or confirming the appointment of the head of paid service.
 18. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills.
 19. Determining the scheme and amounts of members' allowances.
 20. Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the council assembly.
 21. Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough.
 22. All other matters which, by law, must be reserved to council assembly.

PART 3B: CABINET ROLE AND FUNCTIONS

The cabinet has responsibility for the following areas. The issues listed are the “executive functions” of the council.

Local leadership

1. To provide community leadership in the borough.
2. To lead the community planning process and the search for best value, with input and advice from overview and scrutiny committees/sub-committees, community councils and any other bodies or persons as appropriate.
3. To take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policy framework as agreed by council.
4. To ensure consultation on the development of the council's policy framework, other key strategic documents and key decisions.
5. To be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
6. To oversee and take responsibility for effective joint work with partner agencies.

Policy

1. To draft the budget and policy framework for approval by council assembly.
2. To have responsibility for drafting the sustainable community strategy and recommending it to council assembly.
3. To formulate the council's overall policy objectives and priorities, recommending them to council assembly for approval where appropriate.
4. To determine the council's strategy and programme in relation to the policy and budget framework set by the council.
5. To determine the authority's strategy and programme in relation to the social, environmental and economic needs of the area.
6. To exercise the council's functions in relation to community engagement and the local strategic partnership, including the formulation of council strategies for communication, consultation, capacity building and active citizenship, and their coordination and implementation with particular reference to the provisions of relevant legislation.
7. To promote human rights, equality of opportunity and the interests and particular needs of all those who experience discrimination or disadvantage by virtue of their race, gender, disability, sexuality, or age.

8. To monitor the implementation and coordination of the statutory functions and obligations of the council with respect to equality of opportunity and non-discrimination, including its function as an employer.
9. To oversee and promote initiatives on best value across the council.
10. To set the strategic direction for the council's democratic renewal initiatives.
11. To consider and promote strategic and council wide initiatives to improve the quality, efficiency and effectiveness of the council's services to the public.

Financial management and resources

12. To have responsibility for the strategic management of the council's resources, financial, land, property and staffing, and to take decisions on such matters in the context of the budget and policy framework agreed by council.
13. To have responsibility for the council's revenue and capital budgets, including the housing revenue account, ensuring effective financial control and the achievement of value for money, within the provisions of financial standing orders.
14. To have responsibility for the operation of the council's risk management function.
15. To have responsibility for audit issues.
16. To have overall responsibility for acquisitions and disposal of any interest in land, buildings or the real and leasehold property of the council and to have responsibility for land and property used for operational purposes.

General

17. To oversee the authority's services.
18. To have responsibility for all staffing and human resource matters including the number and type of staff, equalities issues and health and safety, subject to the authority's personnel policies and procedures except for staff appointments and dismissals.
19. To have responsibility for all equalities and diversity matters concerning both employment policy and practices and service delivery and the active promotion of the council's equalities policies.
20. To have responsibility for the council's role as corporate parent.
21. To affiliate to and appoint representatives to outside bodies where such appointments are a function of the cabinet.
22. To delegate to appropriate committees of the cabinet and to chief officers and to receive regular information reports from them with particular reference to value for money; service implementation and development; client/customer service and performance; and the performance and achievement of equalities objectives.

23. To agree the reduction or cessation of any service.
24. To agree the authority's response to consultation papers.
25. To consult with scrutiny and take into account the final reports of scrutiny inquiries.
26. To consider whether the council should give evidence before a Royal Commission, government committee or similar body.
27. To be responsible for all cabinet matters even if not expressly set out in this part of the constitution.

Plans and strategies to be approved by the cabinet

- 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.

Note: This list is not exhaustive.

The cabinet makes decisions in the following circumstances:

1. Matters reserved to the cabinet are as set out in Part 3C.
2. Matters reserved to individual cabinet members are as set out in Part 3D, except where, in any particular case, the leader, deputy leader and/or the chief executive directs that the decision should be reserved to the cabinet; or the individual member refers the decision to the cabinet.
3. Matters reserved to cabinet committee(s) are as set out in Part 3E.

CABINET PORTFOLIOS 2010-11

All cabinet members

All cabinet members will be publicly accountable for the actions of the council and provide community leadership for the borough. This will include specific responsibility for:

- proactive community engagement of Southwark's diverse communities in order to promote the work of the council, to promote engagement in decisions and activities relating to the council and to improve council awareness and responsiveness to community needs and aspirations
- promoting good communication of the work of the council, its plans and objectives in order to improve public understanding and support for the work of the council and its partners
- promoting and developing the principle of creating a co-operative council
- representing the council with external bodies and agencies in order to promote the work of the council and the council's interests and to improve council influence with external bodies, particularly government
- the development of clear, ambitious and affordable policies and strategies for services which are consistent with the council's wider objectives, particularly the community strategy, and are consistent with the council's cross-cutting objectives
- setting clear priorities and performance objectives, which are consistent with policy and strategic objectives, and ensuring these are properly communicated and performance managed
- ensuring that resources are efficiently managed within allocations set by council and that risk is well managed
- specific projects as agreed with the leader of the council.

All full-time cabinet members are expected to work an average of 38 hours per week on executive matters; some of this work will naturally be in the evenings and at weekends and much of it will be undertaken out of the office. Cabinet members will have 30 days of leave per year. They are expected to keep a record of their leave taken.

Leader of the council – Councillor Peter John

To provide leadership of the council, by setting the strategic direction and key priorities, overseeing the development of the financial strategies, customer relationships policy, and representing the council in the community and in negotiations with regional and national organisations. In the absence of a cabinet member the leader will have responsibility for all relevant matters within the remit of the cabinet.

The leader will have particular responsibility for:

- performance management
- external communications and the reputation of the council
- strategic partnerships, the creation and development of a local area agreement

- relationships with government and local authority associations
- developing cross-borough co-operation to promote improved services and financial efficiency.

Deputy leader and cabinet member for housing management – Councillor Ian Wingfield

To deputise in the leader's absence. The deputy leader will also be responsible for the housing portfolio, including housing management, community housing services, including homelessness and sheltered housing, housing allocations, general management and setting of the housing revenue account, the housing investment programme and leasehold management, and will work closely with the cabinet member for health and adult social care (with regard to the housing needs of vulnerable adults).

The portfolio holder will have particular responsibility for:

- making Southwark's council housing stock warm, dry and safe
- creating a dedicated, professional housing department.
- housing strategy
- improving housing repairs service and other aspects of customer care
- improving mechanisms for engaging with council tenants
- ensuring that service charges for leaseholders are accurately estimated and billed
- explaining the cost of major works to leaseholders and ensuring that they receive value for money
- rehousing arrangements as part of major regeneration projects.

Finance and resources – Councillor Richard Livingstone

To ensure sound business planning and financial probity within the corporate framework, including the medium term resource strategy and all financial management of revenue and capital, the capital programme and the management of capital receipts. To ensure the availability and prioritisation of resources to meet the cabinet's priorities. The portfolio holder will work closely with the cabinet member for regeneration and corporate strategy on the coming financial constraints in establishing the corporate strategy

The portfolio holder will have particular responsibility for:

- reducing waste and identifying efficiencies to enable protection of front line services
- improving the council's collection rates for council tax and other debts
- oversight of the modernisation process
- provision of ICT
- the office accommodation strategy and management of the council's property portfolio, including all disposals and acquisitions
- human resources
- the customer service centre, including the final phase of transition, improved customer service and better integration with back office services
- corporate procurement

- corporate debt strategy
- income management
- audit and risk management.

Children's services – Councillor Catherine McDonald

To assume the statutory role of lead member for children's services in accordance with the guidance produced by the Department for Education (DfE), including responsibility for children's social care, early years and youth services, the inclusion agenda, and work to develop and implement the children and young people's plan. The portfolio holder will hold political accountability and exercise leadership over all areas included in DfE guidance. They will work closely with the cabinet member for health and adult social care (with regard to children's health) and with the cabinet member for community safety (with regard to children's safety and youth offending).

The portfolio holder will have particular responsibility for:

- ensuring the council, with its partners, delivers the Every Child Matters outcomes for children and young people in Southwark including closing the gap between the most vulnerable and their peers
- the development of integrated services to children across Southwark, including those of voluntary and community sector partners
- delivering and updating the children and young people's plan, including the key priorities of teenage pregnancy, obesity, attainment, reduced crime against young people and more for young people to do
- delivering programmes and initiatives to reduce incidence of NEETs amongst Southwark's young people and to raise the aspirations of those leaving compulsory education
- ensuring continuing improvement in attainment in all Southwark schools, including academies
- post-16 education
- services for schools and pupils
- the Southwark Schools for the Future programme, including both our secondary (Building Schools for the Future) and primary capital programmes
- monitoring the expenditure of direct schools grant.
- delivering a programme of universal free school meals in all Southwark primary schools
- balancing school place provision with local demand, particularly in the primary sector
- ensuring sufficient provision of quality, affordable childcare places across the borough
- developing the preventative agenda so that fewer children require intervention later in life
- ensuring that children, young people and parents are involved in service improvement and delivery, including increased devolution of children's services budget to young people
- safeguarding children, including ensuring that all staff understand their responsibility for child protection and that all relevant agencies share responsibility for safeguarding and promoting welfare
- the corporate parenting role for children looked after by the council
- monitor performance management and financial systems, to ensure improved outcomes for children and young people

- ensuring recommendations from the joint area review are implemented.

Health and adult social care – Councillor Dora Dixon-Fyle

To improve the health of the borough and to safeguard the needs of vulnerable adults, including health promotion, the provision of personal social services, services to older people, services to people with disabilities, services to those with HIV/AIDS and/or those with drug and alcohol problems, services to those with mental health needs and “supporting people”. The portfolio holder will work closely with the cabinet member for children’s services (with regard to children’s health) and the deputy leader (with regard to the housing needs of vulnerable adults).

The portfolio holder will have particular responsibility for:

- the public health agenda
- delivering significant improvements to adult social care, including implementing the recommendations of Care Quality Commission inspections
- further integration of health and social care
- improving accessibility of information for users of adult social services
- improved relationships with relevant voluntary organisations
- influencing the development of new community health and social care services including those being developed in the new Dulwich Community Hospital
- ensuring close and productive relationships with other members of the Healthy Southwark Partnership.
- ensuring that health services are accessible to all and working to integrate services into regeneration schemes
- developing networks of community volunteer champions.

Regeneration and corporate strategy – Councillor Fiona Colley

To facilitate the sustainable regeneration of Southwark’s communities in partnership with local residents and businesses, promote investment, improve access to jobs in Southwark, and improve housing standards in Southwark. To establish a corporate strategy that enables the council to deliver on the cabinet’s priorities and to cope with coming financial constraints, together with its partners including Southwark Alliance. The portfolio holder will be required to work closely with the deputy leader to ensure a co-ordinated approach to housing issues, and with the cabinet member for equalities and community engagement on social inclusion. The portfolio holder will work closely with the cabinet member for finance and resources on the coming financial constraints in establishing the corporate strategy.

The portfolio holder will have particular responsibility for:

- all major regeneration schemes, including Elephant and Castle, Aylesbury, Canada Water and Bermondsey Spa, including the social housing component of these schemes, in particular ensuring benefits for all Southwark’s communities
- to consult on, develop and implement regeneration schemes for town centres, including Peckham and Camberwell.
- to develop and support micro-regeneration schemes across the borough
- oversight of the Potter’s Field project
- development of the local development framework

- promoting fair pay, market development and fair trade
- housing renewal strategy
- continuing improvements in planning performance.
- protecting green spaces from development
- developing and delivering a more efficient and effective corporate strategy.

Transport, environment and recycling – Councillor Barrie Hargrove

To continue working towards a cleaner and greener borough, including having responsibility for waste management, street scene and highway infrastructure, traffic management and parking enforcement, improved facilities for walking and cycling, lobbying for improved public transport services, protecting and improving parks and open spaces, and increasing levels of recycling. The portfolio holder will be required to work closely with the cabinet member for regeneration and corporate strategy to ensure that traffic management is integrated into plans for town centre regeneration

The portfolio holder will have particular responsibility for:

- maintaining the improvements in street cleaning
- significantly increasing the rate of recycling
- oversight of the relationship with the council's waste partner
- lobbying for major improvements to public transport, including local train stations, bus services and all issues relating to the proposed Cross River Tram and the extension to the East London Line
- improving road safety and encouraging cycling and walking
- introducing a comprehensive climate change policy
- ensuring sustainability across all council departments
- markets and street trading
- lobbying for external investment in Burgess Park as part of the Aylesbury redevelopment.

Community safety – Councillor John Friary

To deliver the Safer Southwark Partnership's strategic objective of a "safer Southwark" and the management of council initiatives and services concerned with community safety and anti-social behaviour, enforcement policy, emergency planning and business continuity. The portfolio holder will be required to work closely with the cabinet member for children's services to develop strategies to reduce the number of young people who are victims of crime or commit offences.

The portfolio holder will have particular responsibility for:

- crime and drugs strategy
- licensing
- lobbying for more police officers and 24 hour police stations in all localities
- improving the community warden service
- Southwark anti-social behaviour unit
- alcohol control zones
- the noise team
- promoting links between elected members and safer neighbourhood teams
- CCTV and other safety measures in public places

- public protection including environmental health and trading standards
- youth offending team and developing strategies to reduce youth offending.

Culture, leisure, sport and the Olympics – Councillor Veronica Ward

To promote and develop sport and culture in the borough, including leisure services and facilities, adult education, sports development, arts, museums and heritage, and libraries.

The portfolio holder will have particular responsibility for:

- the performance of Fusion Leisure Trust
- implementation of the borough's leisure investment programme
- Southwark Community Games and other events
- lobbying for an Olympic and Cultural Olympiad legacy for Southwark
- improving the quality, standard and offering of libraries in the borough
- ensuring that sports, leisure and arts opportunities are realised by major regeneration projects in the borough
- the protection and development of adult education opportunities in Southwark.

Equalities and community engagement – Councillor Abdul Mohamed

To improve the representation and engagement of all Southwark's diverse communities, including those hardest to reach, to pro-actively promote equality of opportunity, eliminate unlawful discrimination and promote social cohesion. The portfolio holder will work closely with the cabinet member for regeneration and corporate strategy on social inclusion, and with all cabinet members to promote equality of opportunity, celebrate diversity and improve community engagement across all portfolio areas.

The portfolio holder will have particular responsibility for:

- developing the mainstreaming of equalities issues across all areas of policy and service provision
- relationships with the voluntary sector
- further development of community councils
- review of community engagement
- implementing recommendations of the Democracy Commission
- improvement and review of relationships with the voluntary sector.

PART 3C: FULL CABINET – MATTERS RESERVED FOR COLLECTIVE DECISION MAKING

1. All matters reserved to the cabinet by council assembly for decision.
2. Decisions on matters reserved to the cabinet in accordance with the provisions of contract standing orders in part 4 of the constitution.
3. Approval for recommendation to council assembly of those proposals and plans contained in the council's budget and policy framework.
4. Decisions regarding the strategic management of the council including decisions on major reorganisations and major reallocations of functions between departments or chief officers.
5. Approval to the creation of posts at grade 17¹ and above.
6. Approval of major terms and conditions of employment outside the national and provincial schemes.
7. Decisions regarding the strategic aspects of the regulation and control of the council's finances.
8. Approval of new fees and charges and agreement of charging levels in line with the medium term resources strategy.
9. Approval of virements over £1,000,000 and up to £10,000,000 between capital projects or programme headings as set out in the overall programme approved by council assembly.
10. Approval of policy and procedures governing the council's relationship with the voluntary sector.
11. Approving write-offs of debt of a value of over £50,000.
12. Amendments to the council's equal opportunities policy.
13. Agreement to the disposal of leasehold and freehold interests in land and property where the market value is more than £500,000 excluding Right to Buy and Leasehold Reform Act cases.
14. All disposals at less than best consideration where the market value is more than £250,000 or where ministerial consent is required, unless the disposal is required by statute.
15. Acquisition of land and property, outside any scheme already agreed by members, where the market value is more than £100,000.
16. The acquisition of land and property which involves the use of compulsory purchase orders.

¹ Figure for 2009-10, grade 17 equated £72,267 – £91,029 per annum.

Education issues

17. Approval of school admissions policies where the council is the admissions authority.
- ~~18.~~ Approval of the co-ordinated admissions process for primary and secondary schools in Southwark.
19. All school organisation final decisions on statutory proposals e.g. whether to close a school.

Planning issues

20. To adopt preferred options of development plan documents.
21. To adopt supplementary planning documents taking account of comments from the planning committee.

Notes

- a) All matters not reserved as above or to individuals or to cabinet committees (see 3D and 3E) are delegated to the appropriate chief officer and heads of service. All delegated matters can always be decided by the parent body. See also Part 3P: Matters delegated to officers.
- b) Cabinet committees have the power within the role and functions delegated to them to decide all matters reserved to cabinet.

PART 3D: INDIVIDUAL CABINET MEMBERS – MATTERS RESERVED FOR DECISION

Introduction

There are occasions when matters affect more than one portfolio; on such occasions the decision will be referred to a meeting of the full cabinet.

In discharging any functions that have been delegated, an cabinet member must act lawfully. This means that the cabinet member must act within the scope of the authority that is delegated to him or her in accordance with any limits within the delegation, this constitution, council policies, procedure rules and the members' code of conduct.

Budget

1. Proposing revenue and capital budget allocations to the cabinet, in relation to their areas of responsibility.
2. Agreement of significant programmes in relation to these objectives.
3. Agreement of changes to existing fees and charges, in relation to their areas of responsibility and in line with the medium term resources strategy, other than any set by council assembly as part of the budget process.
4. Approving the submission of bids for additional resources from government and other agencies, in relation to their areas of responsibility, where member level agreement is required by the external agency.
5. Matters reserved to individuals above specific financial thresholds:
 - Approving write offs of debt for their portfolio area of a value of £5,000 – £50,000.
 - Approving grants to voluntary organisations over £2,500.

Service planning and delivery

6. Agreement of statutory and other strategies, in relation to their areas of responsibility, except where they relate to crosscutting issues.
7. Agreement to significant policy issues, in relation to their areas of responsibility.
8. Agreement of performance standards and key policy objectives, in relation to their areas of responsibility.
9. Agreement to policy and performance priorities for the short and medium term in relation to their areas of responsibility and taking into account the needs of the council as a whole.
10. Agreement of service plans, in relation to their areas of responsibility.
11. To consider any inspection report by an external agency and:
 - agree the action plan, including recommendations for no action, where there are no significant policy implications

- make recommendations to the cabinet, including recommendations for no action, where there are significant policy implications.

Tenders and contracts

12. Decisions on matters reserved to individual cabinet members in accordance with the provisions of contract standing orders in part 4 of the constitution.

Partnerships and consultation

13. To approve responses to consultation documents from government, Greater London Authority, Local Government Association, London Councils and other bodies relating to significant changes affecting their portfolio area, which would not require changes to the budget and policy framework.
14. Agreeing broad consultation arrangements, in relation to their areas of responsibility.
15. To promote effective partnerships, between the council and other agencies and bodies affecting the community, in relation to their areas of responsibility.
16. To deal with petitions in their portfolio area in accordance with council procedure.
17. To agree the following school organisation decisions:
 - Agreement to carry out the initial consultation where the council is proposing to make a statutory change to a school;
 - Following the outcome of the initial consultation process, to agree to publish the statutory notice.
18. To agree draft local development framework documents for consultation, such as supplementary planning documents.

PART 3E: CABINET COMMITTEES

There are no cabinet committees.

PART 3F: PLANNING COMMITTEE

Role and functions

1. To comment on local development framework documents in respect of all significant planning matters and make recommendations to the cabinet.
2. To consider the future process by which the decisions with respect to planning applications are to be taken.
3. To consider and determine all the following applications:
 - strategic and major planning applications (as defined in the matters reserved to the committee)
 - designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance
 - any other planning responsibilities of the authority created by statute (and delegated to the committee).
4. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
5. To consider expenditure of Section 106 monies.
6. To comment on national and regional consultation documents proposing significant changes to strategic planning policies and make recommendations to the cabinet.

Matters reserved for decision

1. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of 50 or more housing units or more than 3,500m² of commercial floor space or a mixed use development with more than 3,500m² of floor space, including applications for change of use, or the application is clearly linked to another application which is to be considered by the planning committee:
 - a) those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval
 - b) those which are controversial, i.e. subject to 3 or more relevant objections (a “relevant objection” is defined as any objection except an objection which clearly does not raise any material planning considerations) or raise a major issue of a planning nature except where they are straightforward refusals
 - c) those requested by a ward member to be determined by elected members, subject to the request being agreed by the chair of the committee

- d) all applications for the council's own developments except for the approval of reserved matters and minor developments to which no relevant objections have been made
 - e) those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.
- 2. To consider the expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation.
- 3. The designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995.
- 4. To consider and determine all planning applications of strategic importance in the borough, including:
 - a) applications which require referral to the Mayor of London
 - b) applications which are required to be notified to the Secretary of State as departures from the development plan document (including the unitary development plan)
 - c) applications where the submission of an environmental impact assessment is required by regulation or following a screening application
 - d) applications for the development of metropolitan open land
 - e) applications for the development of contaminated land
 - f) specific applications not covered by the above but determined as strategic by the strategic director of regeneration and neighbourhoods.
- 5. To consider and determine all planning applications where the development will have a material impact on the area of one or more neighbouring community councils. The strategic director of regeneration and neighbourhoods to determine, in consultation with the chairs of the relevant community councils, when such boundary proximity is a material factor.
- 6. To consider any application reserved to community councils in the event that the relevant community council meeting was inquorate or the personal interests or decided views of a large number of members would be likely to render the meeting inquorate.
- 7. To comment on the successive drafts of the local development framework and make recommendations to the cabinet, as appropriate.
- 8. To comment on draft supplementary planning documents and make recommendations to the cabinet, as appropriate.
- 9. To report to the cabinet on matters relating to the implementation of planning policy.

10. To comment on national and regional consultation documents proposing significant changes to strategic planning policies (e.g. London Plan, Cross River Tram) and make recommendations on the council's response to the cabinet, as appropriate.
11. To consider planning enforcement cases where the appropriate chief officer¹ decides that the matter is of a strategic or controversial nature and should be referred to the committee to consider and determine the taking of enforcement steps.

Notes

- a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

¹ The appropriate chief officer has a broad discretion to refer matters to the committee. In practice, the sort of cases likely to be considered appropriate for member decision would be in particular:

- where officers propose not to take enforcement action on a controversial issue
- on matters of strategic importance
- on matters which, though minor individually, have a considerable cumulative effect
- where a decision could set a precedent establishing or varying priorities for enforcement action.

Operational or routine enforcement issues will not be referred to the committee.

PART 3G: LICENSING COMMITTEE AND SUB-COMMITTEES, THE HEAD OF SERVICE AND OFFICER PANEL EXERCISING LICENSING FUNCTIONS

Role and functions

1. To approve the council's policies in respect of all licensing and registration matters except the licensing and gambling statements of policy.
2. To consider the future process by which the decisions with respect to licensing applications are to be taken.
3. To establish policies and procedures for considering and determining additional licensing functions conferred on the authority by statute.
4. To consider and determine the following applications:
 - the grant, renewal, variation or transfer of any general safety certificate in respect of a sports stadium or regulated stands
 - street trading and markets
 - film classification
 - any other licensing responsibilities of the authority created by statute and delegated to the committee.
5. Where appropriate to hear and consider the case for the applicant either by way of written or oral representation and consider objections and representations to the application from authorised persons and interested parties or their designated representatives.
6. To consider and determine the revocation of licences and registrations reserved to the licensing committee.
7. To consider the designation of new sites for street trading.
8. To establish sub-committees under the relevant statutory provisions empowered to discharge any and all of the authority's licensing functions.

Matters reserved for decision by the licensing committee

1. Approve the council's policies in respect of all licensing and registration matters, except the statement of licensing policy and the statement of gambling policy.¹
2. To establish policies and procedures for considering and determining additional licensing functions conferred on the authority by statute.

¹ The approval of the licensing and gambling statements of policy is a matter reserved to council assembly.

Matters reserved for decision by the licensing committee and its sub-committees

Licensing Act 2003

3. Any application for a personal licence which is the subject of a police objection.
4. Any application for a personal licence by a person with unspent criminal convictions.
5. Any application for a premises licence or a club premises certificate which is the subject of a relevant representation.
6. Any application for a provisional statement which is the subject of a relevant representation.
7. Any application to vary a premises licence or club premises certificate which is the subject of a relevant representation, except a minor variation.
8. Any application to vary a premises licence or club premises certificate which is the subject of a relevant representation.
9. Any application to vary a designated premises supervisor which is the subject of a police objection.
10. Any application for a transfer of a premises licence which is the subject of a police objection.
11. Any applications for interim authorities which are the subject of a police objection.
12. Any application to review a premises licence or club premises certificate.
13. Any decision to object when the local authority is a consultee and not the relevant authority considering the application.
14. Any determination of a police objection to a temporary event notice.

Gambling Act 2005

15. Any application for a premises licence where representations have been received and not withdrawn.
16. Any application for a variation to a licence where representations have been received and not withdrawn.
17. Any application for a transfer of a licence where representations have been received from the Gambling Commission.
18. Any application for a provisional statement where representations have been received and not withdrawn.
19. Any application to review a premises licence.
20. Any application for a club gaming/club machine permits where representations have been received and not withdrawn.

21. Cancellations of club gaming/club machine permits.
22. Decision to give a counter notice to a temporary use notice.

Other reserved decisions

23. Any application for the grant, renewal, variation or transfer of any sex establishment licence.
24. New designations for sites for street trading.
25. Revocation of street trading licences.
26. To determine the revocation of any licence following successful prosecution of the holder for breach of licence terms, conditions and restriction.
27. Any application for consent to provide hypnotism or like entertainment.
28. Any application for the grant, renewal, variation or transfer of any general safety certificate in respect of a sports stadium or regulated stands.

Matters delegated to the head of service and considered by the licensing officer panel

The panel to make recommendations to the head of service on the following matters:

1. All films submitted for local classification under the Cinemas Act 1985.
2. Any opposed application for the grant, renewal or transfer of a special treatments licence.

Matters delegated to the head of service

1. Any minor variation to a premises licence or club premises certificate where such variations will not impact adversely on the licensing objectives, falling into the following categories:
 - Minor change to the structure or layout of a premises
 - Small adjustments to licensing hours
 - The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions
 - The addition of certain licensable activities such as the addition of live music unless there is likely to be an adverse impact on the licensing objectives.

Notes

- a) All matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager. All matters reserved to the licensing officer panel can always be decided by the licensing committee or its sub-committees.
- b) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their

own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

- c) Minor variations now fall under delegated authority following an amendment to the guidance to section 41 of the Licensing Act 2003 (as amended) to be determined at officer level (as set out in the relevant departmental scheme of management).

PART 3H: COMMUNITY COUNCILS

Role and functions

1. To promote the involvement of local people in the democratic process and to bring decision making closer to local people.
2. To take decisions about local matters. At present community councils have delegated authority in the following key areas: local planning applications, the cleaner, greener, safer capital programme, traffic management, appointment of local education authority governors to local nursery and primary schools and community project banks.
3. To act as a formal consultation mechanism on council wide policies and strategies.
4. To be a focal point for discussion and consultation on matters that affects the area.

MATTERS RESERVED FOR DECISION

Planning functions (non-executive function)¹

Decision making

1. Consideration of the following categories of planning applications (including listed building consent, conservation area consent and advertising consent), where the development proposed involves the creation of fewer than 50 housing units or less than 3,500m² of commercial floor space or a mixed use development with less than 3,500m² of floor space, including applications for change of use, except where the application is clearly linked to another application which is to be considered by the planning committee:
 - a) Those which are significantly contrary to the provisions of the local development framework approved by the council for the purpose of development control, and which are recommended for approval
 - b) Those which are controversial, i.e. subject to 3 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) or raise a major issue of a planning nature except where they are straightforward refusals²
 - c) Those requested by a ward member to be determined by elected members, subject to the request being agreed by the chair of the community council

¹ The powers of the community council in respect of planning functions are formally delegated to it by the planning committee. For the purposes of decision making it is constituted as a sub-committee of the main committee. The planning committee will consider and determine all planning applications on or near community council boundaries, which will have a material impact on the area of one or more neighbouring community councils. The strategic director of regeneration and neighbourhoods will determine when boundary proximity is a material factor.

² To be determined by the strategic director of regeneration and neighbourhoods.

- d) All applications for the council's own developments except for the approval of:
 - reserved matters and minor developments to which no relevant objections have been made
 - developments that are proposed by community councils.
- e) Those involving legal agreements, other than those in accordance with policy requirements, e.g. affordable housing, highway improvements, environmental work and other works required as part of a development proposal.

2. To consider the confirmation of tree preservation orders:

- Those which are the subject of a sustained objection (a "sustained objection" is defined as an objection that is maintained despite an attempt by officers to resolve it, or which officers consider incapable of resolution by negotiation).

Consultative/non decision making

- 3. To comment to planning committee on the proposed expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation where the site to which the agreement relates and the site(s) where expenditure will be incurred are in the same community council area.
- 4. To comment to planning committee on proposals for the designation of conservation areas including the adoption of conservation area character appraisals and detailed design guidance, and authorisations under article 4 of the Town and Country Planning Permitted Development Order 1995 affecting the area of the community council.
- 5. To comment to planning committee on proposals to adopt supplementary planning documents for development control purposes to guide the development of particular sites within the area of the community council.
- 6. To be consulted on all major and strategic schemes prior to consideration by the planning committee, subject to the consultation deadlines.
- 7. To receive regular information reports (at least quarterly) on local planning enforcement issues.

Environmental management (executive function)

Decision making

- 8. Recommendations to the strategic director of environment and housing, on local contract variations.³
- 9. Recommendations to the cabinet on issues concerning major changes to contracts.
- 10. Appointment of ward members to serve on warden schemes steering groups.

³ Decisions regarding contract variation shall remain the responsibility of the strategic director (environment and housing).

Consultative/non decision making

11. To consider regular reports on environmental management issues, including street cleaning, refuse collection, abandoned vehicles and leisure centres.
12. To participate in contract reviews and be able to suggest service improvements and identify local priority issues.

Cleaner, greener, safer capital programme (executive function)Decision making

13. Approval of the allocation of funds to cleaner, greener, safer capital schemes of a local nature, using the resources identified by the cabinet, for example:
 - designing out dumping and fly-tipping
 - local playground improvements
 - local parks
 - improvement to local sports facilities
 - improvement to local community centres and youth facilities
 - eyesores and facelifts
 - improving ward-level communication routes and pathways
 - bins, street furniture etc.
14. To oversee and take responsibility for the development and implementation of the local schemes.
15. If successful in the bidding to the cabinet for strategic projects, to oversee and take responsibility for the development and implementation of the schemes.

Consultative/non decision making

16. Recommendation of bids to the cabinet for funding for capital schemes of a strategic nature as part of an open bidding process.

Traffic management functions (executive function)⁴Decision making

17. Determination of the following local non-strategic matters:
 - the introduction of single traffic signs
 - the introduction of short lengths of waiting and loading restrictions
 - the introduction of road markings
 - the introduction of disabled parking bays
 - the setting of consultation boundaries for consultation on traffic schemes.
18. Determination of objections to traffic management orders that do not relate to strategic or borough wide issues.

⁴ In respect of traffic matters that have a potential impact on more than one community council, the strategic director of environment and housing shall determine if boundary proximity is a material issue.

19. To hear and determine traffic petitions and deputations that are of a non strategic nature.

Consultation/non-decision making

20. Following a strategic decision to introduce a parking or traffic safety scheme, community councils to be consulted on the detail of the schemes such as:
 - the method of consultation and how it is undertaken
 - the type of traffic features to be introduced
 - where street furniture is positioned.
21. To be consulted on the borough spending plans (BSP), the council's annual bid to Transport for London for transport funding covering such things as local safety schemes and 20mph zones, before it is submitted to Transport for London.
22. To be consulted on decisions of strategic nature, such as whether to create parking zones or home zones.

Education functions (executive function)

Decision making

23. Appointment of local education authority school governorships to the governing bodies of nursery and primary schools within the area of the community council, from among the list of suitable persons maintained by the council, except in the circumstances set out in paragraph 23 below.
24. Where a school is eligible for intervention the strategic director of children's services or nominated officer (as set out in the departmental scheme of management) shall have the power to appoint local authority governors to the governing body, subject to consultation with the relevant cabinet member and the chair or vice-chair of the relevant community council consistent with the statutory time constraints placed on the strategic director as well as the widest possible engagement with other councillors, especially the ward councillors for the ward in which the school is located.

Community project bank (executive function)

Decision making

25. To approve projects for inclusion within the community project bank.

Notes

- a) All matters not reserved as above are delegated to the appropriate chief officer and head of service. All delegated matters can always be decided by the parent body. See also Part 3P: Matters delegated to officers.
- b) All planning matters not reserved as above are delegated to the appropriate chief officer, head of service or business unit manager
- c) Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements, and dissemination of information both internally and externally to the council.

PART 3I: APPOINTMENTS COMMITTEE

Role and functions

1. To make recommendations to council assembly as to the appointment of the head of paid service.
2. To appoint the monitoring officer.
3. To appoint the finance director.
4. To appoint to the posts designated in accordance with article 10.01(b) as chief officers.

Matters reserved for decision

The matters reserved for decision are as set out in the roles and functions of the committee.

PART 3J: DISCIPLINARY APPEALS COMMITTEE AND PANEL

DISCIPLINARY APPEALS COMMITTEE

Role and functions

1. To review dismissal decisions of capability/disciplinary panels on the application of the dismissed employee.
2. To review the operational procedures of the hearing of appeals and report to the cabinet if any changes are considered necessary.
3. To constitute the disciplinary appeals panel (safeguarding children and vulnerable adults).

Matters reserved for decision

The matters reserved for decision to the committee are as set out in the roles and functions.

DISCIPLINARY APPEALS PANEL (SAFEGUARDING CHILDREN AND VULNERABLE ADULTS)

Role and functions

1. To review dismissal decisions of disciplinary/capability panels on the application of the dismissed employee. The appeals panel is the final internal stage of appeal.
2. Disciplinary or capability action will have been brought on the basis of abuse, neglect, incapability, or unprofessional conduct, where such actions relate to either children or vulnerable adults.

These actions may have occurred during working hours or outside employment and led to disciplinary/capability action against the employee in his/her contractual duty of care to children or vulnerable adults.

Notes

The membership of the disciplinary appeals panel (safeguarding children and vulnerable adults) will be comprised of:

- a chair who is independent of the council service. The independent chair should be a recognised expert in the field of childcare or the care of vulnerable adults, with substantial management experience, including people management
- experienced and trained members of the disciplinary appeals committee
- a senior manager who has an understanding of the corporate parental responsibility and is independent of the department
- a human resources specialist who has expertise in employment law, to act as an adviser only.

PART 3K: CORPORATE PARENTING COMMITTEE

Role and functions

1. To secure real and sustained improvements in the life chances of looked after children, and to work within an annual programme to that end.
2. To develop, monitor and review a corporate parenting strategy and work plan.
3. To seek to ensure that the life chances of looked after children are maximised in terms of health educational attainment, and access to training and employment, to aid the transition to a secure and productive adulthood.
4. To develop and co-ordinate a life chances strategy and work plan to improve the life chances of Southwark looked after children.
5. To recommend ways in which more integrated services can be developed across all council departments, schools and the voluntary sector to lead towards better outcomes for looked after children.
6. To ensure that mechanisms are in place to enable looked after children and young people to play an integral role in service planning and design, and that their views are regularly sought and acted upon.
7. To ensure performance monitoring systems are in place, and regularly review performance data to ensure sustained performance improvements in outcomes for looked after children.
8. To receive an annual report on the adoption and fostering services to monitor their effectiveness in providing safe and secure care for looked after children.
9. To report to the council's cabinet on a twice yearly basis.
10. To make recommendations to the relevant cabinet decision maker where responsibility for that particular function rests with the cabinet.
11. To report to the scrutiny sub-committee with responsibility for children's services after each meeting.
12. To appoint non-voting co-opted members.

Matters reserved for decision

There are no specific matters reserved to this committee.

The reason for this is that the role and function of the committee is to review and monitor the council's role as a corporate parent. This involves the participation of members on a cross political group committee. However any specific actions the committee might identify as necessary would be executive functions and need to be taken by an cabinet decision maker, in accordance with cabinet responsibility for functions.

PART 3L: AUDIT AND GOVERNANCE COMMITTEE

Role and functions

Introduction

The purpose of the audit and governance committee is to provide:

1. Independent assurance of the adequacy of the council's governance arrangements, including the risk management framework and the associated control environment.
2. Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.
3. Oversight of the financial reporting process.
4. Scrutiny of the treasury management strategy and policies.

Audit activity

5. To consider the internal audit annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
6. To consider reports dealing with the management and performance of the provider of internal audit services.
7. To consider reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
8. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
9. To consider specific reports as agreed with the external auditor.
10. To comment on the scope and depth of external audit work and to ensure it gives value for money.
11. To liaise with the Audit Commission over the appointment of the council's external auditor.
12. To commission work from internal and external audit.

Regulatory framework

13. To review any issue referred to it by the chief executive or a strategic director, or any council body.
14. To monitor the effective development and operation of risk management in the council.

15. To monitor the effective development and operation of corporate governance in the council and to agree actions necessary to ensure compliance with best practice.
16. To monitor council policies on 'whistle-blowing', the 'corporate anti-fraud strategy' and the council's complaints processes.
17. To oversee the production of and agree the council's annual governance statement, incorporating the statement on internal control.
18. To review the council's compliance with its own and other published standards and controls.

Accounts

19. To review and approve the annual statement of accounts and specifically to consider compliance with appropriate accounting policies and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
20. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Treasury management

21. To review and scrutinise the treasury management strategy and policies.

Annual report

22. To report annually to council assembly on its work and performance during the year.

Matters reserved for decision

The matters reserved for decision to the committee are as set out in the roles and functions.

PART 3M: STANDARDS COMMITTEE

Role and functions

1. To promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives.
2. To assist councillors, co-opted members and church and parent governor representatives to observe the members' code of conduct.
3. To advise the council on the adoption or revision of the members' code of conduct, the member and officer protocol and the communication protocol.
4. To monitor the operation of the members' code of conduct, the member and officer protocol and the communication protocol.
5. To advise, train or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the members' code of conduct.
6. To grant dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the members' code of conduct.
7. To deal with any complaints referred to it, reports from a case tribunal or interim case tribunal and any report from the monitoring officer on any matter which is referred to him or her.
8. To consider advice and reports from Standards for England and to report to Standards for England on the operation of the committee and its sub-committees.
9. To receive reports from the monitoring officer on unlawful expenditure and probity issues.
10. To receive reports from the statutory officers under the council's whistle blowing policy.
11. To consider appointments to outside bodies (where such appointments are not a function of the cabinet).
12. To grant civic awards.
13. To establish sub-committees to consider complaints of misconduct against elected councillors, co-opted and independent members.
14. To consider the granting, hearing appeals and supervision of exemptions of posts from political restrictions.

Matters reserved for decision

15. The matters reserved for decision to the committee are as set out in the roles and functions.

PART 3N: URGENCY COMMITTEE

Note

The annual meeting of council assembly on 19 May 2010 agreed that the role of the urgency committee between a municipal election and the annual meeting be reviewed in light of the post-election period in 2010 and the new executive arrangements. Officers will report to the constitutional steering panel with proposals on the future urgency arrangements.

PART 30: PANELS

PENSIONS ADVISORY PANEL

Role and functions

The finance director will take into account the pension advisory panel's advice when performing the following functions.

1. Establishing and reviewing the strategic investments objectives.
2. Reviewing the definition of the investment return target most likely to satisfy this investment objective.
3. Considering what constraints, if any, should apply to the invested assets and monitor compliance.
4. Establishing and reviewing the strategic asset allocation (benchmark) that is likely to meet the investment return target.
5. Considering and reviewing the appropriateness of the fund structure i.e. the delegation of powers to managers, setting boundaries for the manager's discretion and considering which manager return targets are likely to achieve the investment return target.
6. Monitoring the performance of the investment managers at least once every three months, and from time to time consider the desirability of continuing or terminating the appointment of investment managers. In monitoring performance of investment managers, the panel should consider:
 - the investments made by the managers
 - their input to the process and the value of their advice
 - investment returns and risk against established targets
 - manager compliance with the fund's requirements
 - discussion of results with managers.
7. Considering policy matters in relation to the pension scheme and the council's early retirement policy.
8. Considering applications, from other bodies, for membership of the council's pension scheme.
9. Monitoring early retirements.
10. Monitoring costs incurred in administering the pension scheme, including:
 - management and other direct costs
 - transaction (dealing) costs.

Constitution of the pensions advisory panel

11. The pensions advisory panel will be constituted as follows:

- three members (one from each political group) who have received the appropriate training; one of those members will chair the panel
 - three officers (the finance director, an officer with specialist knowledge on the pensions scheme and the head of human resource or their equivalents)
 - two independent advisers (non-voting)
 - a representative appointed by the constituent trade unions representing beneficiaries (non-voting).
12. Decisions should aim to be reached by consensus. Where agreement cannot be reached, then a majority vote will apply. Voting rights are restricted to members and officers, with the chair having the casting vote if required.
 13. Decisions of the panel will be treated as advice to the finance director.
 14. To be quorate at least three voting members of the panel must be present, plus at least one independent adviser. At least one of the voting members must be an officer.

VOLUNTARY BODIES APPOINTMENTS PANEL

Role and functions

1. To make recommendations on appointments to Southwark charities.
2. To maintain a list of prospective school governors for appointment.
3. To make recommendations on local education authority appointments to secondary and special school governing bodies.

Note

Any recommendations to be submitted to the relevant lead officer: strategic director of children's services or monitoring officer.

CONSTITUTIONAL STEERING PANEL

Role and functions

1. To oversee, review and recommend amendments to the constitution.
2. To make recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Aldermen.
3. To recommend changes to the members' allowances scheme.

Note

The membership to comprise the political group whips of each party represented on the council. All recommendations will be referred to council assembly for consideration.

PART 3P: MATTERS DELEGATED TO OFFICERS

1. All matters not reserved to the council assembly, to the cabinet, or to a committee for decision, are delegated to the appropriate chief officer and/or head of service. The powers of the finance director include the requirement under the pension regulations to review investments made by the investment manager at least once every three months, and to administer all other functions relating to The London Borough of Southwark's pension fund in accordance with the relevant legislation and regulations.
2. Each chief officer and/or head of service in making decisions under the above scheme is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements and dissemination of information both internally and externally to the council.
3. It is the responsibility of and duty of chief officers to ensure that where appropriate matters of a controversial nature, or involving significant changes in policy, are consulted upon with the relevant cabinet member and recorded or reported to the cabinet, council assembly and committee as appropriate.
4. In respect of awarding grants of £2,500 and under, the decisions are delegated for officer decision following consultation by the chief officer/head of service, with the appropriate cabinet member. All such grants are to be circulated to members in advance and reported to the cabinet.
5. The monitoring officer will maintain a list of "proper officers".

PART 3Q: LOCAL ACT FUNCTIONS

This section allocates responsibility for functions and powers which the council gets from Local Acts.

	Function	Responsibility
	Any function under a Local Act other than a function specified or referred to in regulation 2 or schedule 1.	
	London Local Authorities Act 2000	
	Service of penalty charge notice on basis of information provided by camera etc. (section 4).	Non-executive
	Service of penalty charge notice where parking attendant prevented from issuing a notice (section 5).	Non-executive
	Cleansing relevant land of refuse and litter (section 19).	Non-executive
	Licensing – see references to different licensing functions referred to below.	Non-executive
	Licensing of buskers (part V).	Non-executive
	London Local Authorities Act 1996	
	Penalty charge notices in respect of bus lane infringements (section 4).	Non-executive
	Fire safety and entertainment licensing: <ul style="list-style-type: none"> • Approval of policies in respect of entertainment licences • Register of all licensed premises for public entertainment • Grant of unopposed transfers and variations of entertainment and night café • Licences • Grant of unopposed renewals for entertainment and night café licences • Hearing and determining applications in respect of entertainment licences. 	Non-executive
	London Local Authorities Act 1995	
	Making of special temporary prohibitions within a special parking area (section 9).	Non-executive

Function	Responsibility
Notice requiring removal of unauthorised advertisement hoardings etc. (section 11).	Non-executive
Notice requiring removal of signs on buildings (section 12).	Non-executive
Appointment of deputies to the fire authority (section 44).	Non-executive
Near beer: <ul style="list-style-type: none"> • Approval of policies • Authority to license near beer premises. 	Non-executive
London Local Authorities Act 1994	
Consent to distribution of free literature (section 4).	Non-executive
Night café licensing: <ul style="list-style-type: none"> • Approval of policies in respect of night café licences • Hearing and determination of applications for night café licences • Delegation of authority to director to license premises or persons in respect of night cafés. 	Non-executive
Street trading: <ul style="list-style-type: none"> • Regulation of street trading and associated issues • Renewal of licences. 	Non-executive
Making of regulations relating to dangerous structure fees (section 8).	Non-executive
London Local Authorities Act 1991	
Removal of distribution containers on the highway (section 22).	Non-executive
Licensing of special treatment premises (part II): <ul style="list-style-type: none"> • Approval of policies in respect of special treatment licences • Hearing of and determination of applications made to the council in respect of special treatment licences • Licensing of premises or persons in respect of special treatment establishments • To grant unopposed renewals, transfers and variations for special treatment licences. 	Non-executive
London Local Authorities (No.2) Act 1990	
Crime prevention measures (section 5): <ul style="list-style-type: none"> • Crime prevention policies. 	Non-executive
Restoration of gas and water and electricity.	Non-executive

	Function	Responsibility
	London Local Authorities Act 1990	
	Removal of shopping or luggage trolleys found in the open air (section 43).	Non-executive
	Night café licensing: <ul style="list-style-type: none"> • Approval of policies in respect of night café licences • Hearing and determining of applications for night café licences • Licensing of premises or persons in respect of night cafés. 	Non-executive
	Street trading: <ul style="list-style-type: none"> • Regulation of street trading and market trading together with the provision, maintenance and management of storage accommodation • Policies etc (see above) • Renewal of licences etc. 	Non-executive
	Greater London Council (General Powers) Act 1986	
	Consent for demolition of works under street (section 5).	Non-executive
	Consent for construction which causes obstruction to access to vaults and cellars (section 6).	Non-executive
	Consent for in-filling of vaults and cellars (section 7).	Non-executive
	Powers relating to certain retaining walls (section 8).	Non-executive
	Greater London Council (General Powers) Act 1984	
	Registration of sleeping accommodation (part IV).	Non-executive
	Provisions relating to the sale of goods by competitive bidding (part VI) these provisions include the registration of premises or stalls.	Non-executive
	Power to make charge in respect of approval of plans etc. relating to drains (section 36).	Non-executive
	Removal of occupants of buildings in vicinity of dangerous structures etc. (section 38).	Non-executive
	Greater London Council (General Powers) Act 1982	

	Function	Responsibility
	Determination of charges for London Building Acts, consents etc. (section 3).	Non-executive
	Greater London Council (General Powers) Act 1981	
	Provisions relating to control by borough council of overcrowding in certain hostels - this includes the ability of the council to serve notices (part IV).	Non-executive
	Greater London Council (General Powers) Act 1979	
	Control of Browntail moth (section 8).	Non-executive
	Licensing of entertainment booking offices (section 5).	Non-executive
	Greater London Council (General Powers) Act 1976	
	Power to extinguish rights of interment in cemeteries (section 9).	Non-executive
	Greater London Council (General Powers) Act 1975	
	Power to establish foreign loans reserve fund.	Non-executive
	Greater London Council (General Powers) Act 1974	
	Prohibition of person entering upon grass verges (section 14[2]).	Non-executive
	Authorisation of parking on verges (section 15[4]).	Non-executive
	Greater London Council (General Powers) Act 1973	
	Removal of vehicles for street cleansing (section 21).	Non-executive
	Closure of unsanitary food premises and stalls - the council may seek an order from the court for the closure of premises (section 30).	Non-executive
	Greater London Council (General Powers) Act 1972	
	Contributions in respect of railings (section 18).	Non-executive
	Restoration of gas and electricity services (section 19).	Non-executive

Function		Responsibility
	Greater London Council (General Powers) Act 1970	
	Licences to erect scaffolding (section 15).	Non-executive
	Greater London Council (General Powers) Act 1969	
	Walkways - There are various provisions in this Act, including the provision and declaration of walkways under section 11 (part III).	Non-executive
	Greater London Council (General Powers) Act 1966	
	Licensing of public exhibitions etc. (section 21).	Non-executive
	London County Council (General Powers) Act 1963	
	Boundary walls (section 6).	Non-executive
	Acquisition of easements etc. (section 8).	Non-executive
	Underpinning of houses near a street improvement (section 9).	Non-executive
	Approval of trade refuse disposal facilities (section 11).	Non-executive
	Provision of shops etc. in subways (section 14)	Non-executive
	Power to provide illumination, floodlighting etc (section 17).	Non-executive
	London County Council (General Powers) Act 1962	
	Service of notices for prevention of flooding etc. (section 17).	Non-executive
	London County Council (General Powers) Act 1960	
	Restriction of vehicular access to and from street improvements (council may make application to minister) (section 13).	Non-executive
	London County Council (General Powers) Act 1959	
	Acquisition of land for the purpose of providing facilities for storage etc. of horticultural produce (section 12).	Non-executive
	Provision of accommodation and charges (section 13).	Non-executive

	Function	Responsibility
	Power to lease and enter into agreements (section 14).	Non-executive
	London County Council (General Powers) Act 1957	
	Provision of advances for erection etc. of buildings (section 78).	Non-executive
	Removal of bottles from streets (section 81).	Non-executive
	London County Council (General Powers) Act 1956	
	By-laws as to artificial lighting of common staircases (section 63).	Non-executive
	London County Council (General Powers) Act 1955	
	Powers of borough councils to maintain burial grounds (section 36).	Non-executive
	Return of library books etc (section 37).	Non-executive
	Recovery by borough councils of expenses of fencing certain lands (section 39).	Non-executive
	London County Council (General Powers) Act 1954	
	Defacement of streets with slogans etc (powers of removal) (section 20).	Non-executive
	London County Council (General Powers) Act 1953	
	Powers to sanitary authority to cleanse aged and feeble persons in their homes (section 43).	Non-executive
	London County Council (General Powers) Act 1951	
	Expenses of councils in connection with ceremonies etc. (section 32).	Non-executive
	Improvement of roadside amenities etc by borough councils (section 3).	Non-executive
	Power to provide storage etc for accommodation for costermongers etc. (section 35).	Non-executive
	London County Council (General Powers) Act 1949	

	Function	Responsibility
	Supply of heat (part II).	Non-executive
	London County Council (General Powers) Act 1947	
	Maintenance of forecourts to which public have access – council has power to serve improvement notices (section 43).	Non-executive
	Fencing of dangerous lands in or near streets (section 44).	Non-executive
	Recovery of expenses and costs (section 44).	Non-executive
	London County Council (General Powers) Act 1947	
	Power to provide concert halls etc. (section 4).	Non-executive
	Power to provide entertainment (section 5).	Non-executive
	Contributions to cultural bodies (section 59).	Non-executive
	Acquisition of buildings or places of historic interest (section 61).	Non-executive
	London County Council (General Powers) Act 1933	
	Control of petroleum - filling stations (section 69).	Non-executive
	London County Council (General Powers) Act 1930	
	Gratuities to non-pensionable employees (section 61).	Non-executive
	Power to provide residences for officers or servants (section 11[1]).	Non-executive
	London County Council (General Powers) Act 1925	
	Enclosure of unenclosed land adjoining streets (section 33).	Non-executive
	Power to council to erect or construct hydrants and ballast or orderly bins and pits (section 18).	Non-executive
	London County Council (General Powers) Act 1921	
	Compensation to persons in council's service on abolition of office (section 31).	Non-executive
	London County Council (General Powers) Act 1912	

	Function	Responsibility
	Petroleum oil depots (part II).	Non-executive
	Power to contribute to provident fund (section 28).	Non-executive

PART 3R: LOCAL CHOICE FUNCTIONS

This section allocates functions which are a matter of local choice.

Local choice functions		Responsibility
1.	The determination of an appeal against any decision made by or on behalf of the authority.	Non-executive
2.	The making of arrangements pursuant to subsection (1) of section 67 of, and schedule 18 to, the 1998 Act (appeals against exclusion of pupils).	Executive
3.	The making of arrangements pursuant to section 94(1) and (4) of, and schedule 24 to, the 1998 Act (admission appeals).	Executive
4.	The making of arrangements pursuant to section 95(2) of, and schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Executive
5.	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Executive
6.	Any function relating to contaminated land.	Non-executive To be dealt with in accordance with other environmental regulation matters except where it features in plans and strategies.
7.	The discharge of any function relating to the control of pollution or the management of air quality.	Executive
8.	The service of an abatement notice in respect of a statutory nuisance.	Non-executive
9.	The passing of a resolution that schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Non-executive
10.	The inspection of the authority's area to detect any statutory nuisance.	Non-executive
11.	The investigation of any complaint as to the existence of a statutory nuisance.	Non-executive

Local choice functions		Responsibility
12.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-executive
13.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Non-executive
14.	The making of agreements for the execution of highways works.	Non-executive
15.	<p>The appointment of any individual:</p> <ul style="list-style-type: none"> a) to any office other than an office in which he is employed by the authority b) to any body other than: <ul style="list-style-type: none"> i) the authority ii) a joint committee of two or more authorities c) to any committee or sub-committee of such a body <p>and the revocation of any such appointment.</p>	Cabinet to make appointments to outside bodies in connection with functions which are the responsibility of the cabinet; all other appointments to be made by the council assembly, a committee or officer.

PART 3S: APPOINTMENTS TO JOINT COMMITTEES AND OUTSIDE BODIES

Responsibility for appointments and revocation of appointments to outside bodies is a local choice function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulation 3(1), schedule 2, and paragraph 19. Members may therefore decide that any of the following appointments should be made by council assembly, but statutory guidance is that the cabinet should make appointments to outside bodies in connection with functions which are the responsibility of the cabinet, and all other appointments should be made by the council assembly, a committee or officer.

The Local Government Act 2000 and regulations enables local authorities to make use of joint arrangements with other authorities. Under these arrangements, a "joint committee" can be established in agreement with other local authorities to promote the economic, social or environmental well being of the area. Cabinet members only may be appointed as representatives (and deputies) to joint committees. The provisions on joint arrangements are set out in article 9 of the council's constitution.

Name	Purpose	No. of places	Who appoints
Local Government Association General Assembly	To consider strategic policy of national significance to local government.	3	Council assembly The Local Government Association (LGA) advises that votes can be allocated amongst the representatives as the local authority sees fit. LGA encourages local authorities with three or four representatives to allocate one of the positions to minority group leaders.
London Councils Leaders' Committee (Section 101 Joint Committee)	The committee is London Councils' main decision-making forum. It sets policy and takes decisions on the latest developments affecting London local government. The leaders committee also ratifies decision taken by the London Councils committees and forums.	1	Cabinet 1 representative and up to 2 deputies Representative usually the leader of the council, but another cabinet member can be nominated. Cabinet members only may be appointed as deputies.
London Councils Transport and Environment Committee (Associated Section 101)	The role of the committee is: <ul style="list-style-type: none"> • Oversight of operational services including: Freedom Pass, taxicard, lorry control, parking enforcement 	1	Cabinet 1 representative and up to 2 deputies Cabinet members only may be appointed as the

Name	Purpose	No. of places	Who appoints
Joint Committee)	<ul style="list-style-type: none"> • Oversight of administrative support to parking, traffic and congestion charging adjudicators • Appointment of parking and traffic adjudicators • Setting parking, traffic and other penalties • Policy and borough support in <ul style="list-style-type: none"> • transport • environment • public protection • trading standards 		representative and deputies.
London Councils Grants Committee (Associated Joint Committee)	<p>The committee distributes £28 million of grants to voluntary and not-for-profit organisations working in two or more London boroughs. Section 48 of the Local Government Finance Act 1992 governs the operation of the grants scheme. The London Councils Grants Committee:</p> <ul style="list-style-type: none"> • Takes decisions on officer recommendations for grants • Recommends an annual budget for the grants schemes to the Leaders' Committee • Keeps the needs of London under review and in light of these, develops detailed criteria and priorities for grant giving, which are recommended to the London Councils Leaders' Committee. 	1	<p>Cabinet</p> <p>1 representative and up to 4 deputies</p> <p>Cabinet members only may be appointed as the representative and deputies.</p>
Age Concern London	To promote the welfare of the aged in any manner that may be deemed by law to be charitable within Greater London.	1	Cabinet (Health and adult social care function)
Better Bankside Board	To improve the quality of the Bankside environment, further develop the potential draw of	1	Cabinet (Regeneration function)

Name	Purpose	No. of places	Who appoints
	the area, increase the sense of security and ensure that better and sustainable maintenance and management arrangements are put in place.		Councillor or officer.
Browning Estate Management Board	To oversee the management/running of Browning Estate with its own independent budget.	4	Cabinet (Housing function) <ul style="list-style-type: none"> • Two councillors • Two officer representatives
Canada Water Consultative Forum	The forum is responsible for advising on the overall direction of development proposals and ensuring public awareness and involvement in the development proposals.	4	Cabinet (Regeneration function)
Central London Forward	To provide a cross-sector 'voice for central London'. It operates at a strategic level, seeking to influence policy makers on matters of mutual interest to the communities and businesses of central London.	1	Cabinet (Regeneration function) Must be the Leader of the Council
Centre for Language in Primary Education	Professional development and family learning centre. Provides a range of education support, advisory and direct delivery services to schools and families throughout Southwark.	1	Cabinet (Education function)
Cross River Board	To deliver cross-borough regeneration initiatives north and south of the River Thames in the London Boroughs of Southwark and Lambeth, the Corporation of London and the City of Westminster.	1	Cabinet (Regeneration function) Usually the leader or cabinet member for regeneration.
Crystal Palace Community Development Trust	To oversee the development of the Crystal Palace area.	1	Cabinet (Regeneration function)
Cycling England	To support and encourage the council in its work to ensure that the promotion and	1	Cabinet (Transport function)

Name	Purpose	No. of places	Who appoints
	encouragement of cycling as a means of transport as well as for leisure, plays a central role in the development and implementation of the council's policies and strategies.		The member champion should be a regular cyclist.
East London Line Group (and Steering Group)	To promote the benefits of the extension of the East London line.	1	Cabinet (Transport function)
Greater London Enterprise Limited	To assist, promote, encourage and secure the physical and economic development and regeneration of the whole or any part of Greater London.	1	Cabinet (Regeneration function) Does not have to be a councillor.
Green Chain Joint Committee	To jointly administer the South East London Green Chain, which consists of over 300 open spaces across five boroughs.	2	Cabinet (Leisure function)
Groundwork Borough Steering Group	To oversee Groundwork's activities in Southwark.	3	Cabinet (Environment function) One representative from each political group to be nominated; reports to the sub-regional committee.
Groundwork South London Sub-Regional Committee	To collectively oversee Groundwork's activities across South London.	1	Cabinet (Environment function) One representative from amongst those appointed to the borough steering group to be nominated.
Guys and St Thomas NHS Foundation (Council of Governors)	To advise the trust on how it carries out its work so that it is consistent with the needs of the members and wider community. The governors: <ul style="list-style-type: none"> • help the trust to carry out its duties in ways that meet with NHS values and the terms agreed 	1	Cabinet (Health function)

Name	Purpose	No. of places	Who appoints
	<p>with Monitor, the independent regulator for NHS Foundation Trusts</p> <ul style="list-style-type: none"> advise the trust on its longer term strategy provide advice and support to the Board of Directors, who are responsible for the overall management of the trust. 		
Lambeth and Southwark Housing Association Limited	To provide affordable rented housing for local people on low incomes.	1	Cabinet (Housing function)
Local Government Association (LGA) Urban Commission	<p>To provide a forum in which urban authorities can discuss matters of common concern and exchange good practice and experience.</p> <p>To assist the LGA take into account the needs, priorities and aspirations of urban authorities in formulating and promoting its policies.</p> <p>To help the LGA to promote the role and interests of urban authorities and the ability of those authorities to meet the needs of the communities they serve.</p>	2	Cabinet (Regeneration function) The council is entitled to five votes and may allocate them amongst councillor representatives as it sees fit. One representative may be an officer, however only councillor representatives may vote.
London Accident Prevention Council (LAPC)	To reduce the number of road accident casualties within Greater London and provide a means of communication relating to road accident prevention between London local authorities, central government and other organisations.	2	Cabinet (Community safety function) Does not have to be a councillor.
London Youth Games Limited	The London Youth Games Limited organise the annual London Youth Games on behalf of the London boroughs. It is a non-profit making company owned and	1	Cabinet (Leisure function) 1 representative and 1 deputy

Name	Purpose	No. of places	Who appoints
	guaranteed by the London boroughs and the City of London Corporation.		
North Southwark Environment Trust	<p>The preservation and conservation of the environment for the benefit of the public, including the promotion of energy efficiency and efficient methods of disposing of waste.</p> <p>The provision of facilities for education, recreation or other leisure time occupation, in the interests of improving the conditions of life of the inhabitants covered by the area of benefit.</p>	1	<p>Cabinet (Environment function)</p> <p>Does not have to be a councillor.</p> <p>The area of benefit covered by the trust is north of the roads known as Camberwell New Road, Camberwell Church Street, Peckham Road, Peckham High Street and Queens Road.</p>
South Bank Partnership	Engagement with South Bank employers groups, local MPs and community organisations in North Lambeth and Southwark (Bankside).	4	<p>Cabinet (Regeneration function)</p> <p>1 representative and 3 local ward councillors.</p>
South Bank and Bankside Cultural Quarter Directors Board	To work with the community to celebrate the richness and diversity of cultural activity in the quarter and across London and engage with local communities.	1	Cabinet (Community engagement function)
South Bermondsey Partnership Board	This partnership has funding from government for seven years to improve South Bermondsey. The programme involves Southwark Council, the police and the primary care trust, along with other initiatives such as Surestart and the City of London Academy.	2	<p>Cabinet (Regeneration function)</p> <p>Representatives will be one councillor from Livesey ward and one from South Bermondsey ward.</p>
South London and Maudsley (SLaM) NHS Trust Members Council	To support the board of directors in setting the longer-term vision for the trust and to influence proposals to make changes to services and to act in a way that is consistent with NHS principles and values and the terms of the trust's authorisation.	1	Cabinet (Health function)

Name	Purpose	No. of places	Who appoints
South London Gallery Trustee Limited	To act as trustees and director of South London Gallery Trustee Ltd (the sole trustee of the South London Fine Art Gallery and Library Trust), which operates the South London Gallery as a public contemporary art gallery. Southwark Council is a major funder of the gallery but trustees must act solely in the best interests of the charity and are responsible for controlling the management and administration of the charity in line with the governing document.	3	Cabinet (Leisure function) The membership is allocated by local agreement – 1 from each political group.
Southwark and Lambeth Archaeological Excavation committee (SLAEC)	The SLAEC is an advisory body established to promote archaeological work in Southwark and to advance the knowledge of the history of Southwark and Lambeth by archaeological investigation.	1	Cabinet (Leisure function) One representative and one deputy.
Southwark Alliance (Local Strategic Partnership)	The Southwark Alliance is the local strategic partnership for the borough, which brings together the major public sector agencies, representatives of business, voluntary, community and faith sectors. The alliance sets the vision for Southwark, promotes change and tackles complex cross borough issues in order to improve the lives of people in Southwark.	2	Cabinet (Regeneration function) Leader of the council and a leader of main opposition group.
Southwark Cathedral Education Centre	The Education Centre exists to help teachers cover the curriculum for primary and secondary education in imaginative ways, while playing its part in the Cathedral's outreach and mission and presenting the Cathedral as a place of worship.	1	Cabinet (Education function)
Southwark Community Leisure Ltd.	Responsible for the management of the strategic development of health, fitness and	3	Cabinet (Leisure function)

Name	Purpose	No. of places	Who appoints
(Fusion) Management Board	leisure services within the borough in partnership with Southwark Council.		One from each political group. Does not have to be a councillor.
Southwark Lesbian, Gay, Bi-sexual and Trans (LGBT) Forum	<p>The Southwark LGBT Forum provides an engagement link between the lesbian, gay, bisexual and trans (LGBT) community and the council on matters relating to homophobia, transphobia and hate crimes targeted at this community of interest.</p> <p>It provides an opportunity for the community to interact with service providers and organisations to enable them to improve their service provision by consulting with and listening to the community.</p>	3	Cabinet (Equalities and community engagement function)
Southwark Police and Community Consultative Group	To provide for consultation, discussion and consideration with local community representatives, the police and the local authority on any matter directly or indirectly concerned with any aspect of the policing within the borough of Southwark.	10	Cabinet (Community safety function)
Team London Bridge (formerly London Bridge Bid Company)	To establish the London Bridge area as a world class business district and visitor destination offering businesses, workers, visitors and residents a better managed and cared for trading environment, which is cleaner, greener and safer and more friendly, attractive, connected and socially responsible.	1	Cabinet (Regeneration function) Usually a ward councillor
Waterloo Quarter Business Alliance – Southwark (Business Improvement District)	To create a safer and more pleasant trading environment for businesses and to promote the area to bring in more visitors, whilst maintaining its individuality and unique character.	1	Cabinet (Regeneration function) Usually a ward councillor

Name	Purpose	No. of places	Who appoints
Appointments to other charities	The council has been given the power (by trusts, wills, and Charity Commission schemes) to appoint trustees for a number of local charities.	Variable	<div> Council (Appointments to recommend) </div> <div> Assembly panel to </div> <p>The Charity Commission advises that appointments to charities should be made on a non-political basis.</p> <p>When appointed, charity trustees do not represent the council, and must act solely in the best interests of the charity and must act independently of the council.</p>

ACCESS TO INFORMATION PROCEDURE RULES

Rules applying to all meetings of the council

1. APPLICATION OF RULES TO MEETINGS

Rules 1–11 apply to all meetings of the council assembly, overview and scrutiny committees and sub-committees, the standards committee, regulatory committees, community councils and meetings of the cabinet, and its committees (together called “meetings”).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

Subject to the rules relating to urgent decisions, the council will give at least five clear working days’ notice of any meeting by posting details of the meeting at Southwark Town Hall and on the council website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting.

If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

6. SUPPLY OF COPIES

The council will supply copies of:

- a) any agenda and reports which are open to public inspection
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda
- c) copies of any other documents supplied to councillors in connection with an item if the proper officer thinks fit

to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES AND PAPERS AFTER THE MEETING

The council will make available copies of the following for six years after a meeting:

- a) the minutes of the meeting or records of decisions made, together with reasons, for all meetings of the cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
- b) the agenda for the meeting
- c) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- a) disclose any facts or matters on which the report or an important part of the report is based
- b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in rule 10) and in respect of cabinet reports, the advice of a political assistant.

8.2 Public inspection of background papers

The council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents is kept at and available to the public at the council's main offices.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information: Requirement to exclude public

The public must 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 information would be disclosed.

10.2 Meaning of confidential information

Confidential information means information given to the council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.

10.3 Exempt information: Discretion to exclude public

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 exempt information would be disclosed.

10.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any qualifications):

1. information relating to any individual
2. information which is likely to reveal the identity of an individual
3. information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
5. information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. information which reveals that the authority proposes:
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person
 - b) to make an order or direction under any enactment
7. information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- 7A. information which is subject to any obligation of confidentiality
- 7B. information which relates in any way to matters concerning national security
- 7C. the deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

Qualifications

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:

- a) the Companies Act 1985
 - b) the Friendly Societies Act 1974
 - c) the Friendly Societies Act 1992
 - d) the Industrial and Provident Societies Acts 1965 to 1978
 - e) the Building Societies Act 1986
 - f) the Charities Act 1993.
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10. Information which:
- a) falls within any of paragraphs 1 to 7 above
 - b) is not prevented from being exempt by virtue of paragraphs 8 or 9 above

is exempt as long as the public interest in maintaining the exemption outweighs the public interest in disclosing it.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

Rules applying to the cabinet

12. APPLICATION OF RULES TO THE CABINET

Rules 13 – 19 apply to the cabinet and its committees. If the cabinet or its committees meet to take a key decision then it must also comply with rules 1 – 11 unless rule 17 (general exception), rule 18 (special urgency) or rule 19 (urgent implementation) apply.

If the cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with rules 1 – 11 unless rule 17 (general exception) or rule 18 (special urgency) or rule 19 (urgent implementation) apply. This requirement does not include meetings for which the sole purpose is to allow officers to brief members.

A key decision is as defined in the protocol on key decisions set out in the appendix to these rules.

13. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

13.1 Reports intended to be taken into account

Where an individual member of the cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear working days after receipt of that report.

13.2 Provision of copies of reports to overview and scrutiny committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

13.3 Record of individual decision

As soon as reasonably practicable after a cabinet decision has been taken by an individual member of the cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

14. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to rule 17 (general exception) and rule 18 (special urgency), a key decision may not be taken unless:

- a) the matter is on the forward plan
- b) notice of the meeting has been given in accordance with rule 4 (notice of meetings) if the decision is to be taken at a meeting of the cabinet or its committees.

15. THE FORWARD PLAN

15.1 Period of forward plan

Forward plans will be prepared on behalf of the leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

15.2 Contents of forward plan

1. The forward plan will contain matters which the leader has reason to believe will be subject of a key decision to be taken by the cabinet, a committee of the cabinet, officers, community councils or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan.

2. It will describe the following particulars insofar as the information is available or might reasonably be obtained:
 - a) the matter in respect of which a decision is to be made
 - b) where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and details of membership
 - c) the date on which, or the period within which, the decision will be taken
 - d) the identity of the principal groups whom the decision maker proposes to consult before taking the decision
 - e) the means by which any such consultation is proposed to be undertaken
 - f) the steps any person might take who wishes to make representations to the cabinet or decision maker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken
 - g) a list of the documents submitted to the decision maker for consideration in relation to the matter.
3. The forward plan must be published at least 14 days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:
 - a) that key decisions are to be taken on behalf of the council
 - b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis
 - c) that the plan will contain details of the key decisions to be made for the four month period following its publication
 - d) that each plan will be available for inspection at reasonable hours free of charge at the council's offices
 - e) that each plan will contain a list of the documents submitted to the decision makers for consideration in relation to the key decisions on the plan
 - f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available
 - g) that other documents may be submitted to decision makers
 - h) the procedure for requesting details of documents (if any) as they become available

- i) the dates on each month in the following year on which each forward plan will be published and available to the public at the council's offices.

- 4. Exempt information need not be included in a forward plan and confidential information cannot be included.

16. URGENT DECISIONS – DEFINITIONS OF URGENCY AND STEPS THAT MUST BE FOLLOWED

There are four categories of urgent decisions:

- Rule 17 (General exception)
- Rule 18 (Special urgency)
- Rule 19 (Urgent implementation)
- Rule 20 (Urgent decisions outside the budget or policy framework).

The definitions and procedures to be followed are set out below.

17. GENERAL EXCEPTION

Definition

These are decisions which are likely to be key decisions and have not been included in the forward plan for the month that the decision will be taken.

This decision will be subject to call-in.

Procedure

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to rules 18 and 19 (special urgency and urgent implementation respectively), the decision may still be taken if:

- a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates
- b) the proper officer has informed the chair of the overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made
- c) the proper officer has made copies of that notice available to the public at the offices of the council
- d) at least five clear working days have elapsed since the proper officer complied with a) and b).

Where such a decision is taken collectively it must be taken in public, subject to rule 10.4.

18. SPECIAL URGENCY

Definition

These are decisions that need to be taken within five clear working days; i.e. the requirements of rule 17 (general exception) on notice cannot be complied with. In these circumstances, the special urgency procedure should be used whether the decision had previously appeared on the forward plan or not.

This decision will be subject to call-in.

Procedure

If the date by which a decision must be taken means that rule 17 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of the overview and scrutiny committee that the taking of the decision cannot be reasonably deferred.

If there is no chair of the overview and scrutiny committee, or if the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the Mayor of the council, or in his/her absence the Deputy Mayor will suffice.

19. URGENT IMPLEMENTATION

Definition

These are decisions which, whether they have been included on the forward plan or not, need to be implemented immediately by virtue of the urgency of the actions that need to be taken.

This decision will not be subject to call-in.

Procedure

If a decision needs to be implemented immediately by virtue of the urgency of the actions that need to be taken, then the decision can only be taken if the decision maker (if an individual) or the chair of the body making the decision obtains the agreement of the chair of the overview and scrutiny committee both that the decision proposed is:

- a) reasonable in all circumstances
- b) to be treated as a matter of urgency.

If there is no chair or if the chair is unable to act, then the agreement of the vice-chair or in his/her absence any two members of the overview and scrutiny committee will suffice. In the situation where both chair and vice-chair are unable to act the whips of the two largest political groups on the overview and scrutiny committee shall nominate one member each.

Note: Any requests for a key decision not to be called-in and communicated to the chair of overview and scrutiny committee should be copied to all overview and scrutiny committee members.

20. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(See Rule 4, budget and policy framework procedure rules)

Definition

The cabinet, a committee of the cabinet, an individual member of the cabinet or officers, or joint arrangements discharging executive functions may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by council assembly if the decision is a matter of urgency.

This decision will not be subject to call-in.

Procedure

This type of decision may only be taken if the procedure set out in Rule 4, budget and policy framework procedure rules is followed.

21. REPORT TO COUNCIL

21.1 When an overview and scrutiny committee/sub-committee can require a report

If an overview and scrutiny committee/sub-committee thinks that a key decision has been made which was not:

- a) included in the forward plan
- b) the subject of the general exception procedure
- c) the subject of an agreement with the overview and scrutiny committee chair, or the Mayor or Deputy Mayor of the council under rules 18 and 19

the committee/sub-committee may require the cabinet to submit a report to the council assembly within such reasonable time as the committee/sub-committee specifies. The power to require a report rests with the committee/sub-committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee/sub-committee when so requested by the chair or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee/sub-committee.

21.2 Cabinet's report to council

The cabinet will prepare a report for submission to the next available meeting of the council assembly. However, if the next meeting of the council assembly is within seven days of receipt of the written notice or the resolution of the committee/sub-committee then the report may be submitted to the meeting after that. The report to council assembly will set out particulars of the decision, the body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

21.3 Quarterly reports on special urgency decisions

In any event the leader will submit quarterly reports to the council assembly on the cabinet decisions taken in the circumstances set out in rule 18 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

22. RECORD OF DECISIONS

After any meeting of the cabinet or any of its committees, the proper officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

Rules applying to the overview and scrutiny committee

23. OVERVIEW AND SCRUTINY COMMITTEE/SUB-COMMITTEES' ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to rule 23.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the cabinet or its committees and which contains material relating to any business transacted at a meeting of the cabinet or its committees.

23.2 Limit on rights

An overview and scrutiny committee/sub-committee will not be entitled to:

- a) any document that is in draft form
- b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise
- c) the advice of a political assistant.

Rules applying to members

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 Material relating to previous business of the cabinet

All members, provided that they can demonstrate a 'need to know', will be entitled to inspect any document which contains any material relating to any business transacted at a meeting of the cabinet or its committees and is in the control of the cabinet unless:

- a) it contains confidential or exempt information falling within paragraphs 1, 2, 3 (except where information is not exempt information by virtue of the qualification in paragraph 8), 4, 5 and 7 of the categories of exempt information

b) it contains the advice of a political assistant.

24.2 Material relating to key decisions

All members of the council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the cabinet or its committees which relates to any key decision unless paragraph a) or b) above applies.

24.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

24.4 Freedom of information

Members can make a request under freedom of information and should state as such in their request.

24.5 General right to inspect documents containing exempt information

All councillors have an automatic right to inspect documents containing information made exempt under categories 3 and 6 of the access to information procedure rules, except in the case of paragraph 3 if the document contains information relating to any terms proposed or to be proposed by the council in the course of negotiations for a contract, it will remain exempt and councillors will have no automatic right to inspect the document.

Information made exempt under paragraphs 1, 2, 3 (where this relates to information on any terms proposed or to be proposed to or by the council in the course of negotiations), 4, 5 and 7 are only automatically available to councillors on the committee to which the document relates. Requests for copies of these reports from other councillors can only be complied with if a 'need to know' is demonstrated and the proper officer is of the opinion that the public interest in disclosing the information outweighs the public interest in withholding it.

PROTOCOL ON KEY DECISIONS

Definitions of key decisions

There are two types of key decision:

1. Those which are above a general financial threshold

Key decisions are those which result in the authority incurring expenditure or savings of £500,000 or more.

Examples include:

- disposal of any council property with a value of £500,000 or more
- taking by the council of any interest in land with a value of £500,000 or more
- the granting of any interest in land worth £500,000 or more
- applications for funding from any external body which if successful would require match funding of £500,000 or more, or require revenue commitment of £500,000 or more
- the award of a contract worth £500,000 or more in any one year.

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.

Examples include:

- closure or significant changes to the provision of any council service, school or education facility
- where there is evidence of significant local opposition to any proposals.

In considering whether a decision is likely to be significant, the decision maker is to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the local amenity of the community or the quality of service provided to a significant number of people living or working in the locality affected.

In deciding whether a decision will have a significant impact on communities in one or more wards the following factors should be taken into account:

- the extent of the impact (i.e. how many people and wards will be affected)
- the likely views of those affected (i.e. is the decision likely to result in substantial public interest)
- whether the decision is likely to be a matter of political sensitivity
- where the decision may incur a significant social, economic or environmental risk
- where there is evidence of significant local opposition to any proposals

Where a decision is only likely to have a significant impact on a very small number of people in one ward, the decision maker should ensure those people are informed of the forthcoming decision in sufficient time to make an input into the decision making process. Ward councillors should also be

informed of the decision to be made. Officers should always be aware of the issues arising which might mean that a decision becomes a key one (for example, if input, even from a small number of those likely to be affected points to the decision being one which will have a much greater impact than was first apparent)

3. Decisions which should always be treated as key decisions

In addition there are other decisions which are deemed to be key decisions because of their significance and will be included in the forward plan. These are specifically:

- the setting of fees and charges
- the granting or withdrawing financial support to any external community or voluntary organisation in excess of £10,000 (this would not apply to those organisations from which the council commissions services)
- the writing off any bad debt in excess of £50,000 per case
- the disposal of any council property for less than best consideration
- the exercise of the council's compulsory purchase order powers
- the consideration of an inspection or reports by the Social Services Inspectorate, District Auditor, Office for Standards in Education, Children's Services and Skills (Ofsted) and the council's response to any such report
- the strategic procurement strategy approval decisions (Gateway 1 reports)
- reports on corporate budget monitoring and performance.

4. Guidance on determining if a decision is key or not

Where there is any doubt as to the financial value or the significance of the decision, it should be deemed to be a key decision and included in the forward plan.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The framework for cabinet decisions

The council will be responsible for the adoption of the budget and policy framework as set out in Part 3A of this constitution

Once the framework is in place, it will be the responsibility of the cabinet to implement it within the resources approved by council.

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is as follows.

- a) The cabinet will publish, by including in the forward plan, a timetable for making proposals to the council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those proposals. The consultation for the policy framework shall generally be around eight weeks. However, this timetable must take into account any statutory deadlines and allow sufficient time for those deadlines to be met (e.g. council tax setting). The chairs of overview and scrutiny committee and its sub-committees will also be notified. The overview and scrutiny committee and its sub-committees will determine whether it wishes to consult with community councils as part of its deliberations on the budget and policy framework.
- b) At the end of the consultation, the cabinet will then draw up firm proposals having regard to the responses to that consultation. If a relevant overview and scrutiny committee/sub-committee wishes to respond to the cabinet in that consultation process then it may do so. As the overview and scrutiny committee and its sub-committees have responsibility for fixing their own work programmes, it is open to the scrutiny committee/sub-committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The overview and scrutiny committee and its sub-committees shall consider any responses received from community councils when considering its recommendations to the cabinet. The cabinet will take any response from an overview and scrutiny committee/sub-committee into account in drawing up firm proposals for submission to the council assembly and its report to council assembly will reflect the comments made by consultees and the cabinet's response.
- c) Once the cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the council assembly for decision.

- d) In reaching a decision council assembly may adopt the cabinet's proposals, amend them, refer them back to the cabinet for further consideration, or substitute its own proposals in their place.
- e) If it accepts the recommendation of the cabinet without amendment, council assembly may make a decision, which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- f) The decision will be publicised and a copy shall be given to the leader.
- g) An in-principle decision will automatically become effective seven days from the date of the council assembly's decision, unless the leader informs the proper officer in writing within five days of the date of the decision that he/she objects to the decision becoming effective. The written notification must state the reasons for the objection.
- h) Where such notification is received, the proper officer shall convene a further meeting of the council assembly to reconsider its decision and the decision shall not be effective pending that meeting. The council assembly meeting must take place within seven working days of the receipt of the leader's written objection.
- i) At that council assembly meeting, the decision of the council assembly shall be reconsidered in the light of the objection, which shall be available in writing for the council assembly.
- j) The council assembly shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately. The council assembly may:
 - i) confirm its original decision, or,
 - ii) reinstate the cabinet recommendation as a decision, or,
 - iii) substitute a different decision.
- k) The decision of the council assembly at that meeting is final and may be implemented immediately. The leader may not ask for this or any other decision to the same effect to be reconsidered for a further six months.
- l) In approving the budget and policy framework, the council assembly will decide whether any amendment to financial standing orders in respect of the extent of virement is necessary. Any other changes to the budget and policy framework are reserved to the council assembly.

3. Decisions outside the budget or policy framework

- a) Subject to the provisions on virements (as set out in the financial standing orders) the cabinet, committees of the cabinet, and any officers, or joint arrangements discharging executive functions may only take decisions which are within the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary

to the policy framework, or contrary to or not wholly in accordance with the budget approved by the council assembly, then that decision may only be taken by the council assembly, subject to 4 below.

- b) If the cabinet, committees of the cabinet and any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the finance director as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the council assembly for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 shall apply.
- c) Council assembly may either:
 - i) endorse a decision or proposal of the cabinet 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; or,
 - ii) amend the budget framework or policy concerned to encompass the decision or proposal of the cabinet 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; or,
 - iii) where council assembly accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, refer the decision back and require the decision taker to reconsider the matter in accordance with the advice of either the monitoring officer and/or finance director. The decision maker must reconsider within seven working days of the council assembly meeting. The decision taken by the decision maker is final.

4. Urgent decisions outside the budget or policy framework¹

- a) The cabinet, a committee of the cabinet or an individual member of the cabinet or officers, or joint arrangements discharging executive functions may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by council assembly if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the council assembly; and,

¹ See also Access to Information Procedure Rule 20 where this procedure is listed as one of the urgent decisions. The clause includes a definition of this process.

- ii) if the chair of the overview and scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of council assembly and the chair of the overview and scrutiny committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of the overview and scrutiny committee the consent of the mayor, and in the absence of both the deputy mayor will be sufficient.

- b) Following the decision, the decision taker will provide a full report to the next available council assembly meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virements

The rules on virements are set out in full in financial standing orders.

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the council assembly, and decisions by the cabinet, a committee of the cabinet, an individual member of the cabinet, or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy, which make up the policy framework, may be made by those bodies or individuals except where council has agreed this at the time of agreeing the budget or relevant policy or strategy or those:

- a) which will result in the closure or discontinuance of a service to meet a budgetary constraint; or,
- b) which are necessary to ensure compliance with the law, ministerial direction or government guidance.

7. Call-in of decisions outside the budget and policy framework

The procedure for call-in of decisions which are not in accordance with the budget and policy procedure framework can be found in rules of the overview and scrutiny procedure rules.

COUNCIL ASSEMBLY PROCEDURE RULES

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Information to members of the public:

Members of the public may attend any meeting of the council assembly subject to the business being considered at the meeting not being exempt under the provisions set out in the access to information rules.

Suspension of council assembly rule

The following will indicate when a certain rule may not be suspended:
"This rule cannot be suspended."

1. GENERAL PROCEDURES APPLYING TO COUNCIL ASSEMBLY MEETINGS

1.1 NOTICE AND SUMMONS OF MEETINGS

This rule cannot be suspended.

1. a. The chief executive will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least seven clear working days before a meeting, the chief executive will send a summons signed by him or her by post to all members of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- b. In the event that the parliamentary and local elections are held on the same day, the chief executive will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before the meeting, the chief executive will send a summons signed by him or her by post to all members of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Time and place

2. Unless the council, or the Mayor in consultation with the chief executive, shall otherwise decide, all meetings of the council shall commence at 7.00pm.
3. Unless the council, or the Mayor in consultation with the chief executive, shall otherwise decide, all meetings of the council assembly shall be held at the Town Hall, Peckham Road, SE5.

Meetings convened at short notice

4. Meetings of the council assembly may only be convened at less than seven clear working days' notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

1.2 CHAIR OF MEETING

This rule cannot be suspended.

The person presiding at the meeting may exercise any power or duty of the Mayor.

1.3 QUORUM

This rule cannot be suspended.

1. No business shall be considered unless 16 councillors (or 25% of the membership) are present in the chamber or meeting room. If the chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes' deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the council, unless the chair fixes an alternative date.

Quorum at start of meeting

2. The meeting of the council assembly shall commence as soon as there is a quorum, following the time at which the meeting has been appointed to be held.

Quorum if more than one-third of members are disqualified

3. Where more than one-third of members of the council become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members in office of the council, the quorum of the council assembly shall be determined by reference to the number of members of the council remaining qualified instead of by reference to the whole number of members of the council. The quorum shall then be one-quarter of the members of the council who remain qualified.

1.4 POWERS OF THE CHAIR

This rule cannot be suspended.

The chair shall decide, having taken the advice of the monitoring officer, all matters of order, competence, relevancy, interpretation of council procedure rules relating to the conduct of the meeting and the appropriateness of council questions.

1.5 VARIATION IN ORDER OF BUSINESS

Business falling under council assembly procedure rules 2.2 a), 2.2 c) and 4.2 b) will not be displaced but, otherwise, the order of business may be varied by:

- a) the Mayor at her or his discretion
- b) a resolution passed on a motion which shall be put without debate.

However, should no decision be made as to the election of the Mayor at the annual meeting, this shall be the first item of business to be considered at any other subsequent meetings.

1.6 PREVENTION OF DISORDERLY CONDUCT

This rule cannot be suspended.

1. A councillor may be directed to discontinue speaking if the chair considers the councillor is being repetitive, irrelevant, using unbecoming language, or is in some other way breaching the order of the meeting.

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair having warned the councillor shall move that the councillor called by name leaves the meeting. The motion, if seconded, shall be put immediately to the vote without further debate and if carried the councillor shall leave immediately.

2. In the case of a member of the public disrupting the meeting or if there is a general disturbance, the chair may order the removal of a person or that the public areas be cleared. Readmission shall be at the discretion of the chair.
3. In the event of a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary for order to be restored.

1.7 BROADCASTING AND RECORDING

Electronic recording, photographing or filming of the proceedings of a council meeting by any member of the public, media or councillor shall only take place with the prior agreement of the chair. The chair will make an announcement at the beginning of the meeting on any arrangement agreed.

1.8 DECLARATION OF INTERESTS

This rule cannot be suspended.

Councillors shall abide by the members' code of conduct. It is the responsibility of every councillor to declare an interest by the time the relevant item of business is reached.

1.9 PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

1. A motion or amendment to rescind a decision made at a meeting of council within the previous six months cannot be moved unless the notice of motion, delivered in accordance with rules 2.9(3 and 4), is signed by at least 16 members.

Motion similar to one previously rejected

2. A motion or amendment in similar terms to one that has been rejected at a meeting of council in the previous six months cannot be moved unless the notice of motion or amendment, delivered in accordance with rules 2.9(3 and 4), is signed by at least 16 members.

Notice

3. Notice of a motion to rescind or reject a previous motion shall be submitted to the monitoring officer four clear working days in advance of the meeting.

1.10 GUILLOTINE

This rule cannot be suspended.

Concluding the meeting

1. The guillotine shall take effect three hours after the start of the meeting.
2. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.
3. The following outstanding business shall be considered:
 - any business required by statute
 - approval of minutes of council assembly
 - each individual report with a recommendation, be it from the cabinet, committee or officer
 - any other business accepted by the Mayor as late and urgent business.

Process for dealing with any outstanding business (Fifteen minute debate rule)

4. Each item of business specified in rule 1.10(3) shall be afforded up to a maximum of 15 minutes. If the matter is not concluded within that time the Mayor shall, if appropriate, call upon the mover of the substantive motion to exercise their right of reply and a vote shall be taken. In circumstances

where the council is legally obliged to make a decision, but the motion or recommendation voted upon is lost, the Mayor will take motions from the floor, each allocated up to a maximum of 15 minutes, until a decision is reached.

Motions not dealt with

5. If there are motions or other business still outstanding at the fall of the guillotine, then subject to council assembly procedure rule 1.10(6) all other motions or business not considered shall be put to the vote without debate.

Suspension of guillotine rule

6. The guillotine rule can be suspended for up to a maximum of 30 minutes only.

1.11 PROCEDURAL MOTIONS WITHOUT NOTICE

The following procedural motions may be moved without notice:

- a) to appoint a chair of the meeting at which the motion is moved
- b) in relation to the accuracy of the minutes
- c) to change the order of business in the agenda
- d) to refer something to an appropriate body or individual
- e) to appoint a committee or member arising from an item on the summons for the meeting
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them
- g) to withdraw a motion
- h) to amend a motion, by its mover, with the consent of the meeting
- i) to proceed to the next business
- j) that the question be now put
- k) to adjourn a debate
- l) to adjourn a meeting
- m) to suspend a particular council assembly procedure rule
- n) to exclude the public and press in accordance with the access to information rules
- o) to exclude a member from the meeting under council assembly procedure rule 1.6(1)
- p) to give the consent of the council where its consent is required by this constitution
- q) to extend the time limit of speeches
- r) to suspend council assembly procedure rules without notice under council assembly procedure rule 7.1
- s) to receive a deputation under council assembly procedure rule 2.6(13)(a)
- t) motions and amendments on matters that have been addressed by a deputation received at council assembly and concerning which there is no report for recommendation on the agenda (council assembly procedure rule 2.6(20))
- u) motions and amendments on matters upon which the council is legally obliged to make a decision, but for which a motion of which notice had been given has been lost
- v) to extend the guillotine by up to 30 minutes under rule 1.10(6).

1.12 RULES OF DEBATE

Chair to call member to speak

This rule cannot be suspended.

1. A councillor may indicate their desire to speak by raising their hand, but shall only speak when called by name by the chair. When speaking the councillor shall stand, unless unable to do so. All other councillors shall remain seated in their allotted place when another councillor is speaking, unless wishing to make a point of order or point of personal explanation. If more than one councillor stands, the chair will ask one to speak and the others must sit down.

Chair standing

This rule cannot be suspended.

2. When the chair stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

Form of address

This rule cannot be suspended.

3. Councillors shall address the chair when speaking, and:
 - a) refer to each other as Mayor, Deputy Mayor, leader, cabinet member, chair or councillor, as the case may be
 - b) refrain from using unbecoming language
 - c) refrain from comments of a personal nature about another councillor
 - d) not attribute improper motives to another councillor
 - e) refrain from comments that relate to an investigation by (whether complete or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Order of debate

4. No debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion or amendment may be considered at a time.

Mover and seconder required for all motions and amendments

5. Every motion or amendment must be moved and seconded. A councillor may not move more than one amendment or motion on the same subject.

No speeches until motion is seconded

6. No speeches may be made until the mover has moved a proposal and explained the purpose of it and the motion has been seconded.

Right to require motion in writing

7. Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

Secunder's speech

8. When seconding a motion or amendment, the seconder may reserve their speech until later in the debate.

Content and length of speeches

9. Speeches must be restricted to the matter under discussion or to a personal explanation or point of order. No speech by the mover of a motion may exceed five minutes without the consent of the Mayor. All other speeches may not exceed three minutes without the consent of the Mayor.

When a member may speak again

10. A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
 - a) to speak once on an amendment moved by another member
 - b) to move a further amendment if the motion has been amended since he/she last spoke
 - c) to speak on the main issue, if his/her first speech was on an amendment moved by another member (whether or not the amendment on which he/she spoke was carried)
 - d) in exercise of a right of reply
 - e) on a point of order
 - f) by way of personal explanation.

Amendments to motions

11. An amendment to a motion must be delivered in accordance with rules 2.9(4) or 2.10(3) be relevant to the motion and will either be:
 - a) to refer the matter to an appropriate body or individual for consideration or reconsideration
 - b) to leave out words
 - c) to leave out words and insert or add others
 - d) to insert or add words.
12. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been completely dealt with.
13. If an amendment is not carried, other amendments to the original motion may be moved.
14. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
15. After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration of motions and amendments

16. A member may alter a motion or amendment of which he/she has given notice, with the consent of the meeting. The meeting's consent will be signified without discussion.
17. A member may alter a motion or amendment which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

18. Only alterations, which could be made as an amendment, may be made.

Withdrawal of a motion or amendment

19. If the motion or amendment has been moved: A member may withdraw a motion or amendment which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused. No further debate shall take place on a motion or amendment once it has been withdrawn.
20. If it has not been moved: If a motion or amendment has not yet been moved, it may be withdrawn by the mover. The consent of the meeting is not required. No debate shall take place on a motion or amendment once it has been withdrawn.

Right of reply

21. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
22. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. If an amendment is carried, the mover of the amendment shall hold the right to reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.
23. The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

24. When a motion is under debate, no other motion may be moved except the following procedural motions:
 - a) to withdraw a motion
 - b) to amend a motion
 - c) to proceed to the next business
 - d) that the question be now put
 - e) to adjourn a debate
 - f) to adjourn a meeting
 - g) to exclude the public and press in accordance with the access to information rules
 - h) to not hear further a member named under rule 1.6(1) or to exclude them from the meeting under rule 1.6(1).

Closure motions

25. The following closure motions may be moved during discussion of another motion ("the original motion"). They shall be moved, seconded and put without discussion. A second closure motion in relation to the same question shall not be moved within 30 minutes of the rejection of a previous motion.
26. If the motion is moved and seconded, then the person presiding shall proceed as follows:
 - a) "That the meeting proceed to the next business"

- i) Moving the motion: Any member who has not already spoken on the question may, provided no other member is speaking, move (without speaking to the motion) that the meeting do now proceed to the next business and, if the motion is seconded, it shall be put to the vote without discussion.
 - ii) Effect on question under consideration: If the motion is carried, the question which was under consideration shall be dropped and deemed not approved.
- b) "That the question be now put"
- i) Any member who has not already spoken upon the question before the meeting may, provided no other member is speaking, move (without speaking to the motion) that the question be now put. The motion, if seconded, shall be put to the vote without discussion.
 - ii) Right to reply: If the motion is carried, no further speeches shall be permitted except in pursuance of a right to reply.
 - iii) Vote: The vote shall then be taken immediately.
- c) "That the debate be now adjourned"
- i) Motion to adjourn: Any member who has not already spoken upon the question before the meeting may, provided no other member is speaking, move that the debate is adjourned. That motion if seconded, shall be put to the vote without discussion.
 - ii) The adjourned debate: If a motion to adjourn the debate is carried, the discussion shall be resumed as adjourned business at the next ordinary meeting or such other day and hour as shall have been specified in the motion, and the meeting shall proceed to the next business on the agenda. Unless the adjourned business is taken at the next ordinary meeting, the only business which shall be transacted at an adjourned meeting shall be the uncompleted business set out in the summons for the meeting which was adjourned. On resumption of an adjourned debate, the member who moved its adjournment shall be entitled to speak first.
 - iii) Procedure in dealing with an adjournment motion: The mover of a motion under paragraph (i) above may speak for not more than five minutes but the seconder shall not be permitted to speak beyond formally seconding the motion. Upon such a motion for adjournment being made, the mover (or presenter) of the matter then under debate may (without prejudice to her or his ultimate right of reply if the adjournment motion is lost) speak on the adjournment for not more than five minutes after which the adjournment motion shall be put to the vote without further debate or reply by the mover.
- d) "That the meeting do now adjourn"
- i) Motion to adjourn: Any member who has not already spoken upon the question before the meeting may, provided no other member is speaking, move that the meeting do now adjourn. The chair shall

not be required to take a time and place adjournment until and after consultation with the political group whips, if he/she so deems necessary.

- ii) Uncompleted business: If a motion to adjourn the meeting, having been seconded, is carried, the council assembly shall stand adjourned to the next ordinary meeting or to such other day and hour as shall have been specified in the motion. Unless the adjourned business is taken at the next ordinary meeting, the only business which shall be transacted at an adjourned meeting shall be the uncompleted business set out in the summons for the meeting which was adjourned.
- iii) Uncontentious business: Before putting to the meeting a motion for adjournment of the meeting, it shall be open to the Mayor to ask whether it will first deal with uncontentious business.
- iv) Procedure in dealing with an adjournment motion: The mover of a motion under paragraph (i) above may speak for not more than five minutes but the seconder shall not be permitted to speak beyond formally seconding the motion. Upon such a motion for adjournment being made, the mover (or presenter) of the matter then under debate may (without prejudice to her or his ultimate right of reply if the adjournment motion is lost) speak on the adjournment for not more than five minutes, after which the adjournment motion shall forthwith be put to the vote without further debate or reply by the mover.

Point of order

This rule cannot be suspended.

- 27. A member may raise a point of order at any time during the meeting. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of the council assembly procedure rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

Personal explanation

This rule cannot be suspended.

- 28. A member may request to make a personal explanation at any time during the meeting. A personal explanation may only enable the member to refute or correct a statement attributed to him/her or any action he/she has taken.

The following procedure will apply.

- a) The member wishing to intervene to make a personal explanation must signify to the person presiding by standing up and stating "personal explanation".
- b) The person presiding will ask the member speaking at that time whether they are willing to allow the member wishing to intervene to make a personal explanation.
- c) The member speaking may either:

- i) agree to receive the personal explanation immediately; or,
 - ii) delay the receipt of the personal explanation until later in her/his speech; or,
 - iii) not agree to receive it.
- d) If the request to receive the personal explanation is not agreed by the member currently speaking, the member requesting to make a personal explanation may not call for a further opportunity whilst that same member is speaking, but will however be entitled to a point of personal explanation once the member has ceased speaking if so desired.
- e) If and when a personal explanation is heard, it must not be excessively long.

1.13 VOTING

Majority

This rule cannot be suspended.

1. Unless this constitution provides otherwise or is required by statute, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put to the vote.

Mayor/chair's casting vote

This rule cannot be suspended.

2. If there are equal numbers of votes for and against, the Mayor/chair will have a second or casting vote. There will be no restriction on how the Mayor/chair chooses to exercise a casting vote.

Show of hands

This rule cannot be suspended.

3. Unless a recorded vote by roll call is demanded under rule 1.14, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Recorded vote by roll call

4. If 45% or more members present at the meeting request a division, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes in accordance with council assembly procedure rule 1.14(5).

Right to require individual vote to be recorded

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

5. Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments

This rule cannot be suspended.

6. If there are more than two people nominated for any position to be filled, the names will be put to the vote in alphabetical order and the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

1.14 RECORDED VOTE BY ROLL CALL

Requesting a recorded vote by roll call at council assembly meetings and number required

1. Any member may request a recorded vote by roll call on a motion or amendment being voted upon by standing in her or his place and so requesting before the casting of votes has started.
2. The specified number of members to request a recorded vote is 45% of those members present who are entitled to vote on the item.
3. If a request receives sufficient support in accordance with (2) above, a division shall be taken in accordance with the following procedure.

Procedure for recording the vote by roll call at council assembly meetings

4. The Mayor shall cause the bell to be rung for one minute, after which the doors of the council chamber shall be closed and no members will be admitted until after the voting is completed. The Mayor shall put the question again. The monitoring officer shall call the names of all members in alphabetical order and each member present shall declare herself or himself 'for or against' the motion or amendment or that he/she abstains.
5. The votes, abstentions and absences from the council chamber shall be recorded in writing and entered in the minutes.
6. The Mayor shall declare the result of the recorded vote, stating the numbers for and against the motion or amendment and the number of members who abstained.
7. Once a recorded vote by roll call has been called, no adjournment may be moved until the vote has been taken.

Motions where recorded votes by roll call are not permitted

8. A recorded vote by roll call may not be held in voting on the following motions:
 - a) election of the Mayor (council assembly procedure rule 4.2(1)(b))
 - b) the appointment of chairs and vice chairs (council assembly procedure rule 4.2(1)(g))
 - c) to vary the order of business (council assembly procedure rule 1.5)
 - d) motions relating to the accuracy of the minutes (council assembly procedure rule 2.2(d) and 4.2(1)(d))
 - e) receipt of information reports of committees
 - f) that all recommendations then outstanding be approved (council assembly procedure rule 1.10)
 - g) to proceed to the next business (council assembly procedure rule 1.12(26)(a))

- h) that the question be now put (council assembly procedure rule 1.12(26)(b))
- i) that the debate be adjourned (council assembly procedure rule 1.12(26)(c))
- j) that the meeting be adjourned (council assembly procedure rule 1.12(26)(d))
- k) seeking the consent of the council where it is required under council assembly procedure rules.

1.15 FORMAL RECORDS TO BE MAINTAINED

All meetings of the council assembly are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

1.16 RECORD OF ATTENDANCE

This rule cannot be suspended.

All members present during the whole or part of a meeting must sign their names on the attendance sheets, and their time of departure if before the meeting ends, before the conclusion of every meeting to assist with the record of attendance.

2. ORDINARY MEETINGS OF THE COUNCIL ASSEMBLY

2.1 DATES AND FREQUENCY OF MEETINGS

Meetings shall take place on such dates as agreed by the annual meeting and occasionally as set out in rule 3.

2.2 ORDER OF BUSINESS AT ORDINARY COUNCIL MEETINGS

The business at an ordinary meeting shall be as follows, taken in the sequence indicated unless otherwise directed by the chair or agreed following a motion carried:

- a) elect a person to preside if the Mayor is not present and the Deputy Mayor is not chosen to preside
- b) receive any announcements from the Mayor, members of the cabinet or the chief executive, including matters which the Mayor has decided to add to the agenda as urgent. Wherever possible, cabinet member statements should be in writing and circulated at the start of the meeting
- c) receive any declarations of interest from members
- d) approve the minutes of the last meeting
- e) receive petitions
- f) receive questions from, and provide answers to, the public in relation to matters, which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- g) deputations
- h) urgent questions by group leaders
- i) questions from councillors to the leader, other cabinet members and chairs of committees/community councils
- j) deal with any business from the last council meeting

- k) receive cabinet proposals in relation to the council's budget and policy framework and any other reports for decision (if any)
- l) receive the report of the overview and scrutiny committee/sub-committee (if any)
- m) receive reports from committees/officers of the council
- n) receive reports about and receive questions and answers on the business of joint arrangements and external organisations, including reports from members appointed to outside bodies. Once a year, council assembly shall receive a report from the leader of the council on the work carried out by Southwark Alliance. Council will then also receive questions to the leader from members, relating to this report. Questions shall be treated as 'questions on reports'. This shall take place at a council assembly meeting following the publication of the Southwark Alliance annual report. Where possible this should be the first scheduled meeting after the publication of the report
- o) consider motions
- p) consider open business which the chair has accepted as urgent
- q) consider any confidential business where the public are excluded from the meeting.

2.3 AGENDAS AND MINUTES

1. The monitoring officer shall ensure that an agenda and summons for the meeting is despatched to each councillor and available to the public and press.
2. The monitoring officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received.
3. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.

Signing the minutes

This rule cannot be suspended.

4. The Mayor/chair will sign the minutes of the proceedings at the next suitable meeting. The Mayor/chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

5. Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

2.4 PETITIONS TO COUNCIL ASSEMBLY

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public or councillors will be entitled to present petitions with 2,500 or more signatures to the Mayor at each council assembly meeting except the annual meeting or the council tax setting meeting.

Deadline

2. The petition must be submitted to the monitoring officer at least 10 clear working days before the date of the meeting. A petition can be submitted by any person of any age who lives, works or studies in Southwark.

Scope

3. Petitions must relate to matters in which the council has powers or duties or which affects Southwark. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

Procedure at meeting

4. The Mayor will call on the spokesperson to present petitions in the order in which they were notified to the monitoring officer.
5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. Council assembly will debate the petition for a period of up to 15 minutes. Council assembly may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.
6. The time during which petitions shall be considered shall not exceed 40 minutes.
7. The processes and procedures are set out in the council's petition scheme.

2.5 PUBLIC QUESTION TIME

Which meetings consider public questions?

1. Public questions shall be considered at ordinary meetings of the councils. Public questions cannot be considered at the annual meeting or the council tax setting meeting.

Who may ask a public question?

2. The right to ask a public question only applies to persons resident in the borough or business ratepayers of the borough.

Scope of questions

3. The Mayor in consultation with the monitoring officer may reject a question if it:

- is a request from an individual who has alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
- is not about a matter for which the council has powers or duties or which affects Southwark
- is defamatory, frivolous or offensive
- is substantially the same as a question which has been put at a meeting of the council in the past six months
- requires the disclosure of confidential or exempt information
- concerns a planning or licensing application
- raises a grievance for which there are other established processes for resolution
- relates to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Form of questions

4. A resident or business ratepayer of the borough may ask one written question (limited to 50 words) on any matter in relation to which the council has powers.
5. Each question must provide the name and address of the questioner and name the cabinet member/committee chair to whom the question should be put.

Deadlines

6. An application for a question to be considered shall be submitted in writing to the monitoring officer no later than nine clear working days in advance of the council assembly.
7. The date and time of receipt of such requests will be recorded and a copy of the question will immediately be sent to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Agenda

8. Questions shall be dealt with in the order in which they are received. Upon receipt a copy of each question shall be given to the Mayor and the appropriate cabinet member/committee chair. The content of any answers shall be within the discretion of the appropriate cabinet member/committee chair.

Length of public question time

9. The time during which public questions shall be taken shall not exceed 15 minutes. It is not in order to move for an extension of this time limit. When the time limit has expired, any remaining written replies shall be taken as read.

Asking the question at the meeting

10. Copies of all the questions to be dealt with at the meeting, together with draft written answers, shall be circulated in a suitable format at the meeting and copies shall be available for members of the public and the press.

11. The Mayor will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

Supplemental question

12. A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in rule 2.5(3) above.

Written answers

13. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

Reference of question to the cabinet or a committee

14. Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

2.6 DEPUTATIONS TO COUNCIL ASSEMBLY

Which meetings consider deputations?

1. Deputation requests shall be considered at ordinary meetings of the council. Deputations shall not be taken at the annual meeting or the council tax setting meeting.

Who may request a deputation?

2. Deputations can only be made by a group of people resident or working in the borough.

Composition of deputation

3. The deputation shall consist of no more than six persons, including the spokesperson.

Scope of deputations

4. A deputation may only come to council assembly when it is not possible or appropriate for it to go to the relevant decision making body.

The Mayor in consultation with the monitoring officer may reject a deputation if it:

- is a request from a group of people who have alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
- is not about a matter for which the council has powers or duties or which affects Southwark
- is defamatory, frivolous or offensive
- requires the disclosure of confidential or exempt information

- concerns a planning or licensing application
- raises a grievance for which there are other established processes for resolution
- relates to an investigation by (whether completed or not), or ruling of, the Standards for England, the standards committee or first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Form of the deputation

5. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.
6. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation.

Deadlines

7. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the monitoring officer no later than nine clear working days before the day of the council assembly meeting. The date and time of receipt of such requests will be recorded. Rejected deputations will include reasons for rejection.

Agenda

8. Deputations shall be dealt with in the order in which they are received.
9. Subject to complying with the regulations herein, details of written deputations will be included on the agenda papers for the meeting of the council assembly.
10. If the matter is not dealt with by the meeting, the matter shall be referred without debate to the relevant cabinet member who shall, after consideration, respond with an open reply to the sender.

Maximum number of deputations to be considered at council assembly

11. The maximum number of deputations in respect of an individual item shall not exceed two and not more than three deputations shall be considered at any one meeting of the council assembly. In the event that more than two requests for a deputation are received in respect of an individual item, those deputations to be reported will be determined on the basis of the order of the date and time received.
12. If there are more than three items upon which deputations have been requested the deputations will be allocated on the basis of one deputation per item and in the order of the date and time received, until the maximum number of three is reached.

What happens at council assembly meetings?

13. The monitoring officer shall report the request for the deputation to the council assembly. The meeting, without debate, shall decide whether the deputation will:
 - a) be received at this meeting or a future meeting
 - b) not be received

- c) be referred to the most appropriate committee/sub committee/community council.

The monitoring officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the council assembly has discretion as to whether or not to receive the deputation.

Speech on behalf of deputation

- 14. Only one member of the deputation shall be allowed to address the council assembly, her or his speech being limited to five minutes.

Questions to the deputation and time limit

- 15. Members of the council may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.

No debate during deputation

- 16. Members shall not debate any issues arising out of the deputation, or the item to which it relates, with any members of the deputation.

Deputation to withdraw from the floor

- 17. As soon as questions to the deputation have been concluded, the deputation shall withdraw from the floor of the council chamber to the public gallery where they may remain, subject to any resolution excluding attendance of the public.

Debate, motion and amendments

- 18. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall then be open to debate by the council assembly. If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.

Debate on deputations concerning reports on the agenda

- 19. Having received the deputation(s) on a matter subject to a report on the agenda, the Mayor will seek consent of the meeting for that item to be brought forward for immediate consideration. A vote is to be taken without debate. In the event of this vote being carried the report may then be considered in accordance with council assembly procedure rule 1.5. If the vote is lost, the subject matter will not be debated until the relevant item is reached in the order of business.

Subject of deputation not on agenda

- 20. If the subject of the deputation does not relate to a report on the agenda, members may move motions and amendments without prior notice. Debate on such motions and amendments shall be limited to 15 minutes. The mover of any such motion or amendment shall speak for a maximum of three minutes and the seconder and other speakers shall be allowed a maximum of two minutes.

Formal communication of council assembly's decision

21. The monitoring officer shall formally communicate the decision of the council assembly in writing to the person who submitted the request for the deputation to be received.

Deputations concerning licensing or planning applications

22. Deputations or representations received concerning licensing or planning applications will not be considered by council assembly. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.

2.7 URGENT QUESTIONS BY GROUP LEADERS

Which meetings consider urgent questions?

1. Urgent questions shall be taken at all ordinary council assembly meetings but not at the annual, extraordinary or council tax setting meetings.

Who can ask urgent questions?

2. The leader of each group, or in his or her absence the deputy leader, may ask an urgent question of:
 - the Mayor
 - a member of the cabinet
 - the chair of any committee, sub-committee or community council.
3. Group leaders are limited to one urgent question at each meeting.

Scope

4. An urgent question may be asked on any matter in relation to which the council has powers or duties or which affects Southwark.
5. An urgent question is one that deals with a matter that has arisen since the deadline for members' questions has elapsed and which cannot wait until the next council assembly.
6. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the question relates to the behaviour or conduct of an individual member or members.
7. No question shall be asked on a matter concerning a planning or licensing application.

Deadline for submission of questions

8. Urgent questions must be received by the monitoring officer no later than 10.00am on the morning of an ordinary council assembly meeting.
9. Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair, if this is appropriate.

Circulation of written answers

10. Copies of all questions and their written answers shall be circulated to all councillors at the beginning of the meeting. Copies shall also be made available to the press and public present at the meeting.

Supplementary question

11. A group leader asking a question may ask one supplementary question without notice to the member who was asked the first question. The supplemental question must arise directly out of the original question or the reply.

2.8 QUESTIONS BY MEMBERS

Which meetings consider questions by members?

1. Questions from members shall be considered at ordinary meetings of the council but not at the annual, extraordinary or the council tax setting meetings.

Who can ask questions?

2. A member of the council, may ask a question of:
 - the Mayor
 - a member of the cabinet
 - the chair of any committee or sub-committee or community council.
3. Members are limited to one question at each meeting. Composite questions – where a member wishes to raise a number of points in relation to the same subject matter, he/she may do so in a multi-part question provided that up to three parts shall be deemed to be one.

Scope

4. A question may be asked on any matter in relation to which the council has powers or duties or which affects Southwark.
5. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the question relates to the behaviour or conduct of an individual member or members.
6. No question shall be asked on a matter concerning a planning or licensing application.

Time period for question time

This rule cannot be suspended.

7. The time during which councillor's questions may be taken shall be 30 minutes.
8. Questions to any individual cabinet member or chair shall not exceed 15 minutes. It shall not be in order to move an extension of these time limits. Questions shall be taken in the following order: the leader, followed by other cabinet members (the order to be rotated by the monitoring officer at every meeting) and chairs of committees, sub-committees and community councils.

At the expiry of members' question time, all questions not reached shall be deemed as noted.

Deadline for submission of questions

9. Questions must be received by the monitoring officer no later than midnight, nine clear working days prior to the day of the council meeting. Questions to the leader will either be listed in the order received or, if notified, listed by whip prioritisation and rotation by the political groups/independent members (see council assembly procedure rule 2.8(12) and (13)). All other questions will be listed in the order of receipt.

Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair if this is appropriate.

Circulation of written answers

10. Copies of all questions and their written answers shall be circulated to all councillors one hour prior to the commencement of the meeting. Copies shall also be made available to the press and public present at the commencement of the meeting.

Supplementary question

11. A member asking a question may ask one supplementary question without notice to the member of whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

Prioritisation and rotation by the political groups/independent members

12. Questions to the leader will either be listed in the order received or listed in the order of whip prioritisation and rotation by the political groups. Four working days before the meeting, each chief whip may list questions from members of their respective groups in an order of priority to be taken at the meeting. All remaining questions will be taken in the order of receipt.
13. Questions to the leader will be rotated so that one is taken from each political group's list of priorities (and any independent councillors) for so long as there are questions remaining. For the first meeting following municipal elections or from the commencement of these arrangements, the Mayor will invite a representative of each political group (and any independent councillors) to draw lots to determine the order at the first meeting. At subsequent meetings, the order will be rotated.

Note: Questions will be rotated on a ratio of 1:1:1:1 for Liberal Democrat, Labour, Conservative and independent members.

Written answers to questions naming an individual member

14. In the event that a member of the council is named in a response to another member's question, the monitoring officer shall make the written response available to the individual member concerned prior to the day of the council assembly meeting. The individual member shall make any representations to the monitoring officer.

2.9 SUBMISSION OF MEMBERS' MOTIONS ON NOTICE

Which meetings consider motions?

1. Members' motions will not be taken at the annual meeting and the council tax setting meeting.

Scope

2. Motions must be about matters for which the council has powers or duties or which affect Southwark. Motions or amendments to motions shall not relate to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the motion, or amendment, relates to the behaviour or conduct of an individual member or members.

Notice

3. Except for motions that can be moved without notice under rule 1.11, notice of every motion must be delivered to the monitoring officer not later than thirteen clear working days before the date of the meeting. All motions must be accompanied by a named mover and seconder by this deadline. A record of the date and time of receipt will be maintained. A member shall only move one such motion and second one such motion to a meeting. Any subsequent changes can only be agreed with the consent of the meeting.
4. Notice of every member's amendment to a motion shall be delivered before 12.00 midday on the second working day before the day of the meeting at which the motion is to be moved. Amendments shall be submitted to the office of the monitoring officer. Each member is limited to proposing one and seconding one amendment per item of business. All amendments must be accompanied by a named mover and seconder by this deadline. Amendments shall be placed on the agenda in order of receipt. Any subsequent changes can only be agreed with the consent of the meeting. Amendments will be circulated by 2.00pm on the working day before the meeting.

Motion set out in agenda

5. Once motions have been deemed to be in order they shall be circulated to all members, after the deadline for the receipt of motions. Motions for which notice has been given will be listed on the agenda unless the member giving notice states that they propose to move it to a later meeting or withdraw it.

Motions to be debated at council assembly

6. Unless the member, when submitting the motion, requests that the motion is debated at the council assembly, the motion will stand referred to the cabinet or to a committee or sub-committee, as appropriate. Having considered the motion, the cabinet, committee or sub-committee, shall report on the outcome of their deliberations to the next meeting of the council assembly.

Prioritisation and rotation by the political groups/independent members

7. Motions will be listed in the order of whip prioritisation and rotation by the political groups. Four working days before the meeting, each chief whip may list motions from members of their respective groups in an order of priority to be taken at the meeting. All remaining motions will be taken in the order of receipt.
8. Motions will be rotated so that one is taken from each political group's list of priorities (and any independent councillors) for so long as there are motions remaining. For the first meeting following municipal elections or from the commencement of these arrangements, the Mayor will invite a representative

of each group (and any independent councillors) to draw lots to determine the order of groups at the first meeting. At subsequent meetings, the order will be rotated.

Note: Motions will be rotated on a ratio of 1:1:1:1 for Liberal Democrat, Labour, Conservative and independent members.

2.10 NOTICE FOR MOTIONS AND AMENDMENTS ON REPORTS FROM THE CABINET, COMMITTEES AND OFFICERS

Reports from the cabinet and committees to be moved separately

1. Each recommendation in the report from the cabinet member or committee shall be deemed as the motion and shall be moved separately by the member in whose name the report is submitted (or in his/her absence, by some other member who was present at the meeting). No seconder is required.

Reports submitted by officers to be moved by person presiding

2. In the case of reports submitted direct to council assembly by officers, the recommendations shall be deemed to have been moved by the person presiding (with no seconder required) and will therefore be subject only to amendment, provided that notice has been given in accordance with the provisions of rule 2.10(3).

Notice required for amendments

3. Notice of every member's amendment for a report from the cabinet, committee or officer shall be given in writing, signed by the member, and delivered before 12.00 midday on the second working day before the day of the meeting at which the motion is to be moved. Amendments shall be submitted to the office of the monitoring officer. Each member is limited to proposing one and seconding one amendment per item of business. Amendments shall be placed on the agenda in order of receipt. Amendments will be circulated by 2.00pm on the working day before the meeting

Notice required for questions on reports

4. Notice of all questions on reports shall be given in writing, signed by the member and delivered at least one clear working day before the day of the meeting at which the motion is to be moved, at the office of the monitoring officer (i.e. by midnight of the Monday in the week of an ordinary Wednesday council assembly meeting). Each member is limited to one question per item of business.

Circulation of questions and amendments

5. The monitoring officer shall arrange for copies of all questions received in accordance with paragraph (4) above, to be circulated to members on the evening before the day of the meeting at which they are to be considered.

Dealing with questions on reports

6. The following rules shall also apply to questions on reports:
 - a) questions on reports shall be addressed to the member moving the report (see council assembly procedure rule 2.10(1))
 - b) who can ask questions – composite questions (see council assembly procedure rule 2.8(3))
 - c) scope (see council assembly procedure rule 2.8(4) to 2.8(6))

- d) all questions will be listed in the order of receipt (see council assembly procedure rule 2.8(9))
- e) cabinet members and committee chairs shall have the discretion to refer a question to another cabinet member or committee chair if this is appropriate (see council assembly procedure rule 2.8(9))
- f) circulation of written answers (see council assembly procedure rule 2.8(10))
- g) supplementary question (see council assembly procedure rule 2.8(11))
- h) written answers to questions naming an individual member (see council assembly procedure rule 2.8(14)).

2.11 RECORDING OF RECEIPT OF MOTIONS, PETITIONS, AMENDMENTS AND QUESTIONS

A record of the date of receipt of all motions, petitions, amendments and questions received under council assembly procedure rules 2.4(2), 2.5(7), 2.7(8), 2.8(9), 2.9(3), 2.10(3) and 2.10(4) be kept by the monitoring officer which shall be open to inspection by every member of the council.

3. EXTRAORDINARY MEETINGS

This rule cannot be suspended.

3.1 CALLING OF EXTRAORDINARY MEETINGS

Those listed below may request the monitoring officer to call council meetings in addition to ordinary meetings:

- a) the council by resolution
- b) the Mayor
- c) the chief executive
- d) any five members of the council if they have presented a signed requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition.

3.2 AUTHORITY FOR CHIEF EXECUTIVE TO SUMMON COUNCIL ASSEMBLY

The chief executive, as a matter of urgency, may call an extraordinary meeting of the council assembly at any time.

3.3 BUSINESS

Extraordinary meetings of the council will consider only the specific business identified as the reason for the calling of the extraordinary meeting.

4. ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) OF THE COUNCIL ASSEMBLY

4.1 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL)

This rule cannot be suspended.

- 1. The council shall in every year hold an annual meeting.

2. In a year of ordinary elections of councillors to the council, the annual meeting shall be held on the eighth day after the day of retirement of councillors or such other day as the council may fix within the twenty-one days immediately following the day of retirement. This will normally be the third or fourth Wednesday in the month of May.
3. The annual meeting shall in all other years be held on the third Wednesday in the month of May, except when re-arranged (so long as it is held in March, April or May).

4.2 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) – BUSINESS

1. The annual meeting will:
 - a) elect a person to preside if the outgoing Mayor is not present
 - b) elect a new Mayor (the Mayor thereafter, may appoint a Deputy Mayor)
 - c) receive any Mayor's announcements, including apologies for absence
 - d) approve as a correct record and sign the minutes of the last meeting of the council assembly in the previous municipal year
 - e) elect the leader for the ensuing year
 - f) receive a report from the leader on the determination and allocation of executive functions to members of the cabinet
 - g) establish at least one overview and scrutiny committee, a standards committee and such other committees, the number and allocation of places on each committee, their terms of reference and the appointment of chairs and vice-chairs for the coming year as the council considers appropriate to deal with matters which are neither reserved to the council assembly nor are executive functions (as set out in part 3 of this constitution)
 - h) receive any report of the leader on the 'matters reserved for member decision' and 'scheme of delegation' or such part of it as the constitution determines it is for the council to agree (as set out in part 3 of this constitution)
 - i) receive a report from the monitoring officer as to the appointment of the leader of the majority group, the leader of the opposition, leaders of other party groups (if any) and the chief and deputy whip of each party group
 - j) consider a report from the monitoring officer on constitutional matters for the municipal year including:
 - the draft calendar of meetings for the coming year
 - establishment of the voluntary bodies appointments panel as set out in Part 3
 - establishment of the constitutional steering panel as set out in Part 3
 - the appointment of representatives to outside bodies and joint committees
 - k) receiving a report on the review of the constitution
 - l) consider the members' allowances scheme for the forthcoming municipal year
 - m) consider other business specified in the agenda (if any)
 - n) consider any matters of urgency not specified in the summons.

4.3 ESTABLISHMENT AND SELECTION OF COUNCILLORS ON COMMITTEES AND OUTSIDE BODIES

1. The annual constitutional meeting will:
 - a) decide which committees to establish for the municipal year
 - b) decide the size and terms of reference for those committees
 - c) decide the allocation of seats and reserve/substitute members to political groups in accordance with the political balance rules
 - d) receive nominations of councillors to serve on each committee and outside body
 - e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the council or is exercisable only by the cabinet.
2. The monitoring officer shall prepare and provide lists of appointments to be made by the council to the secretary of each political group represented on the council prior to the annual general meeting of each political group, taking account of the statutory rules of proportionality where these apply. The secretary of each political group shall submit a list of the members of the group together with nominations for all appointments, as listed, to the monitoring officer not less than eight clear working days prior to the day of the annual council meeting.
3. At the termination of business, annual meetings of committees shall occur for the purposes of establishing sub-committees and making appointments to any outside bodies within the delegations to each committee.

4.4 LEADER AND CABINET

1. The leader shall be appointed at the first annual meeting of the council to be held after ordinary elections take place or, at an ordinary or extraordinary council meeting as necessary.
2. The leader shall appoint between two and nine other councillors at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as members of the cabinet.
3. The leader shall appoint one member of the cabinet at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as deputy leader. Where a vacancy occurs in the office of deputy leader, the leader must appoint another person in his place.
4. The leader shall have power to vary the allocation of portfolios within the cabinet on an interim basis. The leader shall also have power to designate a cabinet member as lead cabinet member in respect of any policy matter that is cross-cutting. In the event that a cabinet member ceases to be a member of the cabinet, the leader shall have the discretion as to whether or not to appoint a replacement.
5. Other political groups represented on the council may nominate a councillor to act as their leader. The leader of the largest opposition political group represented on the council shall be known as the leader of the opposition and shall act as the spokesperson for the opposition on all matters of general policy and business.

4.5 APPOINTMENT OF RESERVE/SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

Allocation

1. As well as allocating seats on non-cabinet committees and sub-committees, the council will allocate seats in the same manner for reserve/substitute members.

Number

2. For each committee or sub-committee, council assembly will appoint one fewer reserve seats(s) than a political group holds ordinary seats, subject to a minimum of one unless otherwise agreed by council assembly.

Powers and duties

3. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Substitution

4. At the commencement of each meeting each political group shall announce whether any of the named voting members are to be substituted by a reserve or deputy. This substitution shall remain in effect for the whole of the meeting.

4.6 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY

1. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper officer shall make or terminate the appointment accordingly and inform the appropriate committee or sub-committee at its next available meeting. The proper officer shall maintain a full list of committee and sub-committee memberships. In the event of the termination of an appointment in accordance with the wishes of a political group, the proper officer is to inform the individual concerned in writing within three days of notice being received.

Notification of appointments, resignations and termination of appointments

2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the monitoring officer. A minimum of five clear working days must elapse from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.

4.7 CONTINUING MEMBERSHIP OF THE MAYOR AND DEPUTY MAYOR IN FULL COUNCIL ELECTION YEAR

This rule cannot be suspended.

1. In a year when the term of office of the Mayor spans full council elections, the Mayor shall continue in office and remain as a member of the council notwithstanding that he/she does not seek or achieve re-election as a councillor.

2. In a year when the term of office of the Deputy Mayor spans full council elections, the Deputy Mayor shall continue in office but will not remain as a member of the council unless he/she achieves re-election as a councillor.
3. The term of office of the Mayor and Deputy Mayor in an election year shall continue until the annual meeting of the council assembly.

4.8 VOTING RIGHTS OF MAYOR AT ANNUAL MEETINGS

This rule cannot be suspended.

1. If the person presiding at the annual meeting would have ceased to be a member of the council he/she shall not be entitled to vote in the election of the new Mayor except in accordance with paragraph 2 below.

Casting vote

This rule cannot be suspended.

2. In the case of an equality of vote, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.

5. GRANTING OF THE FREEDOM OF THE BOROUGH AND CONFERRING THE TITLE OF HONORARY ALDERMAN

5.1 Freedom of the Borough

The council assembly at a specially convened meeting shall consider the recommendation of the constitutional steering panel for nominations i.e. the conferment, for the purposes of honouring or granting the Freedom of the Borough, to any person, organisation or body that meet the criteria approved by the council and who have rendered eminent service to Southwark, and shall by a resolution passed by not less than two-thirds of the members voting agree upon those to be honoured. Thereafter, the Freedom of the Borough shall be presented to the agreed recipients.

5.2 Honorary Alderman

The council assembly at a specially convened meeting shall consider the recommendation of the constitutional steering panel for nominations i.e. the conferment, for the purposes of honouring or conferring the title of Honorary Alderman, to any person who meets the criteria approved by the council and who has rendered eminent service to Southwark as a past member of the council, and who is not then a councillor of the council, and shall by a resolution passed by not less than two-thirds of the members voting agree upon those to be honoured. Thereafter, the title of Honorary Alderman shall be presented to the agreed recipients.

6. MEMBERS' CONDUCT

Members' statements

1. No member shall mislead the council assembly on a matter of fact. If a misleading statement is made, the member shall inform council assembly at the earliest opportunity and offer a correct statement.
2. A member who knowingly makes a misleading statement to council assembly may be regarded as bringing the council and its proceedings into disrepute. If this is the case then a breach of the members' code of conduct is likely to occur.

7. SUSPENSION AND AMENDMENT OF COUNCIL ASSEMBLY PROCEDURE RULES

Suspension

1. Council assembly procedure rules 1.1, 1.2, 1.3, 1.4, 1.6, 1.8, 1.10, 1.12(1), 1.12(2), 1.12(3), 1.12(27), 1.12(28), 1.13(1), 1.13(2), 1.13(3), 1.13(5), 1.13(6), 1.16, 2.3(4), 2.3(5), 2.4, 2.8(7), 2.8(8), 3, 4.1, 4.7, 4.8(1) and 4.8(2) may not be suspended. All the other rules may be suspended by motion on notice or without notice if at least one half of the all of the members of the council are present. Suspension can only be for the duration of the meeting.

Amendment

2. Any motion to add to, vary or revoke these council assembly rules of procedure will, when proposed and seconded, stand adjourned without discussion to be considered by the constitutional steering panel for report to the next meeting of the council.

APPENDIX**Protocol governing the discussion in council assembly on investigations and rulings of Standards for England, standards committee and the first tier tribunal (Local Government Standards for England)**

In addition to the provisions provided for in rules 1.12(3)(e), 2.5(3), 2.6(4), 2.7(6), 2.8(5), and 2.9(2) of the council assembly procedure rules, members should note that:

A member or members of the council assembly as a whole should not comment on an investigation that is being undertaken or has been completed, or a ruling of Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England) except by moving a motion that relates to a general corporate action.

A general corporate action would include:

- raising concerns about general behaviour or standards in the council that do not expressly refer to a particular member or members
- calling for the council to develop additional protocols governing members' conduct or actions
- calling for the council to review or amend existing protocols governing members' conduct or actions to ensure that they are providing members with clear and comprehensive guidance on conduct issues
- calling for the council to undertake member development training on the code of conduct, or any part of it, or protocol to increase awareness amongst members of the existence and contents of the council protocols and code of conduct.

Council assembly should delegate a request for a general corporate action to the appropriate committee or officer (for example a request to revise the member and officer protocol would need to be referred to the standards committee).

Calls for a particular member or members to take further action, including calling on a member or members to make a public apology, resign or any other action that could be taken to be a punitive action against that member or members, will be ruled out of order by the Mayor on advice from the monitoring officer.

COMMITTEE PROCEDURE RULES

CONTENTS

1. GENERAL PROCEDURES APPLYING TO ALL COMMITTEE MEETINGS
2. APPOINTMENT OF MEMBERS TO COMMITTEES
3. AGENDA AND MINUTES
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5. PETITIONS
6. ADDITIONAL RULES APPLYING TO AUDIT AND GOVERNANCE COMMITTEE
7. ADDITIONAL RULES APPLYING TO STANDARDS COMMITTEE

Information to members of the public:

Members of the public may attend any meeting of the council's committees and sub-committees subject to the business being considered at the meeting not being exempt under the provisions set out in the access to information rules.

Suspension of committee procedure rule:

The following will indicate when a certain rule may not be suspended:
"This rule cannot be suspended."

1. GENERAL PROCEDURES APPLYING TO ALL COMMITTEE MEETINGS

1.1 NOTICE AND SUMMONS OF MEETINGS

This rule cannot be suspended.

1. The monitoring officer will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before a meeting, the chief executive will send a summons signed by him or her by post to every member of the committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Time and place

2. Unless the meeting, or the chair, shall otherwise decide, all meetings shall commence at 7.00pm.
3. The ordinary place of meeting for committees shall be Town Hall, Peckham Road, London SE5 unless otherwise specified in the summons.
4. Meetings may only be convened at less than five clear working days notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

Dates and frequency of meetings

5. Council assembly at its annual meeting shall fix the dates that all council committees and sub-committees shall meet for the municipal year.
6. The chair of a committee or sub-committee may direct the chief executive to call a special meeting of the committee or sub-committee at any time, or in exceptional circumstances change the date and venue of a meeting.

Cancellation of meetings

7. The chair, in consultation with the monitoring officer may cancel a meeting or direct that an ordinary meeting of the relevant committee or sub-committee be not called.

1.2 QUORUM

This rule cannot be suspended.

1. No business shall be considered unless 25% of the voting membership are present in the meeting room but no fewer than two, except for the following meetings for which the quorum is:
 - a) Disciplinary appeals committee = three
 - b) Licensing sub-committees = three¹
 - c) Standards committee = three including one independent member².

¹ The procedures governing the proceedings of the licensing sub-committees are set by the licensing committee. The licensing committee agreed on May 17 2005 that the quorum of sub-committees shall be three members.

If the chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes' deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the committee, unless the chair fixes an alternative date.

Quorum at start of meeting

2. The meeting shall commence as soon as there is a quorum, following the time at which the meeting has been appointed to be held.

1.3 POWERS OF THE CHAIR/VICE-CHAIR

This rule cannot be suspended.

1. The chair shall decide, having taken the advice of the monitoring officer, all matters of order, competence, relevancy and interpretation of committee procedure rules relating to the conduct of the meeting.

1.4 PREVENTION OF DISORDERLY CONDUCT

This rule cannot be suspended.

1. A councillor may be directed to discontinue speaking if the chair considers the councillor is being repetitive, irrelevant, using unbecoming language, or is in some other way breaching the order of the meeting.

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair having warned the councillor shall move that the councillor called by name leaves the meeting. The motion, if seconded, shall be put immediately to the vote without further debate and if carried the councillor shall leave immediately.

2. In the case of a member of the public disrupting the meeting or if there is a general disturbance, the chair may order the removal of a person or that the public areas be cleared. Re-admission shall be at the discretion of the chair.
3. In the event of a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary for order to be restored.

1.5 BROADCASTING AND RECORDING

Electronic recording, photographing or filming of the proceedings of a committee or sub-committee meeting by any member of the public, media or councillor shall only take place with the prior agreement of the chair. The chair will make an announcement at the beginning of the meeting on any arrangement agreed.

² See committee procedure rule 6(9) – Standards committee quorum.

1.6 DECLARATION OF INTERESTS

This rule cannot be suspended.

Councillors shall abide by the members' code of conduct. It is the responsibility of every councillor to declare an interest by the time the relevant item of business is reached.

1.7 RULES OF DEBATE

1. A councillor may indicate their desire to speak by raising their hand, but shall only speak when called by name by the chair.
2. Councillors shall address the chair when speaking, and:
 - a) refer to each other as Mayor, Deputy Mayor, leader, cabinet member, chair or councillor, as the case may be
 - b) refrain from using unbecoming language
 - c) refrain from comments of a personal nature about another councillor
 - d) not attribute improper motives to another councillor
 - e) speeches must be directed to the matter under discussion or to a personal explanation or point of order.
3. No debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion or amendment may be considered at a time. A motion or amendment, once moved and seconded, may be withdrawn only by the mover and seconder with the consent of the meeting. No further debate shall take place on a motion or amendment once it has been withdrawn.
4. Every motion or amendment must be moved and seconded. A councillor may not move more than one amendment or motion on the same subject.

Secunder's speech

5. When seconding a motion or amendment, the seconder may reserve their speech until later in the debate.

Amendments to motions

6. An amendment to a motion must be in writing, be relevant to the motion and will either be:
 - a) to refer the matter to an appropriate body or individual for consideration or reconsideration
 - b) to leave out words
 - c) to leave out words and insert or add others
 - d) to insert or add words.
7. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been completely dealt with.

Right of reply

8. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

9. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. If an amendment is carried, the mover of the amendment shall hold the right to reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.
10. The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

11. When a motion is under debate, no other motion may be moved except the following procedural motions:
 - a) to withdraw a motion
 - b) to amend a motion
 - c) to proceed to the next business
 - d) that the question be now put
 - e) to adjourn a debate
 - f) to adjourn a meeting
 - g) to exclude the public and press in accordance with the access to information rules
 - h) to not hear further a member named under rule 1.4(1) or to exclude them from the meeting under rule 1.4(1).

The procedures governing closure motions (see 11 c), d), e) and f) above), which are contained in the council assembly procedure rules shall be followed.

Point of order

This rule cannot be suspended.

12. A member may raise a point of order at any time during the meeting. The chair will hear them immediately. A point of order may only relate to an alleged breach of the committee procedure rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

Personal explanation

This rule cannot be suspended.

13. A member may request to make a personal explanation at any time during the meeting. A personal explanation may only enable the member to refute or correct a statement attributed to him/her or any action he/she has taken.

The procedures governing personal explanations contained in council assembly procedure rule 1.12(28) shall be followed.

1.8 VOTING

Majority

This rule cannot be suspended.

1. Unless this constitution provides otherwise or it is required by statute, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put to the vote.

Chair's casting vote

This rule cannot be suspended.

2. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

Show of hands

3. The chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Right to require individual vote to be recorded

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

4. Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments

This rule cannot be suspended.

5. If there are more than two people nominated for any position to be filled, the names will be put to the vote in alphabetical order and the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

1.9 FORMAL RECORDS TO BE MAINTAINED

All meetings of the council committees and sub-committees are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

2. APPOINTMENT OF MEMBERS TO COMMITTEES

2.1 APPOINTMENT OF RESERVE/SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

Powers and duties

1. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Substitution

2. At the commencement of each meeting each political group shall announce whether any of the named voting members are to be substituted by a reserve or deputy. This substitution shall remain in effect for the whole of the meeting.

2.2 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY

1. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper officer shall make or terminate the appointment accordingly and inform the appropriate committee or sub-committee at its next available meeting. The proper officer shall maintain a full list of committee and sub-committee memberships. In the event of the termination of an appointment, in accordance with the wishes of a political group, the proper officer is to inform the individual concerned, in writing, within three days of notice being received.

Notification of appointments, resignations and termination of appointments

2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the monitoring officer. A minimum of five clear working days must elapse from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.

Independent and co-opted members' attendance at meetings

3. In the event that an independent member of the standards committee or 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 authority.

3. AGENDA AND MINUTES**3.1 ORDER OF BUSINESS AT COMMITTEE AND SUB-COMMITTEE MEETINGS**

The order of business at every meeting shall be:

- a) to choose a person to preside if the chair and vice-chair are absent
- b) apologies for absence
- c) declarations of interest
- d) to approve the minutes of the previous meeting, which shall then be signed by the person presiding
- e) to receive reports of the officers
- f) any other business specified in the summons.

3.2 VARIATION IN ORDER OF BUSINESS

Business falling under paragraph 3.1a) and c) shall not be moved but, subject thereto, the order of business or the timing of the business may be varied:

- a) by the chair in consultation with the monitoring officer
- b) by a resolution passed on a motion which shall be put without debate.

3.3 MINUTES

Minutes

1. The monitoring officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.

Signing the minutes

This rule cannot be suspended.

2. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

3. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

3.4 ADMISSION OF PRESS AND PUBLIC

1. Members of the public and press shall be admitted to all meetings of committees and sub-committees subject to the access to information rules in part 4 of the constitution or rule 1.4 (Prevention of disorderly conduct).

Public speaking at committee

This rule does not apply to planning or licensing applications where separate procedures exist.

2. Members of the public shall only address a meeting of a committee or sub-committee as part of a deputation or at the discretion of the chair.

3.5 RECORD OF ATTENDANCE

This rule cannot be suspended.

All members during the whole or part of a meeting must sign their names on the attendance sheets and their time of departure, if before the meeting ends, before the conclusion of any meeting to assist with the record of attendance.

4. DEPUTATIONS

Who may request a deputation?

1. Deputations can only be made by a group of people resident or working in the borough.

Composition of deputation

2. The deputation shall consist of no more than six persons, including the spokesperson.

Scope of deputations

3. The chair in consultation with the monitoring officer may reject a deputation if it:
 - a) is a request from a group of people who have alternative means of expressing their views through recognised channels e.g. employees of the authority, trade unions representing staff employed by the authority etc
 - b) is not about a matter for which the council has powers or duties or which affects Southwark
 - c) is defamatory, frivolous or offensive
 - d) requires the disclosure of confidential or exempt information
 - e) concerns a planning or licensing application
 - f) raises a grievance for which there are other established processes for resolution
 - g) relates to an investigation by (whether completed or not), or ruling of, Standards of England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Form of the deputation

4. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.
5. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the monitoring officer. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation and certainly no later than three clear working days before the day of the meeting.

Agenda

6. Deputations shall be dealt with in the order in which they are received.
7. Subject to complying with the regulations herein, details of written deputations will be included on the agenda papers for the meeting.

What happens at the meeting?

8. The monitoring officer shall report the request for the deputation to the meeting. The meeting, without debate, shall decide whether the deputation will:
 - a) be received at this meeting or a future meeting
 - b) not be received
 - c) be referred to the most appropriate committee/sub-committee.

The monitoring officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the meeting has discretion as to whether or not to receive the deputation.

Speech on behalf of deputation

9. Only one member of the deputation shall be allowed to address the meeting, her or his speech being limited to five minutes.

Questions to the deputation and time limit

10. Members of the meeting may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.

No debate during deputation

11. Members shall not debate any issues arising out of the deputation, or the item to which it relates, with any members of the deputation.

Deputation to withdraw from the floor

12. As soon as the questions to the deputation have been concluded, the deputation shall withdraw from the floor and return to the public area where they may remain (subject to any resolution excluding the attendance of the public).

Debate, motion and amendments

13. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall be then open to debate by the meeting. If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.

Debate on deputations concerning reports on the agenda

14. Having received the deputation(s) on a matter subject to a report on the agenda, the chair will seek the consent of the meeting for that item to be brought forward for immediate consideration. A vote on this matter is to be taken without debate. In the event of this motion being carried the report may then be considered. If the motion is lost, the subject matter will not be debated until the relevant item is reached on the order of business.

Subject of deputation not on agenda

15. If the subject of the deputation does not relate to a report on the agenda, members may move motions and amendments without prior notice.

Formal communication of the meeting's decision

16. The monitoring officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.

Deputations concerning licensing or planning applications

17. Deputations or representations received concerning licensing or planning applications will not be considered by committees of the council. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.

5. PETITIONS TO COMMITTEES

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public will be entitled to present petitions with 500 or more signatures to the chair at each committee meeting.

Deadline

2. The petition must be submitted to the monitoring officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.

Scope

3. Petitions must relate to matters in which the committee has powers or duties or which affects Southwark. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

Procedure at meeting

4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the monitoring officer.
5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The committee will debate the petition for a period of up to 15 minutes. The committee may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.
6. The time during which petitions shall be considered shall not exceed 40 minutes.
7. The processes and procedures are set out in the council's petition scheme.

6. ADDITIONAL RULES APPLYING TO AUDIT AND GOVERNANCE COMMITTEE

Composition

1. The committee will consist of at least three councillors, and up to five councillors, including at least one member of each political group as defined by the Local Government and Housing Act 1989 and Regulation 8 of Local Government (Committees and Political Groups) Regulations 1990.
2. No more than one member of the cabinet may be a member of the committee, and no cabinet member may chair the committee.
3. No more than one member of the overview and scrutiny committee may be a member of the committee, and no overview and scrutiny committee member may chair the committee.
4. The leader of the council may not be a member of the committee.

7. ADDITIONAL RULES APPLYING TO STANDARDS COMMITTEE

Composition

1. The committee will consist of:
 - a) at least four and up to seven councillors, including at least one member of each political group as defined by the Local Government and Housing Act 1989 and Regulation 8 Local Government (Committees and Political Groups) Regulations 1990
 - b) up to six independent members, appointed in accordance with the Relevant Authorities (Standards Committee) Regulations 2001
 - c) reserve members for the councillor members of standards committee equal to the number of places each political group has on the committee.
2. The political balance rules in section 15 of the Local Government and Housing Act 1989 do not apply to the standards committee.
3. Independent members must make up at least 25% of the committee's total membership.
4. No more than one member of the cabinet may be a member of the committee, and no cabinet member may chair the committee.
5. The leader may not be a member of the standards committee.

Independent members – Voting

6. Independent members may vote.

Independent members – Term of office

7. With six independent members, the terms of office of each member will be for four years with each member retiring at the end of their term. Members shall serve a maximum of two terms³.

Chair

8. The chair of the standards committee will be elected from among the independent members at the first meeting of the committee in each municipal year.

³ See also committee procedure rule 2.2(3) – Attendance at meetings.

Quorum

9. The quorum for the meeting of standards committee or its sub-committees is three members, including at least one independent member.

Sub-committees

10. The committee is empowered to establish sub-committees to filter and review decisions, and hear complaints of misconduct against councillors (including co-opted and independent members). The membership for each sub-committee will be drawn from the pool of independent members and councillors on the committee, including reserve members.
11. Sub-committees shall be composed of three members including at least one independent member. Rules 7.2, 7.4, 7.5, 7.6, 7.8 and 7.9 shall apply to sub-committee meetings.

COMMUNITY COUNCIL PROCEDURE RULES

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Information to members of the public:

Members of the public may attend any meeting of the community councils subject to the business being considered at the meeting not being confidential or exempt under the provisions set out in the access to information rules.

Suspension of community councils procedure rule:

The following will indicate when a certain rule may not be suspended:

"This rule cannot be suspended."

1. INTRODUCTION

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 local matters and at present the council has delegated responsibility for decisions in the following key areas: local planning, the cleaner, greener, safer capital programme, traffic management, appointment of local education authority governors to local nursery and primary schools and agreeing schemes for the community project bank. Community councils also offer an important mechanism for formal consultation on council wide policies and strategies and as a focal point for discussion and consultation on matters that affects the area.

Community councils are divided by geographical areas as follows:

- Bermondsey
- Camberwell
- Nunhead and Peckham Rye
- Rotherhithe
- Borough and Bankside
- Dulwich
- Peckham
- Walworth

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.

The community councils meet about every six weeks, with a separate planning meeting about every four weeks. Community councils meet in local venues around the borough.

Application of other parts of the constitution

The constitutional framework is set out in Article 8 (composition etc), Part 3H (roles and functions) and Part 4 (procedure rules). Other parts of the constitution apply in generic terms i.e. access to information and the application of the code of conduct. A Community Councils Scheme sets out the roles of and relationships between members and officers for the effective operation of community councils and their associated meetings.

2. NOTICE AND SUMMONS OF MEETINGS

This rule cannot be suspended.

1. The monitoring officer will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before a meeting, the chief executive will send a summons signed by him or her by post to every councillor who is a member of the relevant community council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Time and place

2. Unless the meeting, or the chair, shall otherwise decide, all meetings shall commence at 7.00pm.

3. Community councils shall meet at local venues.
4. Meetings may only be convened at less than five clear working days notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

Dates and frequency of meetings

5. Council assembly at its annual meeting shall fix the dates that all community councils shall meet for the municipal year.
6. The chair of a community council, in consultation with the monitoring officer, may direct the chief executive to call a special meeting of the community council at any time or in exceptional circumstances change the date and venue of a meeting.

Cancellation of meetings

7. The chair, in consultation with the monitoring officer may cancel a meeting or direct that an ordinary meeting of the community council be not called.

3. QUORUM

This rule cannot be suspended.

1. No business shall be considered unless 25% of the voting councillor membership are present in the meeting room but no fewer than two.

If the chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes' deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the community council, unless the chair fixes an alternative date.

Quorum at start of meeting

2. The meeting shall commence as soon as there is a quorum, following the time at which the meeting has been appointed to be held.

Meeting becoming inquorate

3. During the course of the meeting if there is no longer a quorum of voting councillors, the meeting may continue for the purposes of consultation/discussion only, at the chair's discretion subject to advice from the monitoring officer's representative. The meeting shall not take any decisions.

4. CONDUCT

Equality and diversity

1. Community council shall conduct its business in a way that:
 - a) promotes equality of opportunity between individuals and treats all people with dignity and respect
 - b) avoids and eliminates discrimination of any kind
 - c) promotes good relations within the community between members of different groups, and encourages the active participation of all.

Conduct

2. Everyone present at the community council meeting must:
 - a) treat other participants with courtesy and respect
 - b) be sensitive to the needs of those participants who are not used to speaking in public, or whose first language is not English
 - c) conduct themselves in a way that does not cause offence to others or limits in any way others' ability to participate in meetings
 - d) only speak when called on by the chair and speak through the chair.
3. Unacceptable conduct includes:
 - a) using abusive or unbecoming language or making comments of a personal nature about another person
 - b) discriminatory or other derogatory remarks or actions
 - c) behaviour that intimidates any person present at the meeting
 - d) preventing others from expressing their views by interrupting or talking while they are speaking
 - e) attributing improper motives to others
 - f) failure to comply with the procedure rules
 - g) treating council officers disrespectfully, either individually or as a group, when speaking to them, or about them
 - h) ignoring or not accepting the authority of the chair.

5. **BREACHES AND PREVENTION OF DISORDERLY CONDUCT**

This rule cannot be suspended.

1. The chair, having taken the advice of the monitoring officer, will decide whether a person or persons have breached the rules on conduct. If there has been a breach, then the chair will point out to that person that their behaviour is not acceptable. If necessary the chair will consider taking the following action.

Councillors

2. A councillor may be directed to discontinue speaking if the chair considers the councillor is being repetitive, irrelevant, using unbecoming language, or is in some other way breaching the order of the meeting.

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair having warned the councillor shall move that the councillor called by name leaves the meeting. The motion, if seconded, shall be put immediately to the vote without further debate and if carried the councillor shall leave immediately.

Public

3. In the case of a member of the public disrupting the meeting or if there is a general disturbance, the chair may order the removal of a person or that the public areas be cleared. Re-admission shall be at the discretion of the chair.
4. In the event of a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary for order to be restored.

6. **POWERS OF THE CHAIR**

This rule cannot be suspended.

1. The chair shall decide, having taken the advice of the monitoring officer, all matters of order, competence, relevancy and interpretation of community councils procedure rules relating to the conduct of the meeting.
2. The chair may:
 - a) decide the order of speakers
 - b) limit the time that someone may speak
 - c) limit the time spent on a particular issue
 - d) alter the order of the agenda
 - e) require that a motion be proposed and seconded before an issue is debated
 - f) permit discussion on an issue or report without first requiring a motion
 - g) adjourn the meeting for a short period.

In the absence of the chair and vice-chair those councillors present shall elect a councillor to preside from amongst their number.

7. PUBLIC ENGAGEMENT AT MEETINGS

7.1 ADMISSION OF PRESS AND PUBLIC

1. Members of the public who live or work in the community council area, and press shall be admitted to meetings of community councils. Attendance is subject to:
 - rule 5 (Prevention of disorderly conduct)
 - the access to information rules in part 4 of the constitution, which require confidential issues to be considered in closed session, where the public and press will have to leave the room.

7.2 PUBLIC SPEAKING AT COMMUNITY COUNCILS

This rule does not apply to planning applications where separate procedures exist.

1. A member of the public may indicate their desire to speak by raising their hand, but shall only speak when called by the chair.
2. Only one person may speak at a time.
3. All remarks and discussion must be made through and with the permission of the chair.
4. Remarks should not be repetitive or irrelevant, or use unbecoming language.
5. Speakers may only speak on the agenda item under discussion.
6. Remarks shall not exceed three minutes, subject to the chair extending or limiting the time that someone may speak.
7. The public may also address a meeting in one of following ways:

- asking a public question (see rule 7.3)
- as a spokesperson for a deputation submitted on a local issue (see rule 7.4)
- submitting a petition (see rule 7.5)
- participating in workshops and discussions (see rule 7.6).

7.3. PUBLIC QUESTIONS

Public question time

1. The chair, in consultation with the monitoring officer, shall have discretion to include a public question time on the order of business and to determine the time allocation for public question time.
2. A resident or person working in the borough may ask one question on any matter in relation to which the council has powers or duties. All questions shall be formally addressed to the chair. The chair shall decide the most appropriate individual to respond or means to secure a response.
3. The content of any answers shall be within the discretion of the appropriate chair. The chair shall intervene to prevent aggressive, repeated or vexatious questioning.
4. **Scope of questions**
The chair in consultation with the monitoring officer may reject a question if it:
 - a) is not about a matter for which the council has powers or duties or which affects Southwark
 - b) is defamatory, frivolous or offensive
 - c) is substantially the same as a question which has been put at a meeting in the past six months
 - d) requires the disclosure of confidential or exempt information
 - e) concerns a planning or licensing application
 - f) raises a grievance for which there are other established processes for resolution
 - g) relates to an investigation by (whether completed or not), or ruling of, Standards for England, Southwark's standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

7.4 DEPUTATIONS

Who may request a deputation?

1. Deputations can only be made by a group of people resident or working in the community council area.

Composition of deputation

2. The deputation shall consist of no more than six persons, including the spokesperson.

Scope of deputations

3. The chair in consultation with the monitoring officer may reject a deputation if it:

- a) is a request from a group of people who have alternative means of expressing their views through recognised channels e.g. employees of the authority, trade unions representing staff employed by the authority etc
- b) is not about a matter for which the council has powers or duties or which affects Southwark
- c) is defamatory, frivolous or offensive
- d) is substantially the same as an issue which has been put at a meeting in the past six months
- e) requires the disclosure of confidential or exempt information
- f) concerns a planning or licensing application
- g) raises a grievance for which there are other established processes for resolution
- h) relates to an investigation by (whether completed or not), or ruling of, Standards for England, Southwark's standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Form of the deputation

- 4. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.

Deadline

- 5. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing seven clear working days before the meeting to the monitoring officer. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation.

Late or urgent deputations

- 6. To preserve the ability for deputations to take place in connection with late or urgent items added to the agenda after the normal deadline for deputations, the chair or in his/her absence the vice-chair shall at the meeting have the discretion to decide whether or not to accept a late and urgent deputation.

What happens at the meeting?

- 7. Deputations shall be dealt with in the order they are received, unless the chair varies the order.
- 8. The monitoring officer shall report the request for the deputation to the meeting. The councillors present, without debate, shall decide whether the deputation will:
 - a) be received at this meeting or a future meeting
 - b) not be received
 - c) be referred to the most appropriate council body.
- 9. The monitoring officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the meeting has discretion as to whether or not to receive the deputation.

Speech on behalf of deputation

10. Only one member of the deputation shall be allowed to address the meeting, her or his speech being limited to five minutes.

Questions to the deputation and time limit

11. Councillors may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.

Debate on deputations

12. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the chair will seek the consent of councillors to debate the subject. Councillors may move motions and amendments without prior notice if the subject does not relate to a report on the agenda. The meeting can decide to note the deputation or provide support if requested to do so. The community council shall not take any formal decision(s) on the subject raised unless a report is on the agenda.

Formal communication of the meeting's decision

13. The monitoring officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.

Deputations concerning licensing or planning applications

14. Deputations or representations received concerning licensing or planning applications will not be considered by community councils. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.

7.5 PETITIONS

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public will be entitled to present petitions with 250 or more signatures to the chair at community council meetings.

Deadline

2. The petition must be submitted to the monitoring officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.

Scope

3. Petitions must relate to matters in which the community council has powers or duties or which affects the area of the community council. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

Procedure at meeting

4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the monitoring officer.

5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The community council will debate the petition for a period of up to 15 minutes. The community council may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.
6. The time during which petitions shall be considered shall not exceed 40 minutes.
7. The processes and procedures are set out in the council's petition scheme.

7.6 PARTICIPATING IN WORKSHOPS AND DISCUSSIONS

1. The chair has discretion to run public workshops, discussions etc. in whatever way he or she considers appropriate, but preserving the formal voting rights for councillors only.

8. RULES OF DEBATE

1. A councillor or member of the public or officer may indicate their desire to speak by raising their hand, but shall only speak when called by the chair.

Application of rules of debate

2. The chair shall use his or her powers, in consultation with the monitoring officer's representative, in applying the following rules of debate. The ruling of the chair will be final.
3. Points of order and points of personal explanation can be made at anytime by councillors.

Motion or amendment must be moved and seconded

4. Every motion or amendment must be moved and seconded by a councillor. A councillor may not move more than one amendment or motion on the same subject.

Seconders' speech

5. When seconding a motion or amendment, the seconder may reserve their speech until later in the debate.

Amendments to motions

6. An amendment to a motion must be in writing, be relevant to the motion and will either be:
 - a) to refer the matter to an appropriate body or individual for consideration or reconsideration
 - b) to leave out words
 - c) to leave out words and insert or add others
 - d) to insert or add words.

7. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been completely dealt with.

Right of reply

8. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
9. The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

10. When a motion is under debate, no other motion may be moved except the following procedural motions:
 - a) to withdraw a motion
 - b) to amend a motion
 - c) to proceed to the next business
 - d) that the question be now put
 - e) to adjourn a debate
 - f) to adjourn a meeting
 - g) to exclude the public and press in accordance with the access to information rules
 - h) to not hear further a councillor named under rule 5.2 or to exclude them from the meeting under rule 5.2.

The procedures governing closure motions (see 10 c), d), e) and f) above), which are contained in the council assembly procedure rules shall be followed.

Point of order

This rule cannot be suspended.

11. A councillor may raise a point of order at any time during the meeting. The chair will hear them immediately. A point of order may only relate to an alleged breach of the community council procedure rules or the law. The councillor must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

Personal explanation

This rule cannot be suspended.

12. A councillor may request to make a personal explanation at any time during the meeting. A personal explanation may only enable the member to refute or correct a statement attributed to him/her or any action he/she has taken.

The procedures governing personal explanations which are contained in council assembly procedure rules shall be followed.

9. VOTING

Majority

This rule cannot be suspended.

1. Only councillors are entitled to vote on formal decisions to be taken by the community council. Unless this constitution provides otherwise or it is required by statute, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put to the vote.

Chair's casting vote

This rule cannot be suspended.

2. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

Show of hands

3. The chair will take the vote by show of hands, or if there is no dissent, by the affirmation of those councillors present at the meeting.

Right to require individual vote to be recorded

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

4. Where any councillor requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on formal appointments

This rule cannot be suspended.

5. If there are more than two people nominated for any formal position to be filled, the names will be put to the vote by councillors in alphabetical order and the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

Other appointments

6. Informal appointments can be made by an affirmation of those councillors present. The chair shall, in consultation with the monitoring officer, apply this clause as appropriate.

10. FORMAL RECORDS TO BE MAINTAINED

All meetings of the community councils are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of each councillor attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

11. BROADCASTING AND RECORDING

This rule cannot be suspended.

Electronic recording, photographing or filming of the proceedings of a community council meeting by any member of the public, media or councillor shall only take place with the agreement of the meeting.

Any request shall be submitted to the monitoring officer. The chair, following consultation with the monitoring officer, shall decide to:

- a) reject the request
- b) put the request to the meeting for approval.

The chair will make an announcement at the beginning of the meeting on the request and any proposed arrangements and then seek the consent of a majority of councillors present to any electronic recording, photographing or filming.

Any request to record, photograph or film a meeting shall ensure that appropriate arrangements are in place to respect the right of anyone present at the meeting not to be recorded, photographed or filmed.

No part of the meeting will be recorded, photographed or filmed after councillors have passed any resolution excluding the press and public,

12. DECLARATION OF INTERESTS

This rule cannot be suspended.

Councillors shall abide by the members' code of conduct. It is the responsibility of every councillor to declare an interest by the time the relevant item of business is reached.

13. AGENDA AND MINUTES

13.1 Order of business at community council

The order of business at every meeting shall be:

- a) to choose a person to preside if the chair and vice-chair are absent
- b) apologies for absence
- c) declarations of interest
- d) to approve the minutes of the previous meeting, which shall then be signed by the person presiding
- e) to receive reports of the officers
- f) any other business specified in the summons.

The chair, in consultation with the monitoring officer, may vary the order or timings of business.

Designation of executive or non-executive functions

- 2. Agendas and notices for community councils meetings, which deal with both functions of the cabinet and functions that are not the responsibility of the cabinet, will state clearly whether an item relates to an executive or non-executive function.

14. MINUTES

Minutes

1. The monitoring officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.

Signing the minutes

This rule cannot be suspended.

2. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

3. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

15. RECORD OF ATTENDANCE

This rule cannot be suspended.

All members during the whole or part of a meeting must sign their names on the attendance sheets and their time of departure, if before the meeting ends, before the conclusion of any meeting to assist with the record of attendance.

16. AMENDMENT OF THE COMMUNITY COUNCIL PROCEDURE RULES

1. Proposals for amendments to these procedure rules require a change to the council's constitution. This can only be agreed by council assembly, following prior consideration by the constitutional steering panel.
2. Any proposed amendments should be sent to the monitoring officer who will report it to the appropriate body.

CABINET PROCEDURE RULES

1. HOW THE CABINET OPERATES

1.1 Conflicts of interest

- a) Where the leader has a conflict of interest this should be dealt with as set out in the council's code of conduct for members in part 5 of this constitution.
- b) If every member of the cabinet has a conflict of interest this should be dealt with as set out in the council's code of conduct for members in part 5 of this constitution.
- c) If the exercise of an executive function has been delegated to a committee of the cabinet, an individual member of the cabinet or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the council's code of conduct for members in part 5 of this constitution.

1.2 How decisions are to be taken by the cabinet

- a) Cabinet decisions which have been delegated to the cabinet as a whole will be taken at a meeting convened in accordance with the access to information rules in part 4 of the constitution and in accordance with the procedures in section 2 below.
- b) Where cabinet decisions are delegated to a committee of the cabinet, the rules applying to cabinet decisions taken by them shall be the same as those applying to those taken by the cabinet as a whole.
- c) Where cabinet decisions are delegated to individual members of the cabinet they will be taken in accordance with the procedures in section 3 below.
- d) Even where cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

2. HOW CABINET MEETINGS ARE CONDUCTED

2.1 Cabinet meetings – timing and location

The cabinet will meet at least ten times per year at times to be agreed by the leader. The cabinet meetings must take place in the borough.

2.2 Public or private meetings of the cabinet

Meetings of the cabinet shall be open to the press and public unless the business under consideration is exempt or confidential as defined in the

access to information rules as set out in part 4 of this constitution. There will be no private meetings of the cabinet.

2.3 Quorum

- a) The quorum for a meeting of the cabinet shall be one quarter of the total number of members of the cabinet or 3, whichever is larger, including the leader or deputy leader; except where the leader is unable to act or the office is vacant; and the deputy leader is unable to act or the office of deputy leader is vacant.
- b) The quorum for a meeting of a cabinet committee shall be one quarter of the total number of members of the cabinet on the committee or 3, whichever is larger.

2.4 Who presides

If the leader is present he/she will preside. In his/her absence, then the deputy leader shall chair the meeting. In the absence of the leader and deputy leader, a cabinet member shall be appointed to preside by those present. A committee of the cabinet shall be chaired by the leader and in his absence the vice-chair of the committee as appointed by the leader shall chair the meeting.

2.5 Who may attend

Members of the public may attend all meetings subject to the restrictions set out in the access to information rules in part 4 of this constitution.

2.6 Business

At each meeting of the cabinet the following business will be conducted:

- a) apologies for absence
- b) notification of urgent items, if any
- c) declarations of interest, if any
- d) public question time – 15 minutes
- e) minutes of the last meeting
- f) matters referred to the cabinet (whether by the overview and scrutiny committee or by the council assembly) for reconsideration by the cabinet in accordance with the provisions contained in the overview and scrutiny procedure rules or the budget and policy framework procedure rules set out in part 4 of this constitution
- g) consideration of reports from overview and scrutiny committees/sub-committees
- h) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the access to information procedure rules set out in part 4 of this constitution.

2.7 Consultation

All reports to the cabinet from any member of the cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.8 Who can put items on the cabinet agenda

The leader will decide upon the schedule for the meetings of the cabinet. He/she may put on the agenda of any cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the cabinet, a committee of it or any officer in respect of that matter. The proper officer will comply with the leader's requests in this respect.

Any member of the cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the cabinet for consideration. If he/she receives such a request the proper officer will comply.

The proper officer will make sure that an item is placed on the agenda of the next available meeting of the cabinet where the overview and scrutiny committee or the full council have resolved that an item be considered by the cabinet.

Any member of the council may ask the leader to put an item on the agenda of a cabinet meeting for consideration, and if the leader agrees the item will be considered at the next available meeting of the cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered.

The monitoring officer and/or the finance director may include an item for consideration on the agenda of a cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, finance director and monitoring officer are of the opinion that a meeting of the cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a cabinet meeting. If there is no meeting of the cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.9 Formal records to be maintained

No meeting of the cabinet shall commence or conduct business unless the monitoring officer or her/his representative is present. All meetings are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of members attending each meetings and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

2.10 Public questions at cabinet meetings

1. The time during which public questions shall be taken shall not exceed 15 minutes.
2. A resident or business ratepayer of the borough may ask one written question (limited to 50 words) on any matter in relation to which the council have powers. The question must be received three clear working days in advance of the cabinet meeting by the monitoring officer.
3. Each question must provide the name and address of the questioner and name the cabinet member to whom the question should be put.

Scope of questions

4. The leader in consultation with the monitoring officer may reject a question if it:
 - a) is not about a matter for which the council has powers or duties or which affects Southwark
 - b) is defamatory, frivolous or offensive
 - c) is substantially the same as a question which has been put at a meeting of the cabinet in the past three months
 - d) requires the disclosure of confidential or exempt information
 - e) concerns a planning or licensing application
 - f) raises a grievance for which there are other established processes for resolution
 - g) relates to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Record of questions

5. The monitoring officer will maintain a record of each question which will be open to public inspection. Rejected questions will include reasons for rejection.

Asking the question at the meeting

6. The leader will invite the questioner to put the question to the member named in the notice.

Supplemental question

7. Any supplemental question will be at the discretion of the chair.

Written answers

8. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

Late or urgent questions

9. To preserve the ability for public questions to take place in connection with late or urgent items added to the cabinet agenda after the normal deadlines for such questions, the leader or in his/her absence the deputy leader shall at the meeting have the discretion to decide whether or not accept a late and urgent public question.

2.11 Deputations to the cabinet

Who may request a deputation?

1. Deputations can only be made by a group of people resident or working in the borough.

Composition of deputation

2. The deputation shall consist of no more than six persons, including the spokesperson.

Scope of deputations

3. The chair in consultation with the monitoring officer may reject a deputation if it:
 - a) is a request from a group of people who have alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
 - b) is not a matter for which the council has powers or duties or which affects Southwark
 - c) is defamatory, frivolous or offensive
 - d) requires the disclosure of confidential or exempt information
 - e) concerns a planning or licensing application
 - f) raises a grievance for which there are other established processes for resolution
 - g) relates to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.

Form of the deputation

4. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.
5. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation.

Deadlines

6. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the monitoring officer no later than nine clear working days before the day of the cabinet meeting. The date and time of the receipt of such requests will be recorded.

Late or urgent deputations

7. To preserve the ability for deputations to take place in connection with late or urgent items added to the cabinet agenda after the normal deadline for deputations, the leader or in his/her absence the deputy leader shall at the meeting have the discretion to decide whether or not to accept a late and urgent deputation.

Agenda

8. Deputations shall be dealt with in the order in which they are received.
9. Subject to complying with the regulations herein, details of written deputations will be included on the agenda papers for the meeting of the cabinet.
10. If the matter is not dealt with by cabinet, the matter shall be referred without debate to the relevant cabinet member who shall, after consideration, respond with an open reply to the sender.

What happens at the meeting?

11. The monitoring officer shall report the request for the deputation to the cabinet. The meeting, without debate, shall decide whether:
 - a) the deputation be received at this meeting or a future meeting
 - b) the deputation not be received
 - c) the deputation be referred to the most appropriate committee/sub-committee/community council.

The monitoring officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the cabinet has discretion as to whether or not to receive the deputation.

Speech on behalf of deputation

12. Only one member of the deputation shall be allowed to address the cabinet, her or his speech being limited to five minutes.

Questions to the deputation and time limit

13. Members of the cabinet may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.

No debate during deputation

14. Members shall not debate any issues arising out of the deputation, or the item to which it relates, with any members of the deputation.

Deputation to withdraw from the floor

15. As soon as the questions to the deputation have been concluded, the deputation shall withdraw and return to the public area where they may remain (subject to any resolution excluding the attendance of the public).

Debate, motion and amendments

16. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall be then open to debate by the cabinet. If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.

Formal communication of the cabinet's decision

17. The monitoring officer shall, in writing, formally communicate the decision of the cabinet to the person who submitted the request for the deputation to be received.

Deputations concerning licensing or planning applications

18. Deputations or representation received concerning licensing or planning applications will not be considered by cabinet. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.

2.12 Petitions to the cabinet

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public will be entitled to present petitions with 500 or more signatures to the chair at each meeting.

Deadline

2. The petition must be submitted to the monitoring officer at least 10 clear working days before the date of the meeting. A petition can be submitted by a person of any age who lives, works or studies in Southwark.

Scope

3. Petitions must relate to matters in which the council has powers or duties or which affects Southwark. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

Procedure at meeting

4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the monitoring officer.
5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The cabinet will debate the petition for a period of up to 15 minutes. The cabinet may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The monitoring officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.
6. The time during which petitions shall be considered shall not exceed 40 minutes.
7. The processes and procedures are set out in the council's petition scheme.

3. HOW INDIVIDUAL CABINET MEMBER DECISION MAKING IS CONDUCTED**3.1 Who takes the decision**

The individual cabinet member who is responsible for the portfolio area or to whom the decision is delegated shall take the decision, except in the following circumstances:

- a) the leader, or in his/her absence, deputy leader may take the decision if the relevant individual cabinet member is unavailable
- b) the relevant individual cabinet member may indicate that they wish the decision to be referred to a meeting of the full cabinet
- c) the leader or the chief executive may direct that the decision be reserved to a meeting of the full cabinet
- d) where an individual cabinet member has a personal and prejudicial interest in the decision the matter shall be referred to the full cabinet
- e) where the decision affects more than one portfolio or is a crosscutting issue the matter shall be referred to the full cabinet.

3.2 Who may inspect documents

All reports for key individual cabinet member decisions shall be available for public inspection five clear working days prior to the decision, subject to the access to information rules in part 4 of this constitution.

3.3 Business

The relevant individual cabinet member shall consider a report setting out the recommendation, the justification for the decision, any options to be considered, details of the consultation and any representations received.

A decision sheet shall be sent to the individual cabinet member with the report. This will state the earliest date when the decision-taker can take the decision.

The decision-taker can discuss the report with relevant officers if required.

3.4 Consultation/representations

All reports to the individual cabinet member will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration. Any representations received must be forwarded to the decision maker for consideration.

Where a ward member submits representations, the relevant individual cabinet member should discuss the matter with the councillor prior to taking the decision.

3.5 Formal records to be maintained

The decision maker must complete and sign a decision sheet for each decision. The decision sheet has sections to be filled in giving the decision, date of the decision, reason for the decision, alternatives considered and any representations received by the individual decision maker.

All completed decision sheets must be forwarded to the monitoring officer. Copies of all reports and decision sheets are to be maintained by the monitoring officer.

3.6 Non-key decisions relating to contract standing orders

Rule 21 of the overview and scrutiny procedure rules in part 4 of this constitution will not apply to non-key decisions relating to contract standing orders.

3.7 All other decisions

All other decisions delegated to an individual in accordance with rule 1 above, will be subject to rule 21 of the overview and scrutiny procedure rules. The monitoring officer or his/her representative will circulate the decision to all members in accordance with the scrutiny call-in process (see paragraph 21 of the overview and scrutiny procedure rules).

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 five scrutiny sub-committees and determine their terms of reference.
- 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.

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 consist of:
 - a) a chair, appointed by council assembly
 - b) a vice-chair, appointed by council assembly
 - c) the chairs of the five scrutiny sub-committees, provided that the proportionality rules are not compromised and provided that each political group is permitted to nominate non-cabinet members should this be necessary to maintain proportionality
 - d) 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 and one fewer than the number of places each group holds on each of the sub-committees, subject to a minimum of one.

3. Co-optees

- 3.1 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.

- 3.2 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 authority.

4. Education representatives

- 4.1 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

- 4.2 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.

- 4.3 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.

- 4.4 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.

- 4.5 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.

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) produce a one year rolling work programme, which will be approved by the overview and scrutiny committee
 - b) review and scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions

- c) 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
- d) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas
- e) 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
- f) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- g) make reports and recommendations to the cabinet and or council assembly arising from the outcome of the scrutiny process
- h) consider any matter affecting the area or its inhabitants
- i) 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
- j) 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
- k) conduct research and consultation on the analysis of policy issues and possible options
- l) question and gather evidence from any other person (with their consent)
- m) consider and implement mechanisms to encourage and enhance community participation in the scrutiny process and in the development of policy options
- n) conclude inquiries promptly and normally within six months.

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 five sub-committees, including a sub-committee with responsibility for crime and disorder, 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 approve the programmes of 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 cabinet 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 council assembly on the previous year's scrutiny activity
- j) to determine major funding requests from sub-committees in respect of particular reviews
- k) to scrutinise matters in respect of:
 - the council's policy and budget framework
 - human resources and the council's role as an employer and corporate practice generally
 - customer access issues, including e-government, information technology and communications
 - the council's equalities and diversity programmes.

7. Matters within the remit of more than one scrutiny sub-committee

- 7.1 Where a matter for consideration by a scrutiny sub-committee also falls (whether in whole or in part) within the remit of one or more other scrutiny sub-committees, then the sub-committee conducting the review shall either:
 - a) invite the chair of the other sub-committee (or his/her nominee) to attend meetings when the matter is being reviewed
 - b) invite the other sub-committee to comment on findings prior to submitting its report to overview and scrutiny committee and the cabinet/council assembly.
- 7.2 If necessary, overview and scrutiny committee will determine which sub-committee will assume responsibility for any particular issue and resolve any issues of dispute between sub-committees.

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 There shall be at least eight ordinary meetings of the overview and scrutiny committee in each year. In addition, there shall be at least one ordinary meeting of the overview and scrutiny committee (or sub-committee) acting as the crime and disorder committee in each year. 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.
- 9.2 The chair of the committee may also cancel a meeting for lack of business, or reschedule a meeting, having first consulted with the designated representatives of all political groups recognised by the council.
- 9.3 The sub-committees shall determine their own arrangements for meetings.
- 9.4 A schedule of meetings will be published at the beginning of each municipal year.

10. Quorum

- 10.1 The quorum for the overview and scrutiny committee and its sub-committees shall normally be 25% of the voting membership of the relevant committee/sub-committee but no fewer than two.

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

- 11.1 The party whip does not apply to meetings of overview and scrutiny committees or sub-committees.
- 11.2 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."

12. Procedure at overview and scrutiny committee/sub-committee meetings

- 12.1 The overview and scrutiny committee and its sub-committees shall consider the following business (with the exception of c) which only applies to overview and scrutiny committee):
- a) minutes of the last meeting
 - b) declarations of interest

- c) consideration of any matter referred to the committee for a decision in relation to call-in of a decision
- d) consideration of any councillor call for action
- e) responses of the cabinet to reports of the committee
- f) business otherwise set out on the agenda for the meeting.

13. Formal records to be maintained

- 13.1 No meeting of overview and scrutiny committee or any of its sub-committees shall commence or conduct business unless the monitoring officer or their representative is present. All meetings are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of members attending and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

14. Work programmes

- 14.1 Each of the scrutiny committees will develop an annual work programme.
- 14.2 The overview and scrutiny committee will approve and review the individual work programmes of the sub-committees.
- 14.3 Five members of the council may request the overview and scrutiny committee to consider an individual addition or subtraction to the work programme of a sub-committee.

15. Agenda items

- 15.1 Any member of the overview and scrutiny committee or a sub-committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee/sub-committee of which they are a member to be included on the agenda for the next available meeting. On receipt of such a request the proper officer will ensure that it is included on the next available agenda. This rule will apply where the councillor call for action procedure set out in paragraph 15.3 does not apply.
- 15.2 Any two members of the council who are not members of the overview and scrutiny committee or a sub-committee may give written notice to the proper officer that they wish an item to be included on the agenda of that committee/sub-committee. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the committee/sub-committee for consideration. This rule will apply where the councillor call for action procedure set out in paragraph 15.3 does not apply.
- 15.3 Any member of the council may give written notice to the proper officer that they wish to refer a councillor call for action to overview and scrutiny. If the proper officer receives such a notification then he/she will include the item on the agenda of the first appropriate committee or sub-committee for consideration as to whether it is valid in accordance with the councillor call for action scheme.

16. Overview and scrutiny budget

- 16.1 Within the agreed budget for overview and scrutiny, the overview and scrutiny committee/sub-committees may:

- a) hold enquiries and investigate the available options for future direction in policy development
 - b) appoint advisers and assessors to assist them in this process
 - c) go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations
 - d) ask witnesses to attend to address them on any matter under consideration
 - e) pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
- 16.2 The overview and scrutiny committee will have responsibility for monitoring the budget for additional scrutiny research and determining funding requests from its sub-committees in respect of particular reviews.

17. Members and officers giving account

- 17.1 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.
- 17.2 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.
- 17.3 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 proper officer. The proper 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.
- 17.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the proper officer in consultation with the committee/sub-committee and the member or officer shall arrange an alternative date for attendance.

18. Attendance by others and public attendance

- 18.1 A scrutiny committee may invite people other than those people referred to in paragraph 17 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.
- 18.2 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.
- 18.3 Members of the public may attend open meetings of scrutiny committees and request to speak.

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

- 19.1 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 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).
- 19.2 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.
- 19.3 The cabinet shall consider and provide a written response to a scrutiny committee's/sub-committee's report within two months.
- 19.4 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.

20. Call-in

- 20.1 The overview and scrutiny committee can "call-in" a cabinet decision which has been made but not yet implemented. 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.

- 20.2 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 the constitution:
- a) proportionality (i.e. the action must be proportionate to the outcome)
 - b) due consultation and the taking of professional advice from officers
 - c) respect for human rights
 - d) presumption in favour of openness
 - e) clarity of aims and desired outcomes
 - f) the link between strategy and implementation must be maintained
 - g) decision making generally should have reference to the policy framework and be in accordance with the budget.

21. Procedure to call-in a decision

- 21.1 When a decision is made by the cabinet or an individual member of the cabinet, or a committee of the cabinet, or an executive decision is taken by a community council, or a key decision is made by an officer with delegated authority from the cabinet or under joint arrangements, 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.
- 21.2 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.
- 21.3 During that period, the proper officer shall call-in a decision for scrutiny if so requested by the chair or vice-chair of the overview and scrutiny committee, plus three members of the committee, including education representatives for the purpose of education decisions only.
- 21.4 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).
- 21.5 In the event that the chair or vice-chair of overview and scrutiny decides not to support a call-in request received within deadline and signed by three members of the committee, they are required to set out their reasons in writing, and this letter will be circulated to members and other interested stakeholders.
- 21.6 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.

22. Decisions not subject to call-in

- 22.1 The following categories of urgent decision are not subject to call-in:
- a) recommendations on the budget and policy framework
 - b) decisions for urgent implementation (Rule 19, 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.
- 22.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to council assembly with proposals for review if necessary.

23. Procedure following call-in

- 23.1 If the head of overview and scrutiny 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) within one clear working day of receipt of the request. In the event of dispute, the decision of the monitoring officer shall be final.
- 23.2 Following call-in of a decision, the head of overview and scrutiny 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 head of overview and scrutiny shall also notify the monitoring officer or finance director in order for a report to be prepared for the overview and scrutiny committee.
- 23.3 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 head of overview and scrutiny shall either:
- 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) 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 finance director, 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.

- 23.4 If the overview and scrutiny committee does not meet within the constitutional timescale set out for call-ins, 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 scrutiny meeting, or the expiry of 15 clear working days after the decision was published, whichever is the earlier, unless the provisions of 23.3(c) are applied.

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

- 24.1 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.
- 24.2 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 finance director. The monitoring officer's report and/or finance director's report shall be copied to every member of the council.
- 24.3 If, having considered the decision and all relevant advice, the overview and scrutiny committee is still concerned about it, then it 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.
- 24.4 If referred to the decision maker, with the exception of community councils they shall then reconsider their decision within a further seven clear working days. If referred back to a community council, reconsideration will wait until the next scheduled meeting of the community council, unless the monitoring officer determines, following consultation with the relevant chief officer and chair of the relevant community council (or in his or her absence the vice-chair), that the matter can not wait in which case it will be considered within seven working days. If it is the view of the monitoring officer or the finance director that the decision falls within the policy and budget framework, the decision maker may amend the decision or not, before adopting a final decision.
- 24.5 If referred to council assembly, the decision is further suspended pending a meeting of council assembly, which must take place within seven clear working days of the decision to refer to council. Within this time, the decision maker must decide what action to take in respect of the monitoring officer's and/or finance director's advice and to prepare a report to council assembly.
- 24.6 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 15 clear working days after the decision was published, whichever is the earlier.

- 24.7 The council assembly will receive details of the decision, the advice of the monitoring officer and/or the finance director, the comments of the overview and scrutiny committee and the report from the decision maker.
- 24.8 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, 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 five clear working days and choose whether to amend the decision or not before reaching a final decision and implementing it, reporting this to overview and scrutiny committee.
- 24.9 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, or
 - b) require the decision maker to reconsider the matter in accordance with the advice of either the monitoring officer or finance director within five working days to reconsider/amend the decision and this will be reported to the overview and scrutiny committee.

CONTRACT STANDING ORDERS 2010-11

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Definitions

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 corporate procurement and/or 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 definitions section at the end of these orders 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 4.8 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

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, including the "Standstill" Period
- e) the council's procurement strategy, the Procurement Guidelines and other council policies and procedures
- f) the employee code of conduct (for officers)
- g) the council's sustainable communities strategy.

2.2 Consequences of non-compliance

It is a disciplinary offence to:

- fail to comply with CSOs
- fail to have regard to the Procurement Guidelines when letting contracts.

Employees have a duty to report breaches of CSOs to an appropriate senior manager and the finance director.

2.3 General principle of contract decision making

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 sustainable communities strategy 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.

2.4 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 and those works contracts whose contract value is in excess of the EU threshold for services/supplies must be executed on behalf of the council under seal as a deed.
- 2.4.2 All other contracts 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 Guidelines.

2.5 Record keeping

Chief officers must ensure that the following records are kept:

- a detailed contract file for each contract, including the Estimated Contract Value

- all decisions made, reasons for them and actions taken in relation to contracts
- all reports relating to contracts
- entries in the council's contract register of all contracts with an Estimated Contract Value of £75,000 or more.

2.6 Lead contract officer

A lead contract officer (LCO) must be identified for each contract. Where no LCO is identified, 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

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)
- finance director, as advised by CCRB
- 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 and representatives of bodies other than the council (including community representatives) 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 and representatives of bodies other than the council (including community representatives) 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 on the individual's personnel file; 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

As set out in article 1, the monitoring officer may make minor changes to the Contract Standing Orders, after consultation with the finance director.

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. Particular types of contract

3.1 Corporate contracts

Where there is a Corporate contract or Corporate framework for a service, supply or for works, it must be used to make the relevant purchase. If a lead contract officer believes that the Corporate contract does not meet their requirements they must obtain an exemption (see 4.8) through a Gateway report regardless of the value of the purchase.

3.2 Consortium contracts

The requirements in these Contract Standing Orders for obtaining tenders or quotes shall not apply where the council intends to purchase under a Consortium contract so long as approval for the use of that Consortium contract has been given via a Gateway 1 report which should identify the procedure and route for approvals for future orders/works being placed under the consortium agreement.

3.3 Framework/schedule of rates contracts

3.3.1 When a Framework contract or similar type of contract (such as a schedule of rates contract) is entered into, no individual order may be placed which will exceed the EU threshold for services/supplies unless this has been approved by the relevant decision maker appropriate to that contract, whether at the time of the approval of the procurement strategy (Gateway 1 report) or in the approval of the award of the contract (Gateway 2 report) or before the individual order is placed.

3.3.2 Any procurement involving the use of a third party's Framework contract is subject to usual Gateway 1 and 2 procedures (see 4.4 below).

3.4 Health and social care and education Spot contracts

Personal, social or educational services are sometimes provided by the purchasing of these services under Spot contracts. The relevant chief officers will seek to minimise the use of Spot contracts, but where they are to be used for such services:

- a) the requirements in these Contract Standing Orders for obtaining tenders or quotes shall not apply
- b) the relevant chief officer may award all such Spot contracts, and

- c) the relevant chief officer must provide an annual report to the Corporate Contract Review Board (CCRB) detailing the nature, extent and value of Spot contracts entered into in the previous financial year.

3.5 Leasing contracts

Where approval is being sought to enter into a contract for the lease of an asset, written permission is also required from the finance director in most cases, as set out in the Financial Standing Orders. Confirmation that this has been obtained should be included in Gateway reports.

4. Approvals processes

4.1 Overview of procurement process

4.1.1 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 obtain approval of procurement strategy (Gateway 1 report). This will depend on the Estimated Contract Value and other factors and may require advice from the Departmental and Corporate Contract Review Boards (DCRB and CCRB) – see 4.4 below
- c) to follow appropriate quote/tender route. This will depend on the Estimated Contract Value and other factors – see 5 below
- d) to obtain approval to award contract (Gateway 2 report). This will depend on Estimated Contract Value and other factors and may require advice from the DCRBs and CCRB – see 4.5 below
- e) 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 4.9 below.

4.1.2 Where there is a need to vary an existing contract, the process to be followed is set out in 4.6 below.

4.1.3 Where it is proposed to bring a service which was previously externalised back in-house, it is necessary to follow 4.1.1 a) and b) above.

4.2 Gateway and other reports

The procurement process requires approvals via written reports at the following stages:

- a) approval of procurement strategy – Gateway 1 report
- b) approval of award of the contract – Gateway 2 report
- c) approval of Variation or Extension to contract – Gateway 3 report.

More information can be found in 4.4 to 4.6 and the definitions below.

4.3 Supplemental advice from other officers in Gateway and other reports

Where the Estimated Contract Value or, in relation to a Variation, the Contract Value is over the relevant EU threshold 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 and financial and procurement advice from the finance director or delegated officer(s).

4.4 Decision on procurement strategy – Gateway 1

- 4.4.1 A decision on the procurement strategy to be used on any contract with an Estimated Contract Value of over £75,000 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 of £75,000 or below.
- 4.4.2 The decision on the approval of the procurement strategy is to be taken by the relevant chief officer or under his/her delegated authority in line with the department's scheme of management, except where:
- a) the contract is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after taking advice from the CCRB
 - b) the Estimated Contract Value is above £2 million but below £4 million for services and supplies or above £10 million 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 taking advice from the CCRB
 - c) the contract is a Corporate contract, but does not fall into a) or b) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - d) the contract will affect the budget of more than one directorate and the Estimated Contract Value is £500,000 or more, but does not fall into a), b) or c) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - e) the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c) or d) 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 finance director, after taking advice from the CCRB
 - f) the contract will affect the budget of more than one directorate and the Estimated Contract Value is less than £500,000, the chief officers of all the directorates concerned must agree the decision, after taking advice from relevant DCRBs
 - g) the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c), d), e) or f) above, the decision must be taken by the chief officer or under his/her delegated authority, after taking advice from his/her DCRB
 - h) 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 where decisions are to be made by the finance director), or
 - ii) about the decision (e.g. in emergencies where no prior written report is needed – see 4.9 below).
- 4.4.3 Gateway 1 reports should 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.

4.5 Decision on contract award – Gateway 2

- 4.5.1 A decision to award any contract with an Estimated Contract Value of over £75,000 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 of £75,000 or below. As a minimum, the LCO must keep a written record of decisions and action taken.
- 4.5.2 The decision on the award of a contract is to be taken on the basis of a written report by the relevant chief officer or under his/her delegated authority in line with the department's scheme of management, except where:
- a) the contract is a Strategic Procurement, the decision must be taken by the cabinet or cabinet committee, after taking advice from the CCRB
 - b) the Estimated Contract Value is above £2 million but below £4 million for supplies and services or above £10 million 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 taking advice from the CCRB
 - c) the contract is a Corporate contract, but does not fall into a) or b) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - d) the contract will affect the budget of more than one directorate, and the Estimated Contract Value is £500,000 or more but does not fall into a), b) or c) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - e) the contract will affect the budget of more than one directorate and the Estimated Contract Value is less than £500,000, the chief officers of all the directorates concerned must agree the decision, after taking advice from relevant DCRBs
 - f) 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), c) or d) above, the decision must be taken by the finance director, after taking advice from the CCRB
 - g) the Estimated Contract Value is above the relevant EU threshold but the contract does not fall into a), b), c), d), e) or f) above, the decision must be taken by the relevant chief officer or under his/her delegated authority, after taking advice from the relevant DCRB
 - h) 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 where decisions are to be made by the finance director)
 - ii) about the decision (e.g. in emergencies where no prior written report is needed – see 4.9 below)
 - i) approval has been obtained in line with 4.4.3 above to a different decision process.

- 4.5.3 Requests to delegate the decision on the award of a contract which falls into 4.5.2 a) or 4.5.2 b) should be included within the Gateway 1 report and the delegation may only be to the leader or the relevant chief officer.
- 4.5.4 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 and seek delegated authority for the decision to exercise those options at a future date. Where such a recommendation is not included, even where the contract was awarded prior to the commencement of these CSOs, any decision to exercise an option to extend the contract will be subject to the requirements of 4.6 below.

4.6 Decision to allow Variations during contract term – Gateway 3

- 4.6.1 A decision to allow a contract Variation of more than £75,000 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 £75,000 or below. As a minimum, the LCO must keep a written record of decisions and action taken.
- 4.6.2 Any decision to allow a Variation of a contract is to be taken on the basis of a written report by the relevant chief officer or under his/her delegated authority in line with the department's scheme of management, except where:
- a) the Contract Value plus the amount of the proposed Variation and any previous Variations is £500,000 or above (for services and supplies contracts) or above the relevant EU threshold (for works contracts) and the amount of the proposed Variation is more than 15% of the Contract value, the decision must be taken by the finance director, after taking advice from the CCRB; all such decisions will be advised in writing by the finance director to members of the cabinet
 - b) the contract is a Corporate contract, but does not fall into a) above, the decision must be taken by the finance director, after taking advice from the CCRB; all such decisions will be advised in writing by the finance director to members of the cabinet
 - c) 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 finance director within five clear working days
 - 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 where decisions are to be made by the finance director), or
 - ii) about the decision (e.g. in emergencies where no prior written report is needed – see 4.9 below)
 - e) approval has been obtained in line with 4.4.3 above to a different decision process.
- 4.6.3 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.

4.7 Retrospective approvals

In the event of 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 1, Gateway 2 and Gateway 3 reports should be followed. Where the decision makers for the Gateway 1 and 2 reports are different, both decisions can be taken by the higher decision maker (see 2.7 above), after consulting with the other decision maker. In addition, a report should be submitted to the relevant departmental contract review board 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 the audit and governance committee, setting out the circumstances and manner in which the decision was taken, for the purpose of obtaining guidance to inform future decision making.

4.8 Exemptions

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.

Examples of circumstances which might amount to an exceptional reason for not following the usual procedures are:

- a) the nature of the market has been investigated and is such that a departure from the CSO requirements is justified
- b) the contract is one required because of circumstances of extreme urgency which could not reasonably have been foreseen
- c) the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or domestic law).

The above is not an exclusive list.

4.9 Emergencies

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.

5. Requirements to obtain tenders or quotes depending on type of contract and levels of contract value

5.1 Contracts less than £5,000

For all contracts where the Estimated Contract Value is less than £5,000, there is no requirement to obtain competitive quotes; the requirement is to ensure value for money and best value and to keep a record of what action has been taken and why. 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 finance director or his delegated officers, without which the approval cannot be granted.

5.2 Contracts from £5,000 to £75,000

For all contracts where the Estimated Contract Value is from £5,000 to £75,000, there is a requirement to take all reasonable steps to obtain at least three written quotes 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 finance director or his delegated officers, without which the approval cannot be granted.

5.3 Works contracts and works-related services above £75,000 but below EU threshold

For all such contracts where the Estimated Contract Value is above £75,000 but below the relevant EU threshold, there is a requirement to take all reasonable steps to obtain at least five tenders. 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 finance director or his delegated officers, without which the approval cannot be granted.

5.4 All other contracts not falling within 5.1 to 5.3 above

For all contracts not covered by 5.1 to 5.3 above, there is a requirement to take all reasonable steps to obtain at least five tenders following a publicly advertised competitive tendering process, as set out in these CSOs and in line with the Procurement Guidelines.

6. Tender procedure

- 6.1 Officers must seek advice from corporate procurement before using any e-procurement processes in order to ensure compliance with relevant legislative requirements. All other tender processes must comply with the following requirements.
- 6.2 Tenderers must be told that their tenders may only be considered if they follow the requirements below:
 - a) the tender must be returned in a plain envelope or parcel which is marked clearly "Tender" followed by the subject of the contract

- b) the envelope or parcel must not show the identity of the tenderer in any way, and
 - c) the envelope or parcel must be delivered to the place and by the time stated in the tender invitation.
- 6.3 All tenders will be opened at the same time and place, after the closing date and time for receipt stated in the tender documents.
- 6.4 Tenders where the Estimated Contract Value is £500,000 or more must be returned to the monitoring officer and shall be opened by his/her authorised representative. Where the Estimated Contract Value is less than £500,000, tenders may be returned to the chief officer or their authorised representative who will arrange for tender opening in the presence of at least two officers, one of whom will be the witness and will not have been directly involved in that particular contract.
- 6.5 A tender received by the council after the time and date specified in the invitation shall not be accepted or considered.
- 6.6 Exceptions to the requirements set out in 6.1 to 6.5 above will only be made in exceptional circumstances and must be authorised by the relevant chief officer in writing following consultation with the finance director, CCRB or DCRB as appropriate to the contract.

7. Contract management and monitoring

- 7.1 The lead contract officer must ensure that systems are in place to manage and monitor contracts in respect of:
 - a) compliance with specification and contract
 - b) performance
 - c) cost
 - d) user satisfaction
 - e) risk management.
- 7.2 Where the estimated contract value exceeds the relevant EU threshold, the lead contract officer should prepare a six-monthly monitoring report to the relevant DCRB.
- 7.3 Where the contract relates to a strategic procurement or is corporate in nature or has an estimated contract value of £500,000 or more and affects the budgets of more than one department, the lead contract officer should prepare an annual monitoring report to the CCRB.

8. Contract termination

- 8.1 A contract may only be terminated early or suspended by a chief officer, and only after obtaining approval from the monitoring officer and finance director; all such decisions will be advised in writing by the chief officer to the relevant member of the cabinet and cabinet member for finance and resources.

Definitions

Consortium contract	A contract procured, usually following a competitive process, by a public sector agency other than the council under which the council is permitted to purchase, such as those provided by the Office of Government Commerce, e.g. Catalist (which replaces GCAT and S-CAT), or the London Contracts and Supplies Group.
Contract register	A register of contracts held by Southwark legal services.
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.
Corporate contract	A contract arranged by corporate procurement or another department that should be used by the whole council for all goods, works or services specified in it.
CCRB	Corporate Contract Review Board – panel of officers operating under terms of reference of CCRB. Its role includes considering reports from DCRBs and advising the cabinet, individual decision makers and the finance director on contract decisions.
DCRB	Departmental Contract Review Board – panel of officers operating under terms of reference of DCRB. Its role includes agreeing reports for consideration by the CCRB and advising the chief officer on contract decisions.
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.
EU Regulations	The Public Contracts Regulations 2006 or any amendment to or successor to those Regulations.
EU threshold	The current contract value at which the requirements of the EU Regulations apply.

Framework contract	A framework contract is an agreement between the council and one or more contractors, the purpose of which is to establish the terms governing jobs to be awarded during the period of the framework agreement, in particular with regard to price. Usually, the council is under no obligation to offer work but the provider is obliged to perform work if the council asks.
Gateway report	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 .
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 • 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.
Lowest Bid	The lowest price offered by tender or quotation which meets the specification and other requirements of the contract.
Procurement Guidelines	A document issued and maintained by corporate procurement containing best practice information on procurement matters.
Spot contract	A one-off contract under which services are provided to meet an individual service user's needs for personal, social or educational provision.
“Standstill” Period	The period required by EU regulations between notification of an award decision and when the contract comes into existence, in order to allow unsuccessful parties time to challenge the award decision. Most contracts are covered by this requirement; a few are not (Part B services – such as some personal services in relation to education, social care and health). Seek advice on whether your contract is about a Part B service and if you are unclear about the application of the Standstill Period.

Strategic Procurement	<p>Procurement where one or more of the following apply:</p> <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 decision to extend the length or cost or amend the scope of a contract which was not anticipated or allowed for in the contract terms. This might be a change in duration, i.e. an increase in the duration of the contract that was not anticipated or allowed for when the contract was awarded; or a change in volume, i.e. an increase in the volume usage of the contract that was not anticipated when the contract was awarded.
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 corporate procurement. For further information about the use of Approved Lists, see the Procurement Guidelines or seek advice from corporate procurement.

FINANCIAL STANDING ORDERS 2010-11

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Glossary

Introduction

The council allocates resources for both capital and revenue purposes. The council has systems to monitor expenditure and income on an accruals basis and to monitor accounting commitments on both revenue and capital budgets. All references to income and expenditure in the financial standing orders and financial regulations include accrued income and expenditure in addition to cash receipts and payments. A short glossary of other terms is appended to the financial standing orders for ease of reference.

References in these standing orders to “the cabinet” should be taken to include decisions taken by the whole cabinet, decisions by any committee of the cabinet and decisions by individual members of the cabinet. Delegations to the cabinet are set out elsewhere in the constitution.

As set out in article 1, the finance director may make minor changes (see Glossary) to the financial standing orders, after consultation with the strategic director of communities, law & governance.

1. Financial administration

a) Finance director

- i) The finance director is the officer appointed by the council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit Regulations 2003 (as amended), and section 25 of the Local Government Act 2003. The postholder must ensure that the council’s financial affairs are administered in a proper manner, in compliance with all relevant professional codes of practice, and all statutory obligations.
- ii) All matters connected with the financial administration of the council’s affairs are the delegated responsibility of the finance director, except any matters which are delegated to other officers or reserved to committees of council members, the cabinet, or to the council itself. The finance director may authorise other officers to carry out matters delegated to him/her except the section 151 responsibilities.

b) Strategic directors

Strategic directors are responsible for ensuring that there is proper financial management within their department. Specific responsibilities are set out in the scheme of delegation for financial authority and accountability. Strategic directors must maintain adequate systems of internal control over financial operations and processes and secure the accuracy and integrity of financial information and systems operating within their departments. Strategic directors must ensure compliance with procedural instructions on financial administration issued by the finance director. Strategic directors must set and maintain a departmental scheme of management setting out the levels of authorisation and standards for the department.

c) Financial advice to the cabinet

- i) Corporate and strategic matters. The finance director will provide financial advice to the council, its committees, sub-committees, and similar bodies of members including the cabinet on all matters of a corporate or strategic financial nature or of an interdepartmental nature.
- ii) Departmental matters. Strategic directors are responsible for financial advice to committees, sub-committees and similar service bodies of members including the cabinet on all financial matters of a departmental nature.

d) Financial regulations

The finance director will issue financial regulations applicable to all or specified categories of council staff. Strategic directors will ensure that all relevant staff in their departments fully comply with them. Individual council officers must familiarise themselves with financial regulations, or similar, relevant to their work, and fully comply with them.

The Money section of the Source (the council's business managers' handbook) for the purposes of these financial standing orders is the council financial regulations.

e) Partnerships

Financial governance arrangements in respect of partnerships must meet the requirements of the finance director and his written approval must be obtained before any partnership arrangements are entered into.

f) Treasury management

All treasury management decisions are the responsibility of the finance director, as set out in paragraph 11 below.

g) Pensions

All pension scheme decisions are the responsibility of the finance director, acting on the advice of the pensions advisory panel, as set out in part 3 of the constitution.

h) Cap and trading schemes

The finance director must be consulted on all decisions relating to the landfill allowance trading scheme (LATS) and any similar cap and trading schemes.

i) Companies in which the council has an interest

The finance director and monitoring officer must be consulted on all proposals relating to the establishment of companies in which the council is to have an interest.

j) Guarantees

Any proposal for giving a financial guarantee on behalf of a party external to the council must have prior written approval of the finance director.

k) Internal audit

- i) The finance director is responsible for:
 - safeguarding the independence of internal audit
 - determining the overall audit arrangements and the annual internal audit plan
 - the content and distribution of internal audit reports
 - the form and frequency of reports which may be made to the audit and governance committee arising from internal audit activity.
- ii) It is the responsibility of all council officers to implement agreed recommendations and to provide, upon the request of the finance director or a person nominated by him or her for this purpose, any information, explanation or document under the control of the officer concerned which is required for the purposes of or in connection with an internal audit inquiry, project, or investigation.
- iii) The finance director will report to the audit and governance committee any serious breach of financial standing orders or of the financial regulations or procedural instructions issued in accordance with them.

l) Risk management

The finance director will be responsible for ensuring awareness of and compliance across the council with risk management responsibilities and protocols as they impact upon day-to-day operations and major project activities and for reporting on risk management as appropriate.

m) Fraud

The finance director is responsible for management of the investigation process for all suspected cases of fraud, corruption, financial loss or malpractice.

2. Financial planning

a) Planning process

The council's financial planning processes and planning horizons, for the revenue budgets (including the housing revenue account), the capital programme and the medium term resources strategy, will be determined by the finance director, subject to approval by the cabinet. This will have regard to the council's community strategy, corporate plan, corporate priorities and business plans.

3. Preparation of the revenue budget

a) Finance director's responsibilities

The finance director is responsible for the overall coordination of the budget process. Under section 25 of the Local Government Act 2003, he/she also has specific responsibilities for reporting on:

- the robustness of the estimates
- the adequacy of the proposed financial reserves.

The finance director also has specific responsibility for confirming the deployment of the dedicated schools grant in support of the schools budget, as required by section 16 of the Education Act 2002 and the Accounts and Audit (Amendment) (England) Regulations 2006.

b) Strategic director's responsibilities

- i) Preparing the revenue budget for the services in his/her departments in consultation with the relevant member of the cabinet, which will have regard to the community strategy, corporate plan, corporate priorities and business plans.
- ii) Ensuring that corporate deadlines are met.
- iii) Ensuring that resources are allocated through a detailed budget on SAP by the deadline set by the finance director.
- iv) Ensuring that reports are submitted to the relevant cabinet member(s), seeking approval of fees and charges in relation to their areas of responsibility.

c) Budget working papers and revenue estimates

- i) All working papers and revenue estimates must be prepared in accordance with issued procedural instructions. The instructions will include information in respect of inflation, capital financing costs and other variables outside the control of service departments.
- ii) The revenue estimates must include forecast expenditure and income for the year.

d) Budget timetable and cash limits

As part of the council's arrangements for medium term financial planning and budget preparation, the cabinet will give guidance on the budget timetable to be adopted and the resource constraints (cash limits) within which business plans and budget estimates must be prepared. The cabinet may also, as part of a strategy to integrate strategic planning with four-year budgeting, issue indicative cash limits for up to four years ahead.

4. Setting the annual budget and the council tax

a) Precepting authorities and the tax base

The council must before 31 January each year approve the council tax base for the following financial year. Following the council decision, the finance director will inform precepting and levying bodies of the approved council tax base.

b) Collection fund

The finance director will determine the probable collection fund surplus or deficit for the year, notify precepting bodies, and report to the cabinet.

c) Decision by members

- i) The cabinet will make recommendations to the council regarding the annual budget for the following financial year and the council tax required to finance it.
- ii) At a meeting on or before 1 March each year, the council will set the overall council tax (including the impact of the Greater London Authority (GLA) precept) for the following financial year.

All members must ensure that any outstanding debts relating to council tax or national non-domestic rates payable by them to the council have been settled at least one clear working day before the council assembly meeting at which the overall council tax is set.

5. Monitoring and control of the revenue budget**a) Budget spending**

Following approval by the council of the annual revenue estimates, strategic directors may spend within the agreed budget for their departments. They must ensure that the net expenditure for their departments does not exceed the approved budget. They must also ensure that they do not incur expenditure on budgets outside their departmental budget without first getting approval from the relevant strategic director.

b) Monitoring

- i) Strategic directors must:
 - ensure that there are adequate systems to monitor and audit the resources allocated to services.
 - monitor at least monthly the accurately projected income and expenditure outturn for the financial year under each budget heading, having regard to any contingent or other liabilities for which financial provision may be required.
 - present reports containing up to date summary projections to the relevant cabinet member each month.
- ii) The finance director must report on the overall financial position of the council to the cabinet on a quarterly basis. This report will include any concerns he/she may have about the outturns projected by strategic directors or about financial controls within departments.

c) Budget adjustments/virements within a directorate

Strategic directors may vire budget provision between services as set out in the budget book (cost centre groups) within their department, subject to the following:

- i) The authority for all virements must comply with each department's scheme of management.
- ii) Provisions included within departmental budgets on the instructions of the finance director as per the schedule of corporately controlled budgets maintained by the finance director, (e.g. insurance, capital charges, leasing costs, service level agreements, FRS 17, planned maintenance etc) may not be vired for other purposes without the written consent of the finance director.
- iii) If the virement is in excess of £250,000, it cannot be actioned until the strategic director has notified it to the finance director who will report it to the cabinet at the earliest opportunity. This rule applies where there is movement of an approved budget from one service to another and to adjustments between subjective categories of income and expenditure such as to reflect additional grant or other income and associated expenditure.

d) Budget adjustments/virements between directorates

- i) Where responsibility for a service is transferred from one department to another and the annual cost transferred exceeds £250,000, the relevant strategic director(s) must obtain written consent from the finance director who will obtain the approval of the cabinet.
- ii) Subject to paragraph 13 of Part 3A of the Constitution "matters reserved to council assembly", the cabinet may at any time during a financial year, having considered a report of the finance director, vary the departmental approved budget either:
 - to require mid-year savings to compensate for a projected corporate overspend
 - to allocate to departments sums included within corporate provisions or budgets, excluding those which form part of the schedule of corporately controlled budgets maintained by the finance director.

e) Treatment of overspends and underspends

The finance director may, on consideration of the overall financial position of the council at the end of a financial year, recommend to the cabinet whether overspends by departments should be set off against budgets in the subsequent financial year and whether underspends by departments can be made available for specific projects or carried forward to the subsequent financial year, or otherwise accounted for, in line with the medium term resources strategy.

f) Accuracy of accounts

It is the responsibility of strategic directors, having regard to any guidance which may be issued by the finance director, to ensure that all items are correctly accounted for, and that all expenditure and income is charged to a revenue account in the first instance, in accordance with proper accounting practices. The only exceptions under the provisos of the Local Government Act 2003 are:

- expenditure under finance leases
- expenditure permitted to be charged to capital
- the repayment of sums borrowed
- expenditure on approved instruments (treasury loans)
- payments from the superannuation funds
- the use of trust funds
- transactions within the collection fund.

6. Annual statement of accounts

a) Finance director

The finance director is responsible for the preparation and certification of the annual statement of accounts in accordance with current legislation and in particular with the Accounts and Audit Regulations 2003 (as amended). The finance director will make arrangements for the coordination of the council's closing of accounts programme to ensure compliance with national guidelines.

b) Strategic directors

Strategic directors are responsible for ensuring:

- i) the accuracy of their departmental accounts and compliance with all current legislation and applicable accounting codes of practice
- ii) the prompt production of adequate working papers to justify all items attributable to them in the statement of accounts
- iii) the achievement of their departmental closing of accounts programme in line with the finance director's timetable for the closure of accounts and production of the annual statement of accounts
- iv) the completion of all grant claims accurately, within deadlines and with adequate supporting working papers, ensuring that income due to the council is maximised
- v) that their staff cooperate fully with the council's external auditors during their audit of the accounts and grant claims.

7. Preparation of the capital programme

a) Capital strategy and programme

Council assembly will, on consideration of reports at least every four years and as necessary in the event of a significant change in circumstances from the finance director, agree the capital strategy and programme. The reports

from the finance director will consider the compliance of proposed schemes in the programme with the medium term resources strategy, the capital resources available to the council, the revenue implications of the proposed capital expenditure, and any other relevant information.

b) Financing of schemes

Within the overall approved capital programme, the finance director will decide the method by which any particular scheme will be financed in consultation with the cabinet member for finance and resources.

c) Capital schemes

Approval to spend on individual capital schemes will only be given once issued procedural instructions have been complied with and cash flow implications have been determined and assessed to the satisfaction of the finance director.

8. Monitoring and control of the capital programme

a) Control

Strategic directors must ensure that their total departmental capital spending in any financial year does not exceed the relevant provision within the capital programme, except where approved by the cabinet.

b) Reporting requirements

- i) The finance director will report on the actual capital expenditure incurred in the first six months by the council as a whole to the cabinet by December. This report will include details of variations to the capital programme (see (c) below), the projected outturn for the financial year and the total capital resources available to the council with which to finance such expenditure.
- ii) The finance director will report to the cabinet on the outturn position for capital expenditure for each financial year.

c) Variations to the capital programme

i) Virements

Virements between capital projects or programme headings as set out in the overall programme approved by council assembly must be notified by the relevant strategic director to the finance director and cannot be actioned until they have been approved as follows:

- up to £100,000 – finance director
- over £100,000 and up to £1,000,000 – the cabinet member for finance and resources, after consultation with the relevant cabinet member(s)
- over £1,000,000 and up to £10,000,000 – the cabinet
- over £10,000,000 – council assembly.

ii) Changes to profiles of expenditure and resources

Changes to profiles for capital projects or programme headings as set out in the overall programme approved by council assembly must be notified by the strategic director to the finance director and cannot be actioned until they have been approved as follows:

- up to £250,000 – strategic director
- over £250,000 – cabinet member for finance and resources, after consultation with the relevant cabinet member.

d) Major overspends and underspends

Strategic directors must report to the finance director who will report to the cabinet on any schemes in progress, which are forecast to overspend or underspend by 15% or more compared to the approved budget unless the overspending or underspending amounts to less than £250,000. The report must give the reasons for the overspending or underspending.

e) Accuracy of accounts

It is the responsibility of strategic directors, having regard to any guidance which may be issued by the finance director, to ensure that all items are correctly coded and only expenditure classified as capital expenditure in accordance with proper accounting practices or as defined as such under the Local Government Act 2003 (and subsequent regulations) is charged to capital.

9. Leases

a) Capital accounting considerations

The taking or granting of a lease on any asset may form part of the council's capital expenditure or receipts, and must, therefore, be provided for.

b) Consent

Strategic directors are required to obtain written permission from the finance director before taking or granting a lease on any asset. The exceptions to this are:

- i) the granting of short term leases on property within the commercial property portfolio managed by the head of property services
- ii) the granting of leases on housing revenue account dwellings under the right to buy provisions of the Housing Act 1985.

10. Schools financial framework

a) Application of standing orders

Delegated budgets of schools, in accordance with the Schools Standards and Framework Act 1998, remain part of the authority. The statutory responsibilities of the finance director apply to schools in the same way as any other part of the council.

b) Financial regulations

Financial regulations applying to schools which differ from those issued to strategic directors and departments will be issued by the strategic director of children's services after agreeing them with the finance director.

c) Scheme for financing schools

The finance director and strategic director of children's services will consult on and issue a scheme for financing schools annually.

11. Treasury management**a) Prudential framework****i) Prudential indicators**

The finance director shall set out prudential indicators for capital finance and treasury management under the provisions of the Local Government Act 2003 for consideration and decision by council assembly alongside consideration of the budget and council tax each year.

ii) Reporting

The finance director shall monitor and report at least twice a year on performance against the indicators.

b) Borrowing and treasury management strategy and decisions**i) Strategy**

The finance director shall set out the borrowing and treasury management strategy (including prudential borrowing arrangements) for consideration and decision by the council assembly each year, in accordance with ODPM guidance on local government investments and the CIPFA code of practice on treasury management in the public sector.

ii) Decisions

All cabinet and operational decisions on borrowing, credit finance and investments are delegated to the finance director.

iii) Reporting

The finance director shall monitor and report on operational activity in relation to the strategy on a quarterly basis to the cabinet and at mid year and year end to council assembly.

c) Departure from ODPM guidance or the CIPFA code

If the finance director should wish to depart materially from the main principles of the guidance or code, the reasons should be reported to the council assembly.

Glossary

Budget adjustments/virements	A budget adjustment or virement is a movement of an approved budget from one budget heading or service to another. It will be self-balancing and will be in response to either a change in the level of service (increased or decreased) or additional net costs or benefits within a service. It includes changes to expenditure and income budgets to take account of new grants or other income and associated expenditure including movements between subjective categories of income and expenditure and also corrections to budgets which were set on the basis of incomplete information. It may recognise movements to and from reserves and balances, which may only be actioned by the finance director.
Capital programme	The capital programme is a medium term statement of the council's proposals for capital expenditure, including leasing, having regard to the likely level of resources.
CIPFA	The Chartered Institute of Public Finance and Accountancy (CIPFA) is the body with responsibility for issuing guidance on how accounting standards are to apply to local authorities.
Financial regulations	Financial regulations are such procedures that the finance director shall issue from time to time as part of the financial standing orders. Currently these are contained within the Money section of the Source (the council's business managers' handbook) and all complementary or otherwise similar procedures issued.
Minor changes	Minor changes are defined as: <ul style="list-style-type: none"> • 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.
ODPM	The Office of the Deputy Prime Minister (ODPM) is a former government department, which became part of the Communities and Local Government (CLG) department in May 2006.

Partnership	A partnership is an agreement between the council and one or more parties to work together to enable the service provider to give the client the best possible service. The council may not always be the lead provider and the agreement may take a number of forms: it may be contractual, but involve a more integrated, consultative and interactive working relationship or there may be no contract, no formal specification and no competitive process. As a minimum, there should be a service level agreement. Partnerships include joint arrangements, joint committees, joint venture companies and any other special purpose vehicles.
Profiles of expenditure/resources	Profiles of expenditure and resources are estimated patterns of expenditure and income through the year. For capital projects, these will often span more than one financial year. The construction of profiles enables the accurate monitoring of actuals and commitments each month which is essential to ensure that resources are used effectively.
Prudential indicators	Prudential indicators are indicators set by each local authority under CIPFA's prudential code for capital finance to help demonstrate that capital investment plans are affordable, prudent and sustainable and that treasury management (see below) decisions are taken in accordance with good practice. Examples of indicators are ratios of financing costs to net revenue streams; estimates of the incremental impact of capital investment decisions on council tax and levels of external debt.
Treasury management	Treasury management is the management of the council's long term borrowing and short term cash surpluses and deficits in line with its debt and investment strategies.

OFFICER EMPLOYMENT PROCEDURE RULES

1. Appointments generally

(a) Appointments to be on merit

Every appointment of a person to a paid office of the council shall be made on merit, and in accordance with the council's policies and procedures contained in the [Managing@Southwark](#) section on The Source.

(b) Declarations

- (i) The council has drawn up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or the partner of such persons.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(c) Seeking support for appointment

- (i) Subject to paragraph (iii), the council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of head of paid service and chief officers

Where the council proposes to appoint the head of paid service, a chief officer, finance director or the monitoring officer and it is not proposed that the appointment be made exclusively from among its existing officers, the council will as a minimum:

(a) draw up a statement specifying:

- i) the duties of the officer concerned; and,
- ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and,

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of head of paid service

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The council assembly will approve the appointment of the head of paid service following the recommendation of such an appointment by the appointments committee of the council. That committee must include at least one member of the cabinet.
- (b) The council assembly may only make or approve the appointment of the head of paid service where no well-founded and material objection has been made by any member of the cabinet.

4. Appointment of the monitoring officer

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The appointments committee will appoint the monitoring officer.
- (b) An offer of employment as monitoring officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

5. Appointment of the finance director

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The appointments committee will appoint the finance director.
- (b) An offer of employment as finance director shall only be made where no well-founded and material objection from any member of the cabinet has been received.

6. Appointment of chief officers

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The appointments committee will appoint chief officers.
- (b) An offer of employment as a chief officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

7. Appointment of deputy chief officers

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001. "Deputy chief officer" is defined in section 2(8)&(9) the Local Government and Housing Act 1989 to mean a person who, in respect of all or most of the duties of his or her post, is required to report directly or is directly accountable to one or more chief officers (excluding persons whose function is solely secretarial,

clerical or otherwise in the nature of support services). By law, members are only able to play a role in appointments of deputy chief officer or above.

- (a) The head of paid services or his/her nominee will appoint deputy chief officers.
- (b) An offer of employment as a deputy chief officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

8. Other appointments

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups**
 - (i) Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group, and the Local Government and Housing Act 1989.
 - (ii) No appointment may be made to any post allocated to a political group until a post has been allocated to each group which qualifies for one.
 - (iii) A political assistant may not be appointed unless the group qualifies for one under the Local Government and Housing Act 1989.
 - (iv) No more than one political assistant can be appointed to each political group.
 - (v) No arrangement may be made for the discharge of any of the council's functions by a political assistant.
 - (vi) The terms and conditions of any such post shall be the same for all such posts.
 - (vii) Whenever any such post has been established and is vacant, the proper officer shall, in accordance with the wishes of the political group to which it is allocated, make appropriate arrangements for posts to be filled.

9. Disciplinary action

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) **Suspension.** The head of paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The council's

disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

10. Dismissal

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

(a) Head of paid service

The council assembly must approve any dismissal before notice of dismissal is given to the head of paid service.

(b) Chief officers, chief finance officer, monitoring officer, deputy chief officers

A notice of dismissal shall only be given to an officer specified in paragraph (b) where, in accordance with the regulations, no well-founded and material objection from any member of the cabinet has been received.

(c) Application of Paragraphs (a) and (b)

Paragraphs (a) and (b) applies to the dismissal of the head of paid service, a chief officer (as defined by regulation 3(a) or 3(b) of the Local Authorities (Standing Orders) (England) Regulations, the monitoring officer, chief finance officer, or to any deputy chief officer as defined by regulation 3(c) of the Local Authorities (Standing Orders) (England) Regulations.

(d) Officers below deputy chief officer

Councillors will not be involved in the dismissal of any officer below deputy chief officer except:

- (i) where such involvement is necessary for any investigation or inquiry into alleged misconduct, or
- (ii) where the councillor hears an appeal as a member of the disciplinary appeals committee, or the disciplinary appeals (safeguarding of children and vulnerable adults) panel.

THE CODE OF CONDUCT FOR MEMBERS

PART 1 – GENERAL PROVISIONS

Introduction and interpretation

1. 1) This Code applies to **you** as a member of an authority.
- 2) You should read this code together with the general principles prescribed by the Secretary of State.
- 3) It is your responsibility to comply with the provisions of this Code.
- 4) In this code:

“meeting” means any meeting of:-

- a) the authority;
- b) the cabinet of the authority;
- c) any of the authority’s or its cabinet’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

- 5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. 1) Subject to sub-paragraphs (2) to (5), you must comply with this code whenever you:
 - a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or,
 - b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- 2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

- 4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 5) Where you act as a representative of your authority:
 - a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.
 - 1) You must treat others with respect.
 - 2) You must not:
 - a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - b) bully any person;
 - c) intimidate or attempt to intimidate any person who is or is likely to be:
 - i) a complainant;
 - ii) a witness; or,
 - iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
 - 3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
4. You must not:
 - a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i) you have the consent of a person authorised to give it;

- ii) you are required by law to do so;
 - iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - iv) the disclosure is:
 - aa) reasonable and in the public interest; and,
 - bb) made in good faith and in compliance with the reasonable requirements of the authority; or,
 - b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You:
- a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and,
 - b) must, when using or authorising the use by others of the resources of your authority:
 - i) act in accordance with your authority's reasonable requirements;
 - ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and,
 - c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. 1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
- a) your authority's chief finance officer; or,
 - b) your authority's monitoring officer, where that officer is acting pursuant to his or her statutory duties.
- 2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2 – INTERESTS

Personal interests

8. 1) You have a personal interest in any business of your authority where either:

- a) it relates to or is likely to affect:
 - i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - ii) any body:
 - aa) exercising functions of a public nature;
 - bb) directed to charitable purposes; or
 - cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - iii) any employment or business carried on by you;
 - iv) any person or body who employs or has appointed you;
 - v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - ix) any land in your authority's area in which you have a beneficial interest;
 - x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or,
- b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:

- i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or,
 - iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- 2) In sub-paragraph (1)(b), a relevant person is:
 - a) a member of your family or any person with whom you have a close association; or,
 - b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or,
 - d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. 1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

- 6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- 7) In this paragraph, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

- 10. 1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 2) You do not have a prejudicial interest in any business of the authority where that business:
 - a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or,
 - c) relates to the functions of your authority in respect of:
 - i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - iv) an allowance, payment or indemnity given to members;
 - v) any ceremonial honour given to members; and
 - vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:

- a) that business relates to a decision made (whether implemented or not) or action taken by your authority's cabinet or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and,
- b) at the time the decision was made or action was taken, you were a member of the cabinet, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12. 1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:
 - a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless you have obtained a dispensation from your authority's standards committee;
 - b) you must not exercise executive functions in relation to that business; and,
 - c) you must not seek improperly to influence a decision about that business.
- 2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3 - REGISTRATION OF MEMBERS' INTERESTS

Registration of members' interests

- 13. 1) Subject to paragraph 14, you must, within 28 days of:
 - a) this Code being adopted by or applied to your authority; or,
 - b) your election or appointment to office (where that is later), register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- 2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.
 - 1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
 - 2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
 - 3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Standards of Conduct for Members

The General Principles

Selflessness — members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity — members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity — members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability — members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness — members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement — members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others — members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law — members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

Stewardship — members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership — members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

MEMBER AND OFFICER PROTOCOL

Role and purpose

1. The purpose of this protocol is to set down principles and procedures, which have been jointly agreed by officers and members to guide their joint working in the public interest. The protocol supplements and interprets, but does not supplant:
 - statutory provisions, the code of conduct for members and other codes and guidance
 - the other provisions of the council's own adopted constitution and especially the rules of procedure
 - the disciplinary codes which regulate the conduct of officers, details of which can be found on the Source at:
<http://thesource/SectionLandingPage.asp?id=2089>.
2. It contains interpretation and guidance on some of the issues which commonly arise. It cannot cover every matter which will arise in council life but it reflects an approach and sets standards which will serve as a guide to dealing with other issues. It is intended to guide new members and officers and explain to them what they can expect of each other. It also explains what to do when things go wrong.
3. This protocol also applies to voting non-elected members of committees and also to consultants and agency staff working for the council, to whom a copy should be supplied. With regard to associates from partnership organisations, where their organisation has no code of conduct, it is expected they will abide by the principles of Southwark's code and this protocol.
4. Members appointed to outside bodies or partnership organisation representative of Southwark Council need to be aware that the code of conduct for members will apply to these appointments. However, members are advised to be aware that other conduct arrangements of the outside body are likely to exist. In those circumstances, members should comply with both sets of conduct arrangements, unless the code of conduct for members conflicts with the lawful obligations of the outside body.

Review

5. The standards committee and the monitoring officer will jointly keep the protocol under review and make recommendations for changes as appropriate. Review will take place in time for an updated version to be circulated annually after annual council with the new constitution, to all members and officers.

Definition of the role of officers and members

6. Both councillors and officers are servants of the public and they are indispensable to one another but their responsibilities are distinct.

Members

7. Councillors are responsible to the electorate and serve only so long as their term of office lasts. All councillors have responsibilities to determine the policy of the council, monitor its performance, represent the council externally and act as advocates on behalf of their constituents. Cabinet members, chair and vice-chairs of scrutiny and other committees may also have additional responsibilities. However, all councillors have the same rights and obligations in their relationship with officers and should be treated equally.

Officers

8. Officers are responsible to the council. Their job is to give full and impartial advice to councillors and the council, and to carry out the council's work under the direction and control of the council, its cabinet, committees and sub-committees. Within these guidelines all officers should endeavour to give every assistance to members carrying out their various roles. Officers have a duty to keep members of all political groups fully informed about developments of significance in relation to council activities.

Member officer relations

9. One of the key issues addressed by the member and officer protocol is the question of member officer relations. Mutual trust and respect should be the key aim of both members and officers, as it is essential for good local government.

Obtaining or granting favours

10. The member code of conduct emphasises the need for members to avoid behaviour which could be viewed as conferring an advantage or disadvantage on an officer. Members should not seek personal favours from officers. Officers should not be tempted to give favours to please a councillor. An example of favour seeking would be asking whether a councillor's parking ticket could be withdrawn or whether an application for a service could be expedited. Similarly officers should not seek to circumvent agreed staff consultative procedures by lobbying councillors on matters which directly concern them as employees.

Member involvement in officer issues

11. Issues relating to the appointment, management and dismissal of most officers are reserved by law to the chief executive and officers appointed by her. Member involvement in employment issues generally, including where they relate to senior officers is set out in the Local Authorities (Standing Orders) (England) Regulations 2001 and within the council's constitution.
12. Where an employee is also a constituent it may be proper for the member to make written/oral representations to the relevant chief officer, or disciplinary hearing, but the member should not take a proactive part representing or in any other way advocating on behalf of any such employee in any disciplinary procedures brought by the council against the employee.

Personal familiarity

13. Personal familiarity between members and officers can undermine public confidence in the council. It is acknowledged that some close relationships will inevitably develop, particularly when officers and cabinet members or chairs of committees work closely together. It is important that close relationships between members and officers are openly declared and should never be allowed to become so close, or appear to be so close as to bring into question the officer's ability to deal impartially with other members and other party groups, nor to undermine public trust and confidence in the council. Where possible members and officers who have close personal relationships should try to avoid coming into contact on projects and in the day-to-day business of the council.

Courtesy

14. Members and officers should be courteous to each other at all times even if they disagree strongly with each others' views.

Bullying

15. Members and officers must not bully any person. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person whom the member or officer has some actual or perceived influence over.
16. Bad relations between members and officers can be equally destructive to good governance. Members may from time to time become frustrated by what they regard as unacceptable or incompetent officer behaviour. It is self-evident that sometimes these feelings may be entirely justified although sometimes there may be a legitimate reason why member expectations cannot be met, e.g. because of a council policy or a legal requirement such as confidentiality.
17. However, members should take up their concerns through the dispute procedure described in this document, rather than through public criticism. They should bear in mind that officers are instructed not to "answer back" in public. Attacking an officer's conduct in public can in severe cases constitute bullying, and the Standards Board has already suspended one councillor for such behaviour. Similarly, undue pressure brought by either officers or members in private can be construed as bullying.

Lines of contact between members and officers

18. It must be remembered that officers within a department are accountable to their chief officer. Chief officers through their senior management are responsible for the allocation of work to, and the prioritising of work by, their staff.
19. Members should direct enquiries to staff through senior management, or if the matter is routine at least keep a senior manager informed by copying the manager in on correspondence or emails.

20. Officers should not leave confidential or sensitive paper visible on their workstation or in other areas and should lock them away if they have to leave that area for any reason.
21. Where members and officers share an office building particular care needs to be taken to maintain appropriate lines of contact. Members and officers are reminded that within an open plan environment office certain standards are expected to be maintained. In particular meetings should not be held at workstations, members and officers should use the meeting facilities provided and sensitive or confidential issues should not be discussed in the open plan environment. Further details of the standards can be found on the intranet.
22. Officers should always seek to assist members but in so doing they must not go beyond the bounds of whatever authority they have been given by their chief officer under the scheme of management.

Visits to offices by members

23. In relation to visits to front-line services by members, members should consider advising relevant chief officers in advance of such visits. In the case of unannounced visits to front-line services, members should take care not to disrupt organisations unreasonably. If the visit is of a statutory inspection nature other procedures apply.
24. Making an agreed time to meet with an officer is a better way of working than arriving at an officer's desk. Managers will have agreed work priorities with staff.
25. Members are advised that they carry some personal responsibilities to ensure health and safety standards are maintained at all times while on council premises and also for their private guests. Members are advised that their private guests also have personal responsibilities regarding health and safety.

Reports

26. Officers' reports should contain clear, evidence-based advice as to why a course of action is being recommended. From time to time corporate advice is given to officers on report writing and they should take care to follow it. The report should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should take care to include even unpopular options if they feel they are relevant. They should bear in mind that if they have not done so and the decision is later challenged or proved to be the wrong decision they may find themselves personally and professionally liable.
27. Members can refuse to agree recommendations and table amendments to any recommendations. The member should be clear about the reasons for making alternative recommendations, and any amendments or recommendations proposed at a meeting should have a clear and rational basis, which is accessible to the public.
28. With cabinet reports the report writer should consult with the relevant cabinet member(s). That member is able to write his or her report in addition to the report submitted by the chief officer.

29. Where there is disagreement about the right course of action, it is always best practice for this to be open with both opinions available for discussion. Sometimes, in the course of preparing reports, these disagreements can be reconciled. However, it is always poor practice to bring pressure to bear on officers unwilling to amend their professional judgement, and in some cases this could be construed as bullying.
30. In relation to action between meetings, it is important to remember that the law only allows for decisions (relating to the discharge of any of the council's functions) to be taken by the cabinet, a cabinet member, a committee, a sub-committee or an officer. It is however both legal and good practice for cabinet members individually and as a whole, and chairs of committees to be briefed by officers in advance of meetings and also to meet to plan agendas for meetings.

Officer advice to party groups

31. There is now statutory recognition for party groups and it is common for such groups to give preliminary consideration to matters of council business in advance of such matters being considered by the relevant decision making body. The opposition groups may seek support to enable them to function as an effective opposition on the bodies on which they sit.
32. Officers may properly be called upon to support and contribute to such deliberations by party groups, provided they maintain a stance which is politically impartial. Officers should be required to give information and advice to political groups on matters relating to the council's functions only and not on matters which are primarily issues of party politics or political strategy. It is important that the political neutrality of officers is preserved. When engaging council officers at group meetings, party members should seek to avoid involving them in any political debate. With the exception of political assistants, officers should not attend, or be invited to attend, any political group meeting which includes non-council members.
33. Attendance at group meetings should normally be restricted to chief officers. If other officers are required this should be organised by the chief officer.
34. These briefings are confidential, to allow the free expression of views, and officers must be careful to maintain confidentiality. However, any written report supplied to a party political group must be accessible to members of other parties.

Support services for members

35. The role of officers is to assist members in discharging their role as members of the council for council business and in their role as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes, and this includes the support offered by political assistants.
36. Council resources (e.g. stationery and photocopying) may only be used for council business or when they are directly required for any office to which the member has been elected or appointed by the council.
37. Support to members is a resource, which is subject to the same budget pressures as any other. Given its importance to how effective members can

be, it is essential that its allocation is agreed to be fair and in proportion to the duties of all groups of members.

38. Direct support and administrative help is provided by member services. Information technology support and training responsibilities are shared between a number of sections but are organised through the member services manager. From time to time training and guidelines on the proper and effective use of council supplied IT resources will be issued. Requests for further assistance or clarification should be referred in the first instance to the member services manager.
39. Use of council resources includes the use of council owned facilities. Outside of council meetings, political groups represented on the council may use town hall meeting rooms for private meetings of their group which will include ordinary group meetings and training sessions. Non-town hall function rooms can be hired under the council's normal conditions of charging for other types of meetings.
40. Use of the council chamber for party political purposes will only rarely be permissible and applications will be referred to the monitoring officer.

Member development programme

41. The council runs a member development scheme which is coordinated through the organisational development team. The scheme reflects the obligation on all parts of the council to ensure that all members are able to achieve their full potential in the position to which they have been elected. When this is achieved it benefits the council as a whole and the people of the borough but it also improves the mutual understanding of members and officers.
42. Further advice on support for members can be obtained from democratic services or member services.

Use of Information Technology

43. Where a member is using or accessing the council's resources, s/he must act in accordance with the council's requirements and ensure such resources are not used for any unauthorised or political purpose. This includes information technology (IT) resources; the term 'IT', means computers and any systems used to create, store or exchange information electronically. Similarly 'computer' means an electronic device used for storing and processing information, such as desktop and notebook computers (laptops) and hand held devices (such as BlackBerrys).
44. Members must not use any computer equipment and systems supplied by the council to conduct any business activity other than for their role as a councillor.

Using and caring for equipment

45. Members have a personal responsibility for any IT equipment supplied to them by the council and should take all reasonable steps to ensure that this equipment is kept safe and in good working order. Members should report any loss/theft to member services, but should note that only one issue and one upgrade will be paid for by the council in any 4-year term of office. Members

should report any technical problems, lack of service etc. to the council's contractor.

46. Members are advised to consider adding council issued equipment to their home insurance arrangements. Members will be able to claim any additional related premium from the council.
47. A restricted level of personal use of the equipment is permitted provided it does not constitute misuse as detailed in the communication protocol. Members will need to:
 1. reimburse the council for any personal use of equipment that incurs a cost to the council or;
 2. confirm that all costs were associated with official council business.

Members will also be responsible for any use of equipment, authorised by them or not (unless reported lost or stolen), and hence any associated costs.

48. Members are reminded that details of expenses paid on their behalf are published on the Southwark website.
49. IT equipment supplied to members remains the property of the council and must be returned when their period of office ends.

Political assistants

50. The Local Government and Housing Act 1989 gives councils a power to appoint political assistants to qualifying political groups. Southwark Council currently employs political assistants to the two largest groups. Political assistants are council officers who are employed to assist members of a political group, "in the discharge of any of their functions as members of a relevant authority". Unlike other officer appointments, the political affiliations and preferences of the political group for whom the assistant is hired can be taken into account in the selection process. They provide a useful means of broadening the base of advice to members.
51. The act also restricts the work that political assistants can do. A political assistant's role is to provide assistance to members in carrying out their duties as members of the authority, and not in any additional political, or other, activity. For example, political assistants are not employed to work on election campaigns. Political assistants hold politically restricted posts under the Local Government and Housing Act 1989, and therefore also face restrictions on their personal political activity.

Members' access to information and council documents and data information

52. Members often require access to information to carry out their work in decision making, scrutiny, and representing their constituents. Officers should always process such requests promptly. They are required to ensure that the information required can be released. In some cases they will need to consult their managers or third parties who may hold the information, which may cause some delay.

53. The process for obtaining information is set out in the access to information rules in the council's constitution. Advice on the legal framework can be obtained from the monitoring officer.
54. The common law right of members is based on the principle that any member has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the "need to know" principle and it is well established that a member has no right to "a roving commission" to go and examine documents of the council. The crucial question is the determination of the "need to know" and this question must initially be determined by the particular chief officer whose department holds the document in question (with advice from the monitoring officer).
55. In some circumstances (e.g. a cabinet or scrutiny committee/sub-committee member wishing to inspect documents relating to the functions of their portfolio/committee/sub-committee) a member's "need to know" will normally be presumed, and also where the member is representing a constituent within his ward, although in these cases there may be legal reasons restricting the information that can be produced. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms, possibly in writing.
56. Guidance on holding and processing data to comply with the Data Protection Act can be found on the Source. Assistance with compliance is coordinated by member support services, but members should be aware that they are personally responsible under the act, and should take care to follow any guidance issued.

Confidentiality

57. Sometimes information will be supplied in confidence and paragraph 4 of the Southwark Council's code of conduct for members makes it clear that such information should not be disclosed without the consent of a person authorised to give it, or unless he or she is required by law to do so.
58. Recent case law confirms that a member may benefit from the public interest defence in some specific circumstances. However, those circumstances are rare and any member considering leaking confidential information should take legal advice immediately where their actions may impact on individuals.
59. Members are also reminded that there is an agreed process for applying for the release of information contained in the Freedom of Information Act 2000. Further details of this are available on the council's website

Freedom of Information Act 2000

60. Under the Freedom of Information Act (FOI), councillors like other members of the public have a general right, subject to any applicable exemption, of access to information. Requests under the Freedom of Information Act must be in writing and contain sufficient information to enable the document to be identified. There is a requirement under the act that for the information to be disclosed within 20 working days.

61. There is no requirement under the act for the member to specify whether or not the information is requested under the Freedom of Information Act. Officers should therefore in all cases ascertain from the member whether or not the information is sought under the Freedom of Information Act and if so to advise the member that the request will be dealt with within the statutory time limit of 20 working days.
62. Where the request is for access to documents that are unrelated to any council meeting or where the member requesting the information is not the ward member, officers must inform the member that the request is being treated as a freedom of information request and that a response will be provided within 20 working days.

Operation of the overview & scrutiny committee and its sub-committees

63. The overview & scrutiny committee and its sub-committees may require officers and members to attend and provide any information required to answer questions. It is the duty of any officer or member to attend and answer questions (other than those which he or she would be entitled to refuse to answer in a court of law) if the overview & scrutiny committee and its sub-committees so request. The council may consider that chief officers and other senior managers as described in the departmental schemes of management and not more junior staff are the appropriate officers to attend scrutiny meetings and answer questions.
64. Members of the overview & scrutiny committee or one of its sub-committees should explain the role and operation of the committee/sub-committee, particularly in relation to future policy development, before asking questions of witnesses. Members should adopt an inquisitorial (information seeking) approach to questioning rather than a confrontational one. They may be firm and assertive, but adopting a facilitative and exploratory way of working should generate an atmosphere in which members and officers can explore issues openly and honestly. Under no circumstance should members adopt a rude or aggressive style.
65. Officers should provide all relevant information in their possession, and they should use their best efforts to make sure that they possess all relevant information. They should never seek to conceal or 'improve' inconvenient facts, and more senior officers, or other members should never attempt to persuade them to do so.
66. Reports of scrutiny committees, while drafted by officers, are the reports of the committees themselves and there is nothing improper in members of those committees asking for draft reports to be amended.

Ceremonial events

67. Civic ceremonial events will normally be led by the Mayor or the Deputy Mayor with the leaders of all political groups and other local members informed or invited as appropriate.

When things go wrong

Procedure for officers

68. It is always preferable to resolve matters informally, through an appropriate senior manager. Officers however do have recourse to the staff complaints procedure (which is contained in Managing@Southwark), the protections laid down in the officer employment procedure rules (contained in part 4 of the constitution) or to the council's monitoring officer. In some cases they may wish to utilise the council's whistleblowing procedure (again contained in Managing@Southwark). In the event of a complaint being upheld, the matter will be referred to the chief executive. A local solution may be found after discussion with the leader of the council and the leader and/or whip of the group concerned. Referral of the matter to the Standards Board, should be considered, particularly in serious cases, and the advice of the monitoring officer should be sought.

Procedure for councillors

69. Where a councillor is dissatisfied with the conduct of an officer, and they have been unable to resolve the issue, they should refer the matter to the officer's relevant chief officer, who will nominate an appropriate manager to carry out any investigation required. The manager should then make a preliminary investigation and consider whether the council's disciplinary and capability procedure is appropriate, and then follow the appropriate procedure. The manager should then report back to the member concerned that the appropriate procedures have been followed.
70. Where the complaint relates to a chief officer or monitoring officer, the complaint may be referred to the chief executive for an informal review, conciliation and resolution where possible. If the matter is not resolved at this preliminary stage or in cases of serious complaints, the chief executive, taking appropriate advice will consider whether any formal process under the council's employment procedures and as set out in the officer employment procedure rules, as appropriate.
71. Where a complaint relates to the chief executive both the member concerned and the chief executive should consider whether a meeting may resolve the situation and whether that could be facilitated by the whip or leader of the relevant political group, if any, attending. The chief executive will provide the member with a written response to their complaint.
72. If the member remains dissatisfied with the response of the chief executive he or she will notify the monitoring officer and the head of human resources in writing and they will prepare a report for consideration by the leader of the council. The leader of the council, taking advice as appropriate, will have regard as to whether a formal process, as set out in the Local Authorities (Standing Orders)(England) 2001 is appropriate.

Standards committee

73. The function of the standards committee is set out in the council's constitution. It has a role in offering guidance on the content and working of this protocol, although it will not arbitrate, except in considering cases relating to potential breaches of the code of conduct for members.

COMMUNICATION PROTOCOL

Scope of the protocol

1. This protocol applies to all publicity issued or produced and paid for out of the council's resources.
2. The protocol also applies to any other material issued by organisations that are either wholly or partly separate from the council but which use council's grants or other funding from the council to produce the publicity.

The legal framework

3. When publishing any material at any time, a local authority must comply with the provisions of the Local Government Act 1986 (the act) and the Code of Recommended Practice on Local Authority Publicity 1988 (the code) which was revised in April 2001. Section 2 of the act states as follows:
 - (1) A local authority shall not publish (or assist others to publish) any material, which in whole or in part is designed to affect public support for a political party
 - (2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of the publication and the likely effect on those to whom it is directed and in particular the following matters:
 - a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the views of one political party and not of another
 - b) where the material is part of a campaign, the effect that the campaign appears to be designed to achieve.
4. The key points to note from the above section and the code are as follows:
 - any material which in whole or in part appears to be designed to affect public support for a political party is prohibited
 - any publicity describing council policies and aims should be as objective as possible, concentrating on facts or explanations or both
 - where publicity is used to comment on, or respond to the policies and proposals of central government, or other local councils, the comments or response should be objective, balanced, informative and accurate
 - publicity must be objective, explanatory and avoid personalisation of the issues or inappropriate personal image making. A press release should not be used to explain party political differences

- When deciding whether publicity may fall foul of the act and the code, the council should consider:
 - the content and style of the materials
 - the timing and circumstances of the materials
 - the likely effect on those to whom it is addressed
 - whether it refers to a political party or politician
 - whether it advocates a particular view that can be easily identified with a political party
 - if it is part of a campaign, the effect that campaign is designed to achieve.
5. Section 6 of the act defines publicity as “any communication in whatever form, addressed to the public at large or to a section of the public”.

Publicity of individual councillors

6. Publicity about councillors may include their contact details, their political affiliation, the position they hold with the council and their responsibilities.
7. Publicity may include information about individual councillor’s proposals, decisions and recommendations where this is relevant to their position and responsibilities within the council. Publicity of individual councillors should avoid personalisation of issues or personal image making.

Ward member of the council

8. Ward councillors will be invited to attend public meetings and events organised by the council to consider a local issue and will also be kept informed of consultative exercises on local issues. Some events will involve some members in formal roles, i.e. take part in photo opportunities, make presentations or officially address an audience and members will be advised of what those formal roles are and who is involved in those at the time of invitation.

Official visits by government and shadow ministers

9. It is open to government and shadow ministers to visit the borough at any time. However should the minister require assistance or access to any of the council’s services or facilities, the visit will need to be arranged through official channels of the council. This will ensure that appropriate support is provided on the day.
10. To this end all such requests from government and shadow ministers must be referred to the head of communications who will promptly notify the chief executive of the request.
11. The head of communications will liaise with their counterpart at the relevant government department to ascertain the purpose of the visit. The head of communications in consultation with the chief executive and monitoring officer will authorise the visit if satisfied that the visit would assist the council in promoting one or more of its policies and or objectives or would be purely for fact finding.

12. Events which involve government ministers or other political figures and shadow ministers should usually be led by the leader or cabinet member with the Mayor informed or invited to lead as appropriate. Ward councillors and leaders of all the political parties should be invited where possible and appropriate.

Visits by local and other Members of Parliament (MPs)

13. There may be instances where local and other MPs who are not ministers will have a special interest in attending an event that is taking place in the borough. In this instance the MP in question may either be formally invited or merely informed about the event. Where the MP has not been specifically invited to attend, he or she should not expect to be treated as an “official” invitee.

Promotional publicity

14. Local authorities are authorised under the Local Government Act 1972 to publicise information as to the services provided by them or other local authorities in their area. Publicity can also be used to explain or justify the council’s policies either in general, such as in the annual report, or on specific topics, for example as a background to consultation. However, any such publicity must be objective and factual.

Publicity of matters going before the cabinet, council assembly or any committee of the council

15. All matters going before the cabinet or committees for decision are publicised five clear working days before the meeting or seven clear working days in the case of council assembly unless the report contains exempt information (i.e. information that has been judged by the proper officer as confidential). Some matters will obviously generate more press interest than others. Where the press is interested in a matter that is to be the subject of a decision by the council, the head of communications in conjunction with the relevant chief officer and cabinet member may issue a press release explaining the reasons behind the recommendations. Any such press release must be factual and objective. Members may be asked by the media to comment on this press release but should remember that whilst criticism of ideas and opinion is part of the democratic process, a member must comply with the code of conduct.
16. Where there has been misinformation about any of the council’s policies or objectives the head of communications is authorised to take any appropriate corrective measures.

Scrutiny

17. Publicity about scrutiny will concentrate on factual information about which scrutiny exercises the council is conducting, who is involved, the process they will follow and the decisions they take. Where scrutiny suggests a course of action that differs to or challenges one agreed by the cabinet or any other council decision making body, this would be made clear in publicity together with the process for resolving the difference.

Press releases

18. All press releases from the council must be agreed and signed off by the communication unit and issued either electronically or on council headed paper. Press releases containing quotes from members must be agreed and signed off by the appropriate member.

Publicity during elections

19. The code states that councillors and candidates in an election should not be provided with any form of publicity during the period between the notice of an election and the election itself.
20. Councillors in key positions should only comment on behalf of the council in an emergency.
21. Any publicity about events or services must be factual and not party political.
22. Any publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that it identifies them with individual councillors or groups of councillors or political parties.
23. The council should not produce publicity designed to influence the views of local people on petitions, referendums or specific proposals.
24. Councillors, MPs and candidates in the election may attend the public parts of council premises, even if they intend to use it as a photo opportunity, so long as any such attendance is not organised or funded from council resources and council equipment and employees are not involved.

The role of the communications unit

25. The communications unit works on behalf of the council and not for any political party. The purpose of its work is to provide high quality information about the council, its policies and its services and to maintain public confidence and where appropriate to protect and to promote the council's reputation. It aims to encourage better relationships with the local community. It is important to remember that all publicity and press releases are directed through the communications unit so these goals can be achieved.
26. The head of communications can advise members on how to deal with press enquiries, and how to arrange publicity for events, which can be properly publicised. Members have a remit to discover and make public inefficiency and poor public service; however, they should be careful where a matter they wish to make public relates to identifiable officers.
27. Publicity and information will cover areas such as why the council makes the decisions it does, and why other proposals are rejected. The communications unit will feature the decisions of the council, i.e. those decisions made by the council assembly, cabinet, scrutiny, planning or licensing committees or community councils, or those actions which have been taken within the broad policy framework already set by the council, subject to any call-in arrangements.

Obligations on officers in relation to documents being prepared for public consumption

28. Council staff and resources must not be used to arrange proactive events, such as photocalls, if they would provide politicians with a platform to communicate with the public that would not otherwise be available to them.
29. When considering whether a communication or publicity is safe to be put out officers should ask themselves whether the communication or publicity is objective, balanced, informative and accurate. If the answer is an unequivocal yes then the communication or publicity is safe to be put out.
30. Where officers are uncertain as to whether a communication or publicity is appropriate they should seek advice from the communications unit and the monitoring officer in those cases.
31. If something cannot go out as a member has suggested then officers can explain why and offer an alternative form of words. Again the communications unit or the monitoring officer can offer you guidance on what would be appropriate.

The role of the Mayor and Deputy Mayor

32. The Mayor is the first citizen of the borough and as such is apolitical. He or she is responsible for promoting the council as a whole and representing the council in civic and ceremonial events.
33. The Mayor is also responsible for chairing meetings of the council assembly and interpreting the constitution as necessary. Where the Mayor is unable to act or the office is vacant, the Deputy Mayor will discharge all of the Mayor's duties except that the deputy may not chair meetings of the council assembly unless specifically appointed to do so.

Key spokespeople

34. The role of the spokesperson is to present facts about council decisions, the context in which they were taken, actions, and issues faced by the council. Members who are key council spokespeople are the leader and deputy leader and cabinet members within their portfolio, the chair of overview and scrutiny committee, planning chair, licensing chair, chair of the relevant community council, standards chair and chair of the audit and governance committee. They will be quoted or featured in publicity where it relates to their responsibilities on the council.

Correspondence

35. Generally correspondence from one member should not be copied to, or discussed with, another member without the member's consent subject to any rights of access arising from the Freedom of Information Act 2000 and the Data Protection Act 1998. If a member has sought advice from an officer and included a circulation list, it can be assumed that the officer's response can be circulated to those people on the circulation list for the original letter, even if that list includes other members.
36. This does not prevent officers copying letters to each other about casework across ward or interest boundaries in order to respond to a member inquiry. Points of general interest to all members may be converted into general advice,

and circulated (within the limitations set down in the Data Protection Act). A chief officer is also able to advise a relevant cabinet member in general terms of an issue raised with the chief officer in correspondence, or otherwise, by another member.

37. Official letters from the council should normally be sent out in the name of the appropriate officer rather than a member. It may be appropriate for members to write in certain circumstances (e.g. representations to a government minister); however, this would be the exception rather than the norm. Letters which create obligations or give instructions should not be sent out in the name of a member.

Postage

38. Preparation and postage of correspondence are a significant part of the support given to members. The content and purpose of letters, leaflets, and other correspondence must relate to the member's role in the authority. The members' services manager will arrange for monitoring arrangements to be put in place, and refer doubtful cases to the monitoring officer. A facility exists to send out pre-paid reply envelopes with correspondence.
39. The use of council resources in the preparation and postage of the following kinds of post are not permitted:
 - private mail including correspondence for other bodies
 - mailshots
 - letters sending out information (concerning planning application, refuse collection, etc) which is the responsibility of officers
 - letters which criticise other groups and their members or praise the writer or their political group.

For the avoidance of doubt, correspondence to residents about the location of surgeries by members who do not have a fixed location for their surgery shall not constitute a mailshot.

40. The question of what is a mailshot has proved problematic. Members are entitled to use council resources to respond to requests that their constituents have raised with them for action and explain what action has been taken, but not generally to publicise their work in the ward. Requests to send out large numbers of letters will have to show what demand is being responded to, and that the letter is a proportionate response to that demand. In any event, member services do not have the resources to send out more than one batch of such letters a month for any member. Members are reminded that this is a finite resource, and member services may need to limit the use of this if excessive costs are incurred.
41. Where members are uncertain as to whether a communication or publicity is appropriate they should seek advice from the head of communications and the monitoring officer in those cases.

Emails

42. Email and internet access facilities are provided to members to support work on council related activities. The standards set out for officers in the use of emails apply equally to members. The key standards are that:
 - any behaviour or comment that is not permitted in the spoken or paper environment is also not permitted in an email message
 - email messages should be inoffensive and should not be construed to harass
 - emails must not incite racial hatred or be pornographic in nature either in the body of the text or as an attachment
 - chain emails should not be forwarded on.
43. As a general rule, emails cannot be used for party political purposes but:
 - emails organising the political group in relation to council business are allowed
 - the use of the email address in a party political leaflet to advertise a ward surgery or as a means of allowing residents to contact their ward members on non-party political matters is allowed
 - emails to newspapers as a means of commenting on council business from the political group's perspective are allowed.
44. Members should remember that emails may be subject to disclosure if a request is made under the Freedom of Information Act 2000.
45. Any use of IT resources, including email and the internet, that contravenes any legislation (such as the Data Protection Act 1998; the Computer Misuse Act 1990; and the Copyrights, Designs and Patents Act 1988 (amended 2002)); or breaches the general obligations of the code of conduct for members; or breaches council policies on information security is considered to be unacceptable. Members are responsible for the content of any email sent from your username and in certain circumstances the council may also be found liable for the content of such email.
46. Emails and other personal information should be retained only for the minimum period necessary, in accordance with the Data Protection Act 1998. Further details on the Data Protection Act in term of members' business use can be obtained from legal services.
47. It is important that members manage the information that they store to ensure its availability, confidentiality and integrity. Therefore members should regularly review all council information (including files and email messages) they hold and delete all redundant or irrelevant data.
48. Where a telephone number has been issued to a member or group of members it is expected that this number will be publicised except on political publicity material.

MEMBERS' ALLOWANCES SCHEME 2010 – 2011

As agreed by council assembly on 23 May 2007, 27 June 2007, 21 November 2007 and 19 May 2010

Introduction

1. The Local Government & 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.
3. In May 2007 the council agreed a new members' allowances scheme having considered the recommendations of the standards committee and having taken into account the London Councils Independent Remuneration Panel's report of 2006.

Basic allowance

4. Each member of the council is entitled to receive the annual basic allowance of £10,599. This is paid on a monthly basis rather than as a lump sum.
5. If a member of the council does not serve for the whole of the 12 month period, or becomes disqualified, they will only be entitled to pro-rata payments for the period(s) during which they were actually a serving member of the council.
6. If a member wishes to waive their right to receive a basic allowance, or any other allowance under the scheme, they must notify the monitoring officer in writing.

Special responsibility allowance

7. The council has decided to pay special responsibility allowances (SRA) to those members whom it considers to have special responsibilities for the discharge of the council's functions. The list of SRAs payable is set out in paragraph 35 below. This allowance is in addition to the basic allowance. No member may receive more than one SRA.
8. 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.

9. SRAs are paid monthly. If a member of the council does not serve as an elected member for the whole of the 12 month period, or becomes disqualified they will only be entitled to pro rata payments for the period(s) during which they undertake the duties. Except in the case of eligible special leave, if a member of the council ceases to perform the duties for which the allowance is payable, they will only be entitled to pro rata payments for the period(s) during which they undertake the duties. Similarly, if the scheme is amended so as to affect entitlement, the allowance will be paid pro rata.
10. In accordance with the Local Authorities (Members Allowances) (England) Regulations 2001, 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.

Licensing committee

11. Ordinary members of a licensing sub-committee will receive a payment of £117 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

12. Councillors (and co-optees receiving a special responsibility allowance) may only claim travel expenses incurred in the performance of approved duties (see paragraph 54 below) for meetings held outside the borough, subject to the following exceptions (no allowance is paid for approved duties held within the borough):

- 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).
- Non statutory co-optees (who do not receive an allowance) can claim their travel expenses.

13. Members cannot reclaim expenses they have incurred due to:

- a) congestion charges, including fines or penalties;
- b) parking/clamping fines.

14. Other conditions applying and the approved rates are set out in paragraphs 36-40 below and are the same as for officers who claim casual car or cycle user allowance.

Subsistence allowance

15. The maximum rates for subsistence allowance relating to approved duties are set out in paragraphs 41-43 below and are the same for members as for officers. This allowance is not payable where the council has made arrangements for refreshments and/or accommodation.
16. Subsistence allowance may be claimed in respect of approved duties if they involve an absence from the normal place of residence exceeding four hours in total which includes one hour travelling time.
17. The amount to be reimbursed in respect of qualifying duties is the actual amount spent subject to the maximum figures in paragraph 42. Receipts must be produced in respect of all claims.

Child-care and dependant carers allowance scheme

18. Members may claim this allowance as reimbursement of 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.
19. The maximum rate claimable is £6.00 per hour (and may be increased from time to time by the chief executive on the advice of the strategic directors of health & community services and children's services taking into account local conditions). 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 will be paid as a reimbursement of incurred expenditure against receipts;
 - 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); and,
 - any dispute as to entitlement and any allegation of abuse will be referred to the standards committee for adjudication.

Approved duties

20. 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 subcommittee of the council, or of any other body to which the council makes appointments or nominations, or of any committee or sub-committee of such a body, provided they are a member of the body concerned;
 - b) 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;

- c) attendance at a meeting of any association of authorities of which the council is a member;
 - d) attendance at a meeting of the executive or of any of its committees;
 - e) attendance at tender openings, where this is required by the council's procedure rules;
 - 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; and,
 - i) any duty for the purpose of or in connection with the discharge of the functions of the executive.
21. No allowances can be claimed in respect of political group meetings, members' surgeries or attendance at college or school governing bodies.

Claiming allowances

22. Basic and special responsibility allowances are paid automatically, unless a member elects to forego them, by writing to the monitoring officer. Claims for all other 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 standards committee for consideration.

Withholding allowances

23. The standards committee may withdraw allowances in whole or in part in the event of a member being suspended or partially suspended. All allowances should be withheld for the period of total suspension.
24. In the case of partial suspension:
- the basic allowance should continue to be paid (though the council expects a member voluntarily to abate their claim according to the extent to which they were able to continue to fulfil the functions of a non-executive member).
 - to the extent that the partial suspension made it impossible or impracticable for a member to undertake activities in respect of which a special responsibility allowance was payable, that allowance should be withdrawn.

Co-opted members

25. In May 2007 council assembly agreed the following regarding payment of allowances to co-opted members:
- a) The chair of standards committee should receive a band 1 allowance but no allowance under (b) below.
 - b) All other statutory co-optees (i.e. standards committee members and statutory co-optees to the education committee) should receive an annual allowance. For 2010-11 this is £1,061.
 - c) No statutory co-optees may receive more than one allowance under (a) or (b) above.

- d) 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).
 - e) Non-statutory co-optees should be able to claim re-imbursement of travelling and subsistence expenses.
26. Co-optees may, in writing to the monitoring officer, elect not to receive allowances.
 27. Allowances to standards committee co-optees should be payable from the date of their appointment. The allowance to education co-optees should be payable from the date of appointment.
 28. Co-optees allowances are subject to the same index linking as members' allowances generally.
 29. Co-optees do not receive the basic allowance.
 30. 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.
 31. Both statutory and non-statutory co-opted members are entitled to claim dependant carer's allowance as set out in paragraphs 18-19.

Amendments to the allowances scheme

32. Levels of basic, special responsibility and financial loss allowance are adjusted in accordance with the local government pay settlement. This index linking will continue until June 2010.
33. Travel and subsistence allowances will be amended in line with changes to allowances for officers.
34. Dependant carer's allowance may be increased from time to time by the chief executive, in consultation with the strategic director of health and community services, to reflect local conditions, and amounts payable by the health and community services department for the level of care required.

Allowances

35. Special responsibility allowances in addition to basic allowance¹:

Band 1a	SRA
Chair audit & governance committee	£2,771
Deputy leader majority opposition	£2,771
Leader minority opposition	£2,771
Opposition whip	£2,771
Independent chair standards committee	£2,771
Chair disciplinary appeals committee	£2,771
Vice-chair overview & scrutiny committee	£2,771

¹ As agreed by 19 May 2010 annual council

Band 1b	
Deputy Mayor	£8,357
Chair community council	£8,357
Scrutiny sub-committee chair	£8,357
Band 2a	
Chair planning	£14,451
Chair licensing	£14,451
Chief whip	£14,451
Leader majority opposition	£14,451
Band 2b	
Mayor	£22,631
Chair overview & scrutiny committee	£22,631
Band 3	
Cabinet member	£33,604
Deputy leader	£33,604
Band 4	
Leader	£50,065

Travel allowances

36. Members may claim the cost of public transport relating to approved duties outside the borough (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:
37. Travelling expenses necessarily incurred in carrying out their approved duties will be reimbursed, subject to the conditions set out below, and in the members' allowances scheme.
38. The following is a summary of the conditions, and has been excerpted and adapted from those which apply to officers.
39. 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.
40. 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:

There are five bands of allowance according to the engine size of the motorcycle: the rates are set out below:

Rates of allowances: moped, motorcycle & pedal cycle allowances

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:

Monthly cycle allowance is payable for councillors, independent and co-opted members who use their own cycles in connection with their official duties. The rate is currently £20 per month.

Subsistence allowance

41. 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.
42. Claims are subject to the following maximum, which are the same for members as they are for officers:

Breakfast	£5.93
Lunch	£8.18
Evening Meal	£10.10

43. 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.

Special leave arrangements

44. 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.
45. Where a period of special leave includes constitutional 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

46. 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.
47. Members are not eligible for Statutory Maternity Pay (SMP) if they are not employed elsewhere. The council cannot pay SMP.

Adoption leave

48. 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

49. 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

50. The sick leave arrangement will be for up to six months full allowance in any 12 months.

Other special leave

51. Normal leave arrangements and emergency situations do not affect SRAs. Extended absence e.g. service abroad in the TA or jury service to be in line with officer guidelines.

Other arrangements

52. 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 executive will be eligible for the full SRA payments due in the same period.
53. During any period for which special leave arrangements are in place any member who is appointed as an assistant to an absent executive 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.

Summary list of approved duties

54. The following is a list of approved duties:
 - a) Attendance at council, committee or sub-committee meetings
 - b) Attendance at neighbourhood forums that fall within the member's ward
 - c) Attendance at tenants' council and leaseholders' council
 - d) Attendance at licensing or planning committees as a ward representative
 - e) Attendance at a meeting of a body to which the member has been nominated by the council.

LIST OF COUNCILLORS

Ward	Councillors	Political party
Brunswick Park	John Friary Norma Gibbs Ian Wingfield	Labour Labour Labour
Camberwell Green	Kevin Ahern Dora Dixon-Fyle The Right Revd Emmanuel Oyewole	Labour Labour Labour
Cathedrals	Adele Morris David Noakes Geoffrey Thornton	Liberal Democrat Liberal Democrat Liberal Democrat
Chaucer	Poddy Clark Tim McNally Claire Hickson	Liberal Democrat Liberal Democrat Labour
College	Helen Hayes Andy Simmons Lewis Robinson	Labour Labour Conservative
East Dulwich	James Barber Jonathan Mitchell Rosie Shimell	Liberal Democrat Liberal Democrat Liberal Democrat
East Walworth	Martin Seaton Helen Morrissey Darren Merrill	Labour Labour Labour
Faraday	Lorraine Lauder MBE Dan Garfield Abdul Mohamed	Labour Labour Labour
Grange	Denise Capstick Mark Gattleson Linda Manchester	Liberal Democrat Liberal Democrat Liberal Democrat
Livesey	Richard Livingstone Catherine McDonald Michael Situ	Labour Labour Labour
Newington	Neil Coyle Catherine Bowman Patrick Diamond	Labour Liberal Democrat Labour
Nunhead	Fiona Colley Sunil Chopra Althea Smith	Labour Labour Labour

Ward	Councillors	Political party
Peckham	Barrie Hargrove Tayo Situ Cleo Soanes	Labour Labour Labour
Peckham Rye	Gavin Edwards Victoria Mills Renata Hamvas	Labour Labour Labour
Riverside	Anood Al-Samerai Eliza Mann Nick Stanton	Liberal Democrat Liberal Democrat Liberal Democrat
Rotherhithe	Columba Blango Jeff Hook Wilma Nelson	Liberal Democrat Liberal Democrat Liberal Democrat
South Bermondsey	Michael Bukola Paul Kyriacou Graham Neale	Liberal Democrat Liberal Democrat Liberal Democrat
South Camberwell	Veronica Ward Stephen Govier Peter John	Labour Labour Labour
Surrey Docks	David Hubber Paul Noblet Lisa Rajan	Liberal Democrat Liberal Democrat Liberal Democrat
The Lane	Mark Glover Nick Dolezal Keadean Rhoden	Labour Labour Labour
Village	Robin Crookshank Hilton Toby Eckersley Michael Mitchell	Liberal Democrat Conservative Conservative

SOUTHWARK COUNCIL

GLOSSARY OF TERMS FOUND IN THE CONSTITUTION

Articles	The basic rules setting out the different features of the council's governance system and describing how the council's business is governed.
Budget and policy framework	The council's revenue and capital budget in any one year together with certain major plans and strategies as determined by the government and the council, as described in part 4 of the constitution.
Background papers	Any papers on which a report was based or relied upon to a material extent. This excludes already published material, or papers which would include exempt or confidential information.
Cabinet	The leader and no less than two and no more than nine portfolio holding councillors collectively form the cabinet. The cabinet are legally responsible for implementing council policies within the budget and policy framework set by the council. The leader may delegate "executive function" decision-making to individual cabinet members, cabinet committees or to officers, but the cabinet as a whole remains responsible for the decision and the action taken.
Call-in	A mechanism that allows councillors to review a decision taken by the cabinet prior to its implementation.
Co-opted member or independent member	A person who is not an elected councillor but is appointed to serve as a member (voting or non-voting) of a council committee or sub-committee. This includes the school governor representatives on the overview & scrutiny committee and the independent members on the standards committee.
Committees	Committees are charged with making decisions on behalf of the council where those decisions are prohibited by law or by local choice from being made by the cabinet. Decisions that are made by committees include quasi-judicial matters such as deciding planning applications (planning committee) or public entertainment licensing (licensing committee).
Committee procedure rules	Rules governing meetings of council committees and sub-committees. Note that different rules govern cabinet meetings.

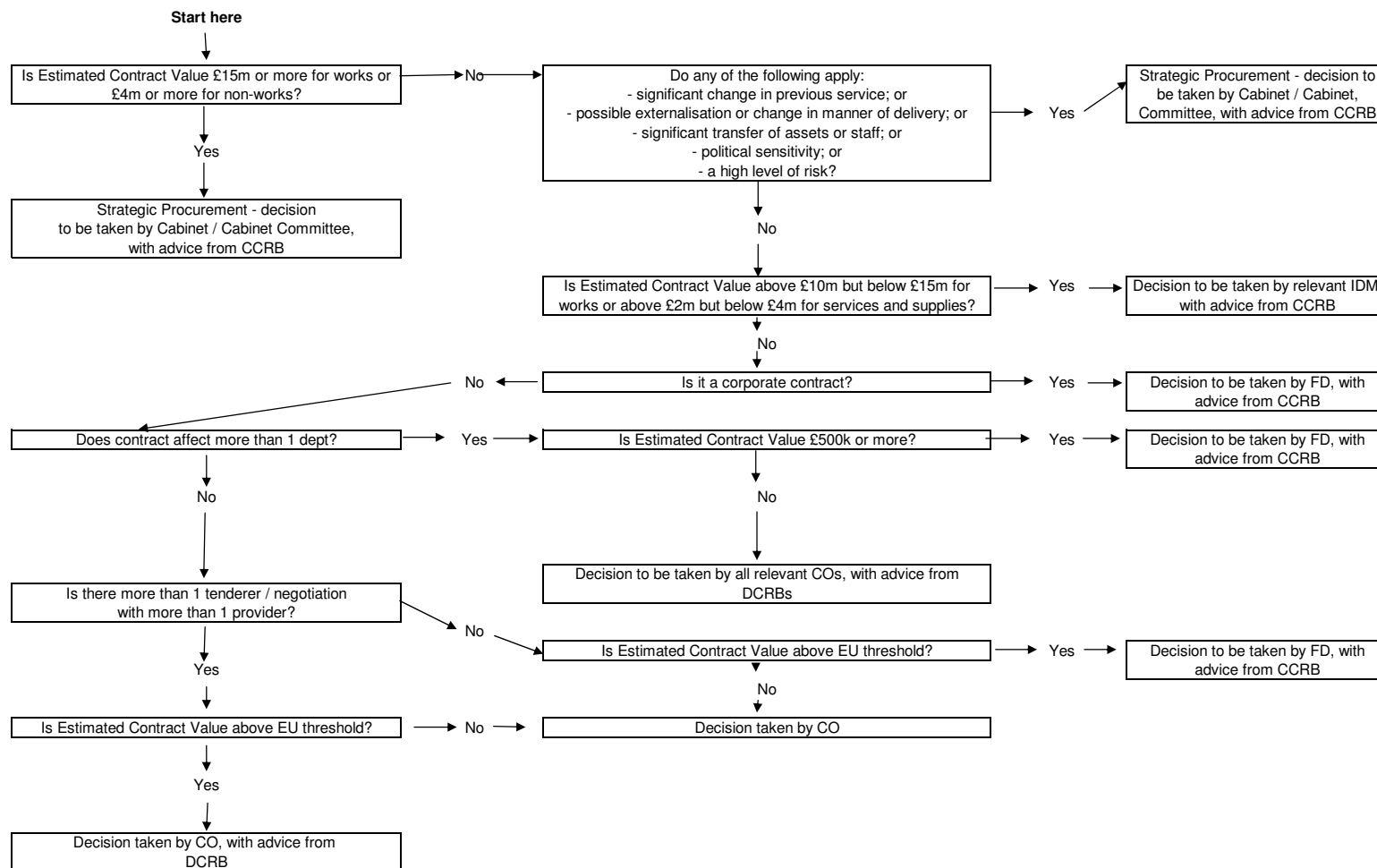
Community council	Committees made up of the ward councillors for specific areas of the borough. Community councils are responsible for some leisure, environmental and planning matters, including responsibility for dealing with some planning applications in their area. Community councils are also a focal point for discussion and consultation on issues affecting the area.
Confidential information	Information either given to the council by the government on terms which <u>forbid</u> its public disclosure or which cannot be publicly disclosed by court order.
Constitution	A document setting out how the council operates, how decisions are made and the council's procedural rules and codes of conduct.
Councillors	Elected representatives who collectively are the members of the council (sometimes called 'members').
Delegated powers	Specific powers given to a particular cabinet member, officer, committee or sub-committee to take decisions on behalf of the council.
Exempt information	Information falling into one of seven categories set out in the Local Government (Access to Information) Act 1985 and updated by March 2006 statutory instruments, which usually cannot be publicly disclosed (see the access to information procedure rules).
Forward plan	A schedule of all the key decisions to be taken over the next four months. An indicative plan for the next eight months is also published. The plan also includes budget and policy framework decisions to be considered by the cabinet and by the council assembly within that period.
Head of paid service	The most senior officer, with overall responsibility for the management and operation of the council; also known as the chief executive.
Key decision	A decision taken, or to be taken, by or on behalf of the cabinet, which is likely either to incur significant expenditure/make significant savings (i.e. £500,000 or more) or to have a significant impact on those living or working in one or more wards. The criteria used to identify key decisions are set out in the Appendix attached to the access to information procedure rules within the constitution.
Leader	The councillor appointed by the council to provide leadership to the council and to chair meetings of the cabinet. The leader is responsible for the delegation of executive functions.

Mayor	The councillor appointed by the council to chair meetings of the council. The Mayor has special representative and ceremonial responsibilities, but is not a political leader (as the Mayor can be in some other local authorities).
Member	An elected member of the council or of a committee as appropriate. It includes the co-opted members of committees and sub-committees.
Monitoring officer	The officer responsible for ensuring that everything that the council does is fair and lawful. In Southwark the monitoring officer is the strategic director of communities, law & governance.
Overview & scrutiny committee	A committee appointed by the council to provide support and advice to the cabinet by contributing to the review and development of policy; and to hold the cabinet to account by questioning, challenging and monitoring their performance.
Political proportionality	Comes from legal rules that require that committees of the council include elected politicians in proportion to the size of their political groups on the council as a whole. This does not apply to the cabinet, cabinet committees, standards committee, licensing committee or community councils.
Portfolio holder	Responsible for ensuring the effective management and delivery of executive functions. Each portfolio holder has specific areas of responsibility allocated to them by the leader. (See Part 3B – Cabinet portfolios)
Procedure rules	Detailed rules which govern how the council operates and how decisions are taken. See Part 4 of the constitution.
Proper officer	A senior officer of the council who is given a set of responsibilities by statute.
Quasi-judicial	Refers to a process of decision-making which is similar to a Court of Law, in that each party with an interest in the matter under discussion has an opportunity to make their case, following which the committee will make decision on the facts and representations.
Quorum	The minimum number of people who have to be present before a meeting can take place. (This is set out in the relevant procedure rules in Part 4 of the constitution).
Reserves	On most committees councillors can appoint a reserve (or substitute) councillor to attend a meeting which they cannot attend themselves.
Standards for England	A national body, appointed by the Secretary of State, responsible for promoting and maintaining high standards of conduct by councillors.

Summons	This is the document sent to every member of the relevant council meeting providing notice that a meeting is to be held and specifying the business to be transacted.
Terms of reference	A written definition setting out the responsibilities and boundaries of a particular forum.
Virement/Budget adjustment	A virement or budget adjustment or is a movement of an approved budget from one budget heading or service to another. It will be self-balancing and will be in response to either a change in the level of service (increased or decreased) or additional net costs or benefits within a service. It includes changes to expenditure and income budgets to take account of new grants or other income and associated expenditure including movements between subjective categories of income and expenditure and also corrections to budgets which were set on the basis of incomplete information. It may recognise movements to and from reserves and balances, which may only be actioned by the finance director.
Working day	This applies to the period of notice to be given for summoning a meeting or the submission of deputation requests, questions or motions. For example, all agendas and papers for decision in public must be available five clear working days before the decision is taken (special rules apply to council assembly where the notice period is seven clear working days and to urgent late items). The five days does NOT include the day the papers are sent out, the day of receipt or the date of the meeting (hence the use of the word 'clear'). 'Working day' is taken to be Monday to Friday inclusive and excludes Saturdays, Sundays and bank holidays. A 'working day' means a period of 24 hours running from midnight to midnight.
Ward	The borough is divided into 21 electoral areas or wards, which are each represented by three councillors.

Proposed Decision on Procurement Strategy (GW1) -

Completion of GW1 report is recommended for all reports and mandatory for all contracts with an Estimated Contract Value over £75,000

Retrospective decisions

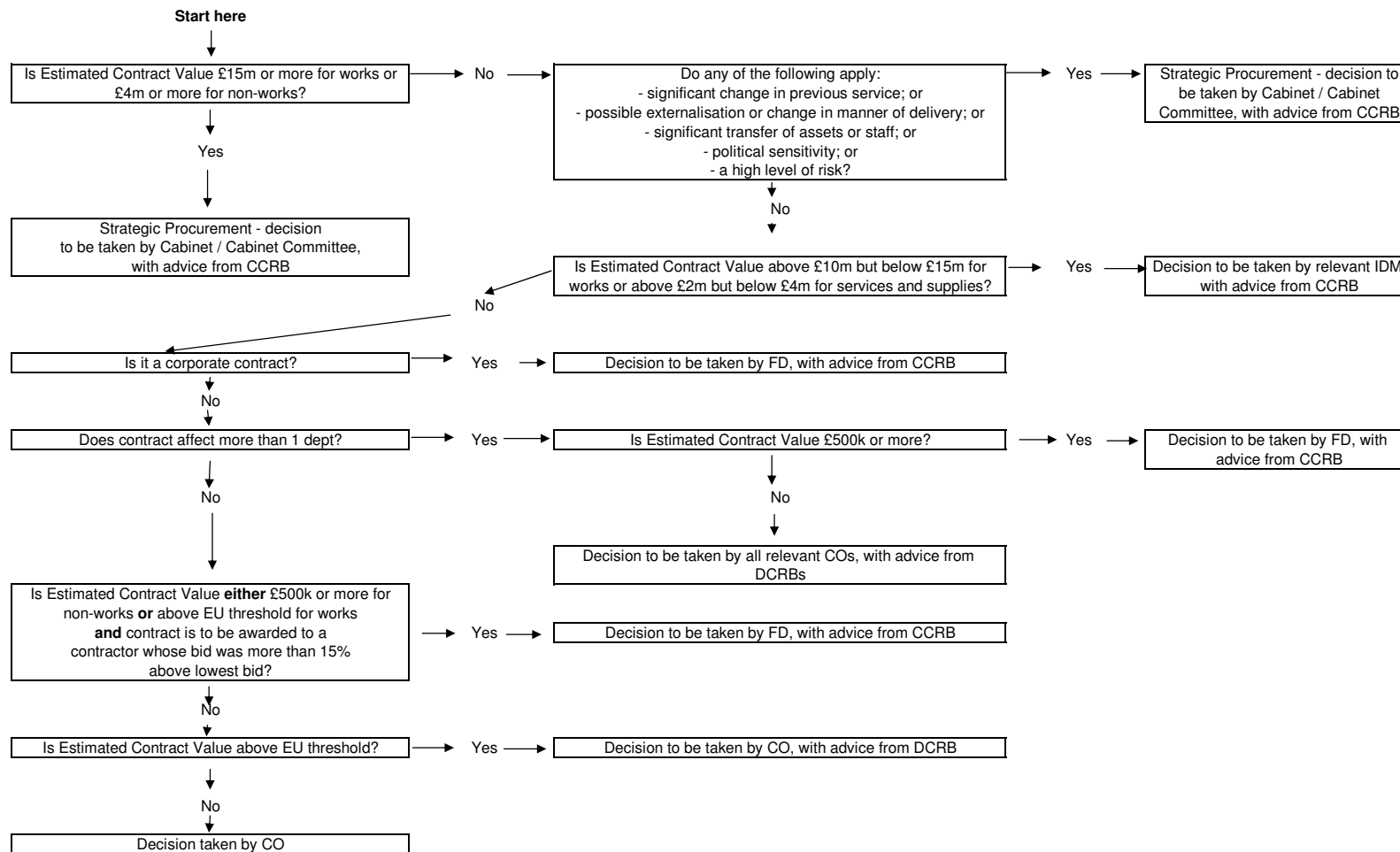
If approval is being sought retrospectively to a GW1 decision, a report should be submitted, setting out the circumstances and manner in which the decision was taken, as follows:

Decisions with an estimated value below £100,000 - to the relevant DCRB

Decisions with an estimated value of £100,000 or more - to the relevant DCRB and to the Audit & Governance Committee

Proposed Decision on Contract Award (GW2) -

Completion of GW2 report is recommended for all reports and mandatory for all contracts with an Estimated Contract Value over £75,000

Retrospective decisions

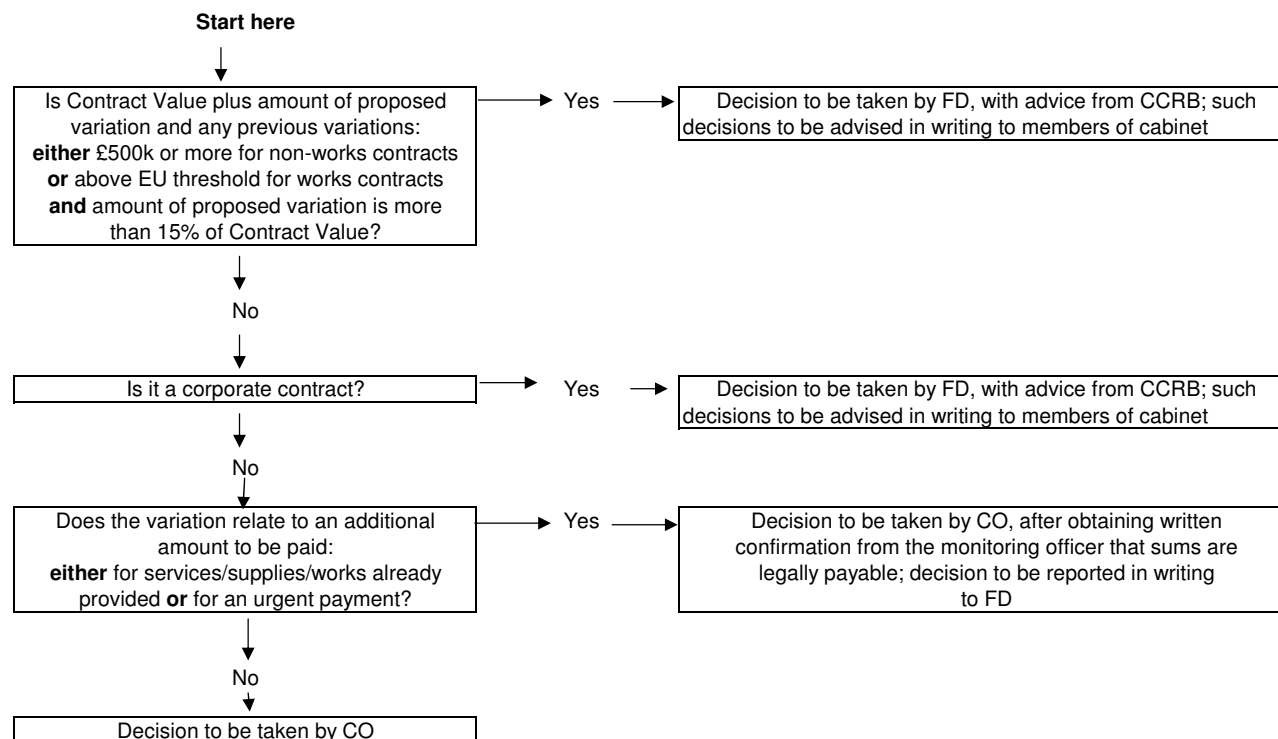
If approval is being sought retrospectively to a GW1 decision, a report should be submitted, setting out the circumstances and manner in which the decision was taken, as follows:

Decisions with an estimated value below £100,000 - to the relevant DCRB

Decisions with an estimated value of £100,000 or more - to the relevant DCRB and to the Audit & Governance Committee

Proposed Decision on Variation to a Contract (GW3)

Completion of GW3 report is recommended for all reports and mandatory for all contracts with an Estimated Contract Value over £75,000

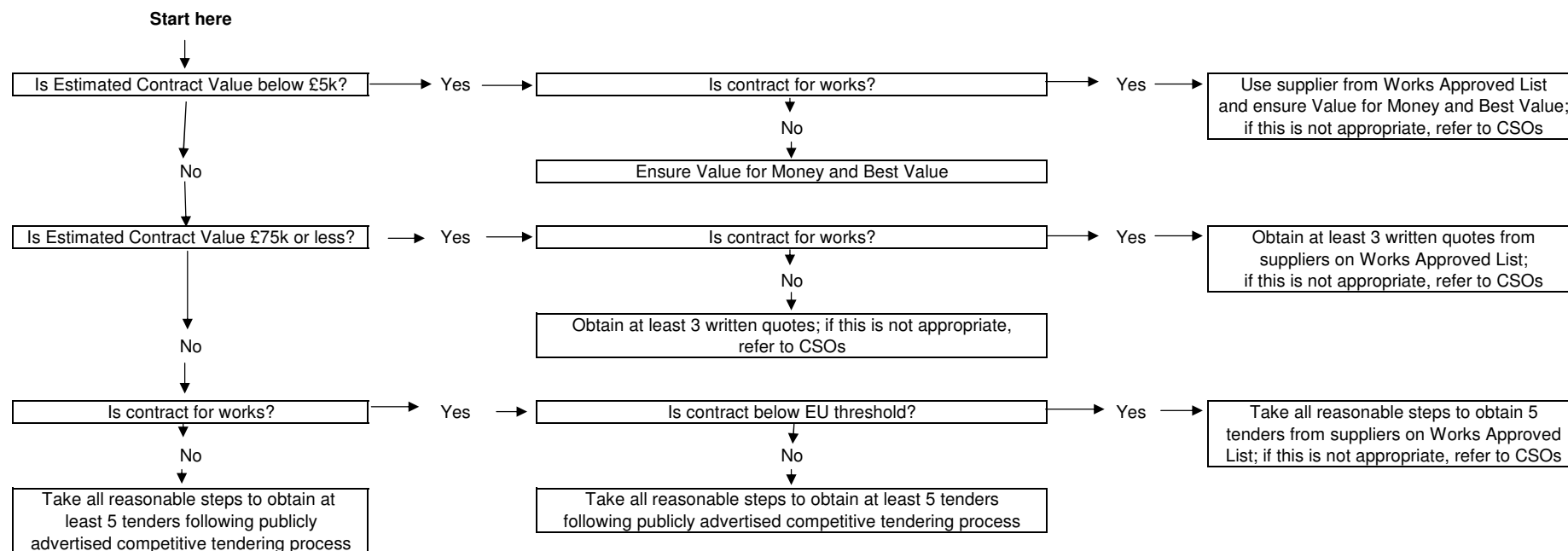
Retrospective decisions

If approval is being sought retrospectively to a GW1 decision, a report should be submitted, setting out the circumstances and manner in which the decision was taken, as follows:

Decisions with an estimated value below £100,000 - to the relevant DCRB

Decisions with an estimated value of £100,000 or more - to the relevant DCRB and to the Audit & Governance Committee

Requirements to obtain Quotes and Tenders



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)	Strategic Director of Communities, Law & Governance
Officer responsible for financial administration (Section 151 – Local Government Act 1972)	Finance Director
Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)	Monitoring Officer
Chief Education Officer (Section 532 – Education Act 1996)	Strategic Director of Children's Services
Director of Children's Services (Section 18 – Children Act 2004)	Strategic Director of Children's Services
Director of Adult Social Services (Section 6 – Local Authority Social Services Act 1970)	Strategic Director of Health and Community Services
Scrutiny Officer (Section 31 – Local Democracy, Economic Development and Construction Act 2009)	Head of Overview and Scrutiny

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
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REPRESENTATION OF THE PEOPLE ACT 1983

Section 8 – The Electoral Registration Officer for the purpose of the registration of electors	Strategic Director of Communities, Law & Governance
Section 28 – The Acting Returning Officer at an election of a Member of Parliament	Strategic Director of Communities, Law & Governance

STATUTE AND FUNCTION	PROPER OFFICER
Section 35 – The Returning Officer at an election of London Borough councillors	Strategic Director of Communities, Law & 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	Monitoring 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

STATUTE AND FUNCTION	PROPER OFFICER
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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	Monitoring Officer
Section 115 – The officer to whom money properly due from officers shall be paid	Finance Director
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Finance Director
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)	Finance Director
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	Monitoring Officer
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)	Deputy Chief Executive

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
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STATUTE AND FUNCTION	PROPER 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	Monitoring 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	Monitoring Officer
To make payments of relevant allowances in accordance with the council's members allowances scheme	Monitoring 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	Strategic Director of Communities, Law & Governance
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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 Health and Community Services
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REGISTRATION SERVICES ACT 1953

Proper officer for births, deaths and marriages	Deputy Chief Executive
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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	Finance Director
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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 Housing
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STATUTE AND FUNCTION	PROPER OFFICER
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CIVIL EVIDENCE ACT 1995

To certify council records for the purposes of admitting the document in evidence in civil proceedings	Monitoring Officer
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CRIME AND DISORDER ACT 1998

Section 12 – to apply for the discharge or variation of a Child Safety Order	Strategic Director of Children's 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, Finance Director and Strategic Directors
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GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1969

Certification of documents as a decision of any officer of the council exercising delegated powers	Monitoring Officer
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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)	Finance Director
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)	Finance Director
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	Finance Director

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

Certification of relevant powers to enter into contracts	The Chief Executive, Monitoring officer, Finance Director and posts designated in accordance with article 10.01(b) as chief officers
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STATUTE AND FUNCTION	PROPER OFFICER
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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 Housing
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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
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