

CONSTITUTIONAL REVIEW 2012/13

RECOMMENDATIONS OF CONSTITUTIONAL STEERING PANEL - 9 MAY 2012

NO.	LIBERAL DEMOCRAT GROUP CONSTITUTIONAL CHANGES	CSP RECOMMENDATIONS
1.	<p>PARA 25 (RELATING TO COMMITTEE PROCEDURE RULES ARTICLE 6 – ADDITIONAL RULES APPLYING TO AUDIT AND GOVERNANCE COMMITTEE) Delete all after ‘it is recommended that committee procedure rule 6.1’ and replace with” “and 6.2 on the size and membership of the committee is deleted and 6.4 is amended, with subsequent clauses renumbered, as set out below:”</p> <p>6. ADDITIONAL RULES APPLYING TO AUDIT AND GOVERNANCE COMMITTEE</p> <p>Composition</p> <p><i>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.</i></p> <p><i>2. No more than one member of the cabinet or deputy may be a member of the committee, and no cabinet member may chair the committee.</i></p> <p><i>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.</i></p> <p><i>4. <u>No member of the cabinet, nor the leader of the council</u> may be a member of the committee.</i></p>	Not recommended.
2.	<p>PARA 28 (RELATING TO ARTICLE 8 – COMMUNITY COUNCILS) Delete all and replace with 28.1: “There will be eight community council areas covering the Borough of Southwark”</p>	Not recommended. Note: As this proposal relates to the budget and policy framework it would have to be referred back to cabinet to consider and make recommendations to council assembly. There would be potential financial

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		implications associated with this amendment.
3.	<p>PARA 28 (RELATING TO ARTICLE 8 – COMMUNITY COUNCILS) Add paragraph 28.2: “The total budget for the running of community councils will be divided between the eight community council areas and any decisions on spending priorities or savings will be identified locally.”</p>	<p>Not recommended.</p> <p>Note: As this proposal relates to the budget and policy framework it would have to be referred back to cabinet to consider and make recommendations to council assembly. There would be potential financial implications associated with this amendment.</p>
4.	<p>PARA 28 (RELATING TO ARTICLE 8 – COMMUNITY COUNCILS) Add paragraph 28.3: “The eight community councils will take all decisions relating to the delivery of discretionary council services within their community council area.”</p>	<p>Not recommended.</p> <p>Note: The issue of eight community councils is addressed above. On the issue of “discretionary services”, a significant number of these functions would be executive responsibilities and under the strong leader arrangements it would be for the leader to make these delegations. If agreed, this proposal would require further work to clarify an appropriate scheme of delegation, including discretionary services.</p>
5.	<p>PARA 28 (RELATING TO ARTICLE 8 – COMMUNITY COUNCILS) Add paragraph 28.4: “The eight community councils will take local planning decisions within their community council area.”</p>	<p>Not recommended.</p> <p>Note: As this proposal relates to the budget and policy framework it would have to be referred back to cabinet to consider and make recommendations to council assembly. There would be potential financial implications associated with this amendment.</p>
6.	<p>PARA 52 (RELATING TO PART 3M: STANDARDS COMMITTEE) Insert after ‘The committee would be subject to the rules on proportionality’: “and no member of the cabinet, nor the leader of</p>	<p>Not recommended.</p>

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	the council may be a member of the committee.”	
7.	<p>PARA 68 (RELATING TO PART 4: RULES – OVERVIEW AND SCRUTINY COMMITTEE) Delete paragraph 68 and replace with: “All five existing scrutiny bodies will be retained and any required financial savings will be obtained by reducing officer support for scrutiny and for councillors (especially the chairs of the committees) to assume the shortfall.”</p>	<p>Not recommended.</p> <p>Note: As this proposal relates to the budget and policy framework it would have to be referred back to cabinet to consider and make recommendations to council assembly. There would be potential financial implications associated with this amendment.</p>
8.	<p>PARA 69 (RELATING TO PART 4: RULES – OVERVIEW AND SCRUTINY COMMITTEE) Amend paragraph 2.2.a to read: “a chair, who will be a representative of the majority opposition group, appointed by council assembly”</p>	<p>Not recommended.</p>
9.	<p>PARA 69 (RELATING TO PART 4: RULES – OVERVIEW AND SCRUTINY COMMITTEE) Insert new paragraph 2.2.e to read: “the Overview and Scrutiny Committees will comprise of 11 members”</p>	<p>Not recommended.</p> <p>Note: At the annual meeting the political composition of the Overview & Scrutiny Committee is considered as part of a separate report on the establishment of committees.</p>
10.	<p>PARA 69 (RELATING TO PART 4: RULES – OVERVIEW AND SCRUTINY COMMITTEE) Insert new paragraph 2.2.e to read: “the Overview and Scrutiny Committees will comprise of 9 members”</p>	<p>See 9 above.</p>
11.	<p>PARA 69 (RELATING TO PART 4: RULES – OVERVIEW AND SCRUTINY COMMITTEE) Insert new paragraph 2.2.e to read: “the Overview and Scrutiny Committees will comprise of 7 members”</p>	<p>See 9 above.</p>
12.	<p>PARA 92 (PART 6: MEMBERS’ ALLOWANCES SCHEME) Inset new paragraph 92.1 to read: “This report will include the recommendation that the level of allowance paid to a band 3 or band 4 member is reduced by half if the member is, during normal office hours, in paid employment elsewhere.”</p>	<p>Not recommended.</p> <p>Note: There is a separate report on the member allowances scheme.</p>

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13.	<p>NEW RECOMMENDATION (PART 3: WHO TAKES DECISIONS? – STRONG LEADER AND DELEGATIONS BY THE LEADER) Delete all in ‘Strong leader and delegations by the leader’ section and replace with:</p> <p><i>Democratic accountability within the council</i></p> <p><i>The current executive model of governance should be replaced by a return to the former committee system, in line with support of the principle of localism, and that a review will be undertaken to devolve some of the council assembly and cabinet decision-making powers to committees or sub-committees.</i></p> <p>Amend all further references to the cabinet, role of the leader and delegations by the leader accordingly.</p>	Not recommended.
14.	<p>NEW RECOMMENDATION (PART 2: ARTICLE 6.10 – DEPUTY CABINET MEMBERS) Delete all.</p>	Not recommended.
15.	<p>PARA 43 (RELATING TO PLANNING COMMITTEE – ROLES AND FUNCTIONS / MATTERS RESERVED FOR DECISION) Delete all.</p>	Noted and political groups to consider further.
16.	<p>PARA 46 (RELATING TO SUB-COMMITTEE MEETINGS IN PRACTICE) Delete all.</p>	Recommended that this paragraph be deleted from report submitted to the annual meeting.
	<p>COUNCIL ASSEMBLY PROCEDURE RULES (AGENDA ITEM 6)</p>	
17.	<p>PARA 14 & 15 (RELATING TO COUNCIL ASSEMBLY PROCEDURE RULES – THEMED DEBATE) Delete all of paragraphs 14 & 15.</p> <p>NEW RECOMMENDATION (PART 4 - COUNCIL ASSEMBLY PROCEDURE RULES: THEMED DEBATES – PARA 2.7) Delete all. Amend all further references to themed debates accordingly.</p>	Not recommended.
18.	<p>PARA 15 (RELATING TO COUNCIL ASSEMBLY PROCEDURE RULES – THEMED DEBATE) Add paragraph 15.2: “In advance of the relevant council assembly meeting, and in addition to the verbal presentations during the debate, both the majority and opposition</p>	<p>Not recommended.</p> <p>Note: This proposal does not specify a deadline for submission of statements so members have advance</p>

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	spokesperson will provide a written statement relating to the themed debate which will be published in advance in the council agenda.”	notice of them.
19.	<p>NEW RECOMMENDATION (PART 4 - COUNCIL ASSEMBLY PROCEDURE RULES: GUILLOTINE – PARA 1.12) In the interests of democratic accountability, it is recommended that the guillotine should take effect three hours after the end of the time allocated to receiving deputations. This change will ensure that urgent council business is not lost due to the amount of time being taken at the beginning of the meeting by deputations.</p> <p>A constitutional amendment to paragraph 1.12 section 1 is set out below:</p> <p><i>Concluding the meeting</i> <i>1. The guillotine shall take effect three hours after the end of the time allocated for council assembly to receive deputations.</i></p>	<p>Not recommended.</p> <p>Note: It was reported to CSP that this change would potentially lead to longer meetings, depending on how the guillotine was calculated.</p> <p>Practically when calculating the guillotine you could discount any non-deputation business, for example public questions, motions brought forward or other variations to the order of business or preliminary business.</p>
20.	<p>NEW RECOMMENDATION (PART 4 - COUNCIL ASSEMBLY PROCEDURE RULES: GUILLOTINE – PARA 1.12) In the interests of democratic accountability, it is recommended that the 30 minutes allocated for members questions should not be affected by the guillotine and shall still be considered if not completed by the time that the guillotine has fallen.</p> <p>A constitutional amendment to paragraph 1.12 section 3 and 4 is set out below:</p> <p><i>Concluding the meeting</i> ... <i>3. The following outstanding business shall be considered:</i></p> <ul style="list-style-type: none"> • <i>any business required by statute</i> • <i>approval of minutes of council assembly</i> • <i><u>questions by members</u></i> • <i>each individual report with a recommendation, be it from the cabinet, committee or officer</i> • <i>any other business accepted by the Mayor as late and urgent business.</i> <p><i>Process for dealing with any outstanding business (Fifteen minute debate rule)</i> <i>4. Each item of business, except questions by members, specified in rule 1.12(3) shall be afforded up to a maximum of 15 minutes. If the matter is not concluded within that time the Mayor</i></p>	<p>Not recommended.</p> <p>Note: It was reported to CSP that this proposal would make for longer meetings.</p>

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	<p><i>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. Questions from members will be afforded the full time allocation of 30 minutes.</i></p>	
21.	<p>NEW RECOMMENDATION (PART 4 - COUNCIL ASSEMBLY PROCEDURE RULES: URGENT QUESTIONS BY GROUP LEADERS – PARA 2.8) In the interests of democratic accountability, it is recommended that group leaders are able to also ask urgent questions of deputy cabinet members.</p> <p>A constitutional amendment to paragraph 2.8 section 2 is set out below:</p> <p>2. Who can ask urgent questions? <i>The leader of each group, or in his or her absence the deputy leader, may ask an urgent question of:</i></p> <ul style="list-style-type: none"> • <i>the Mayor</i> • <i>a member of the cabinet <u>or deputy cabinet member</u></i> • <i>the chair of any committee, sub-committee or community council</i> 	Not recommended.
22.	<p>NEW RECOMMENDATION (PART 4 - COUNCIL ASSEMBLY PROCEDURE RULES: QUESTIONS BY MEMBERS – PARA 2.9) In the interests of democratic accountability, it is recommended that all members are able to also ask questions of deputy cabinet members.</p> <p>A constitutional amendment to paragraph 2.9 section 2 is set out below:</p> <p>2. Who can ask questions? <i>A member of the council may ask one question of:</i></p> <ul style="list-style-type: none"> • <i>the Mayor</i> • <i>a member of the cabinet <u>or deputy cabinet member</u></i> • <i>the chair of any committee, sub-committee or community council</i> 	Not recommended.

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	MEMBER ALLOWANCES SCHEME (AGENDA ITEM 7)	
23.	<p>NEW RECOMMENDATION (PART 6 – MEMBER ALLOWANCES SCHEME: SPECIAL RESPONSIBILITY ALLOWANCE – PARA 6)</p> <p>Delete all after ‘as set out below:’ and replace with:</p> <ul style="list-style-type: none"> • more than 0 hours but up to 1 day elsewhere, 4/5 SRA • 1 to 2 days elsewhere, 3/5 SRA • 2 to 3 days elsewhere, 2/5 SRA • 3 to 4 days elsewhere, 1/5 SRA • 4 to 5 days elsewhere, no SRA 	Not recommended.

NO.	CONSERVATIVE GROUP AMENDMENTS	CSP RECOMMENDATIONS
1.	<p>Planning Committee</p> <p>Top of Page 34 delete (i) and (ii).</p>	Not recommended.
2.	<p>Planning Committee</p> <p>Page 34 c) delete "the appropriate chief officer in consultation"</p>	Not recommended.
3.	<p>Planning Sub-Committees</p> <p>Page 35 Para 12, there appears to have been a "cut and paste" job, in that it refers in the detailed text to "planning committee" and it should be "planning sub-committee"</p>	Noted that this was a typographical error and would be corrected in final version.
4.	<p>Planning Sub-Committees</p> <p>Page 35 Para 12, b) delete (i) and (ii).</p>	Not recommended.
5.	<p>Planning Sub-Committees</p> <p>Page 36 c) delete "the appropriate chief officer in consultation" and insert "sub"</p>	Not recommended.
6.	<p>Contract Standing Orders</p> <p>CSO has to be precise as failure of officers to comply with it is illegal/has very serious consequences.</p> <p>Page 51 Para 2.1 a new h) concerning the council's policy on the London Living Wage has been added and probably should be deleted again. The current policy is too imprecise as to which 3rd party organisations need to comply and how they need to comply.</p>	<p>Recommended with officer's revised wording as follows:</p> <p>“Revised new 2.1 h) the council's commitment to the London Living Wage, as confirmed by council assembly on 29 February 2012”</p>

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7.	<p>Communication Protocol</p> <p>Page 97 final Para 45. Is this piece on non fixed location surgeries new? if not, when was it first added?</p>	<p>Noted that the final part of paragraph 45 was a new addition to the constitution in May 2009.</p>
8.	<p>Council Assembly Procedure Rules</p> <p>Page 103 para 24 on Postponing and Cancelling meetings. This gives too much power to the Chair. There are statutory dates for rate making and Annual Council, surely the Mayor can't be allowed to override these.</p>	<p>Noted that this rule change would not "override" the council's statutory responsibilities, however it would give flexibility to change the dates or venue in exceptional circumstances that may well be beyond the council's control.</p>