

**SCHEDULE OF CONSTITUTIONAL CHANGES FOR 2012/13**

The following proposed changes are a consequence of the senior management reorganisation and the transfer of the monitoring officer functions. For the sake of clarity all references to the monitoring officer in the constitution are included below and shown in bold italics where no change is proposed. Otherwise insertions are shown as underlined and deletions are shown with a strikethrough.

No.	Issue / Constitution Reference	Page A4	Recommendation			Comment
	<b>PART 1 INTRODUCTION</b>					
	None					
	<b>PART 2 - ARTICLES</b>					
1	1.5 <b>Changes to the constitution</b>	10	<b>Part</b>	<b>Title</b>	<b>Changes by:</b>	The proposed changes are process driven and not defined by statute as functions of the monitoring officer.
			1.	<b>Introduction</b>	Agreed by council assembly, subsequently updated by the <u>proper constitutional monitoring officer</u> as necessary. Changes notified to all members by the <u>proper constitutional monitoring officer</u> .	
				Decision making structure	Maintained and published by the <u>proper constitutional monitoring officer</u> .	
			2.	<b>Articles</b>	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.	<b>Who takes decisions?</b>	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 – the <u>proper constitutional monitoring officer</u> 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	

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				bodies, as required.	
			<b>4. Procedure rules</b>		
			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.	
			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 <u>finance strategic director of finance and corporate services</u> . Changes notified to all members by the monitoring officer.	
			Financial standing orders (FSOs)	Agreed by council assembly, with minor changes (as defined in the FSOs) being made by the <u>finance strategic director of finance and corporate services</u> , after consultation with <b>the monitoring officer</b> . Changes notified to all members by the <u>proper constitutional monitoring officer</u> .	
			Officer employment	Agreed by council assembly.	
			<b>5. Codes</b>		
			Code of conduct	Agreed by council assembly.	
			<b>6. Protocols</b>		
			Member and officer	Agreed by council assembly.	
			Communication	Agreed by council assembly.	
			Members' allowances scheme	Agreed by council assembly.	
			<b>7. Other information</b>		
			List of councillors	Maintained and published by the <u>proper constitutional monitoring officer</u> .	

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			<table border="1"> <tr> <td data-bbox="646 256 732 394"></td> <td data-bbox="732 256 1062 394">Overall departmental structure showing the management structure.</td> <td data-bbox="1062 256 1740 394">Determined and published by the chief executive (Article 10.02).</td> </tr> <tr> <td data-bbox="646 394 732 461"></td> <td data-bbox="732 394 1062 461">Glossary</td> <td data-bbox="1062 394 1740 461">Maintained and published by the <u>proper constitutional monitoring</u> officer.</td> </tr> <tr> <td data-bbox="646 461 732 527"></td> <td data-bbox="732 461 1062 527">Index</td> <td data-bbox="1062 461 1740 527">Maintained and published by the <u>proper constitutional monitoring</u> officer.</td> </tr> <tr> <td data-bbox="646 527 732 665"></td> <td data-bbox="732 527 1062 665">Other</td> <td data-bbox="1062 527 1740 665">Background information on constitution and decision making including flow charts. Maintained and published by the <u>proper constitutional monitoring</u> officer.</td> </tr> </table> <p data-bbox="646 703 1740 769"><u>c) For the purposes of the constitution the proper constitutional officer will be designated by the Chief Executive and will include his/her authorised representative.</u></p>		Overall departmental structure showing the management structure.	Determined and published by the chief executive (Article 10.02).		Glossary	Maintained and published by the <u>proper constitutional monitoring</u> officer.		Index	Maintained and published by the <u>proper constitutional monitoring</u> officer.		Other	Background information on constitution and decision making including flow charts. Maintained and published by the <u>proper constitutional monitoring</u> officer.	
	Overall departmental structure showing the management structure.	Determined and published by the chief executive (Article 10.02).														
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	Other	Background information on constitution and decision making including flow charts. Maintained and published by the <u>proper constitutional monitoring</u> officer.														
2	6.3 <b>Leader</b>	15	<p>The leader will be a councillor elected to the position of leader by the council assembly. The leader will hold office until:</p> <p>a) he/she resigns from the office by giving notice in writing to <b><i>the monitoring officer</i></b></p>	NO CHANGE												
3	6.4 <b>Other cabinet members</b>	16	<p>Other cabinet members shall be appointed by the leader and hold office until:</p> <p>a) they resign from office by giving notice in writing to the leader and <b><i>the monitoring officer</i></b></p> <p>.....</p> <p>d) they are removed by the leader.</p> <p>.....</p> <p>The leader shall immediately communicate any such changes to <b><i>the monitoring officer</i></b> who shall circulate a formal notification to all members.</p>	NO CHANGE												

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4	6.5 <b>Deputy leader of the council</b>	16	<p>The leader shall appoint one of the members of the cabinet to be his/her deputy.</p> <p>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.</p> <p>The deputy leader shall hold office until:</p> <p>a) he/she resigns from office by giving notice in writing to the leader and <b>the monitoring officer</b></p>	NO CHANGE
5	6.10 <b>Deputy cabinet members</b>	18	<p>.....</p> <p>The leader shall notify <b>the monitoring officer</b> of the appointment of a deputy, including the responsibilities allocated and the period for which the deputy will act.</p>	NO CHANGE
6	10.1 <b>Management structure</b>	21	<p>a) <b>General.</b> The council may engage such staff (referred to as officers), as it considers necessary to carry out its functions.</p> <p>b) <b>Chief officers.</b> 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.</p> <p>c) <b>Head of paid service, monitoring officer, chief finance officer and scrutiny officer.</b> The council assembly will designate the following posts as shown:</p>	

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			Post Chief executive <del>Strategic director of communities, law &amp; governance</del> <u>Director of legal services</u> <del>Finance director</del> <u>Strategic director of finance and corporate services</u> Head of overview and scrutiny	Designation Head of paid service Monitoring officer Chief finance officer Scrutiny officer	
7	10.2 Functions of the head of paid service	22	..... c) <b>Restrictions on functions.</b> The head of paid service may not be <i>the monitoring officer</i> but may hold the post of finance director if a qualified accountant.	NO CHANGE	
8	10.3 Functions of the monitoring officer	22	a) <b>Legal proceedings.</b> <i>The monitoring officer</i> 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) <del><b>Maintaining the constitution.</b> 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.</del>	Not a statutory function - becomes a function of the proper constitutional officer	

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			<p>c) <b>Ensuring lawfulness and fairness of decision making.</b> After consulting with the head of paid service and <del>finance</del> <b>strategic director of corporate resources, the monitoring officer</b> 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.</p> <p>d) <b>Supporting the standards committee.</b> <i>The monitoring officer</i> will contribute to the promotion and maintenance of high standards of conduct through provision of support to the standards committee.</p> <p>e) <del><b>Receiving reports.</b> The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.</del></p> <p>f) <b>Conducting investigations.</b> <i>The monitoring officer</i> will arrange for investigations into matters referred <u>to him or her</u> <del>by the Standards Board for England</del> and make reports or recommendations in respect of them to the standards committee.</p> <p>g) <b>Advising whether executive decisions are within the budget and policy framework.</b> <i>The monitoring officer</i> will advise whether decisions of the cabinet are in accordance with the budget and policy framework.</p> <p>h) <b>Providing advice.</b> <i>The monitoring officer</i> 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. <i>The monitoring officer</i> shall also provide advice to officers and members in relation to personal and prejudicial</p>	<p>Agreed by CA in May 2012</p>

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			<p>interests.</p> <p>i) <b>Appointment of a deputy.</b> <i>The monitoring officer</i> shall appoint a deputy to act in his/her absence and when <i>the monitoring officer</i> is unable to act as defined in section 5 of the Local Government and Housing Act 1989.</p> <p>j) <b>Restrictions on posts.</b> <i>The monitoring officer</i> cannot be the finance director or the head of paid service.</p> <p>k) <b>Proper officer for freedom of information.</b> <i>The monitoring officer</i> will act as the “qualified person” for the purposes of freedom of information requests and application of the public interest tests.</p>	
9	10.4 <b>Functions of the finance chief finance officer</b>	23	<p>a) <b>Ensuring lawfulness and financial prudence of decision making.</b> After consulting with the head of paid service and <i>the monitoring officer</i>, the <del>finance</del> <b>strategic director of finance and corporate services</b> 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.</p>	NO CHANGE
10	10.5 <b>Functions of the scrutiny officer</b>	24	<p>d) <b>Restrictions on functions.</b> The scrutiny officer may not be the head of paid service, <i>monitoring officer</i> or <b>chief finance officer</b> <del>director</del>.</p>	NO CHANGE
11	10.6 <b>Duty to provide sufficient resources to the monitoring officer and finance</b>	24	<p>The council will provide <i>the monitoring officer</i> and <del>finance</del> <b>strategic director of finance and corporate services</b> with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.</p>	NO CHANGE

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	strategic director of corporate resources			
12	11.1 Authentication of documents	24	Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by <b>the monitoring officer</b> 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.	NO CHANGE
13	11.2 Common seal of the council	25	The common seal of the council will be kept in a safe place in the custody of <b>the monitoring officer</b> . A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of <b>the monitoring officer</b> should be sealed. The affixing of the common seal will be attested by <b>the monitoring officer</b> or some other person authorised by him/her.	NO CHANGE
14	12.2 Publication	25	<p>a) <u>The proper constitutional officer</u> 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.</p> <p>b) The <u>proper constitutional</u> <del>monitoring</del> officer will ensure that the introduction to the constitution is made widely available within the area and is updated as necessary.</p>	
	<b>PART 3 – WHO TAKES DECISIONS/</b>			
15	<b>Strong leader and delegations by the leader</b>	26	<p>During the course of the year the leader of the council can at any time vary the delegation of executive functions in a number of ways:</p> <ul style="list-style-type: none"> <li>On the forward plan the leader can specify that a decision is to be taken by a</li> </ul>	



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			<p>particular decision maker.</p> <ul style="list-style-type: none"> <li>By submitting a notice of variation to <b><i>the monitoring officer</i></b>, the leader can change the delegations set out in the constitution. The <u>proper constitutional officer</u> will then notify all councillors of the change.</li> <li>In a report to full cabinet by agreeing a separate recommendation, the leader can give authority to delegate to a cabinet member or chief officer individually, including details of the limitation on their authority.</li> <li>By removing or replacing members of the cabinet or making changes to portfolios.</li> </ul>	
16	<b>CABINET PORTFOLIOS</b>	37a	<p><b>All deputy cabinet members</b> ..... Deputy cabinet members will:</p> <ul style="list-style-type: none"> <li>be appointed by the leader using his “strong leader” responsibilities</li> <li>hold responsibility for specific tasks designated by the leader, following consultation with <b><i>the monitoring officer</i></b></li> </ul>	NO CHANGE
17	<b>APPOINTMENTS COMMITTEE</b>	54	<p><b>Role and functions</b> 1. To make recommendations to council assembly as to the appointment of the head of paid service. 2. To appoint <b><i>the monitoring officer</i></b>.</p>	NO CHANGE
18	<b>STANDARDS COMMITTEE</b>	59	<p><b>Role and functions</b> 9. To receive reports from <b><i>the monitoring officer</i></b> on unlawful expenditure and probity issues.</p>	NO CHANGE
19	<b>PANELS</b>	62	<p><b>VOLUNTARY BODIES APPOINTMENTS PANEL</b> <b>Note</b> Any recommendations to be submitted to the relevant lead officer: strategic director of children’s services or <b><i>monitoring officer</i></b>.</p>	NO CHANGE
20	<b>MATTERS DELEGATED TO OFFICERS</b>	63	<p>5. The <u>proper constitutional officer</u> will maintain a list of “proper officers”.</p>	

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<b>PART 4- RULES</b>				
21	<b>BUDGET AND POLICY FRAMEWORK PROCEDURE RULES</b>	98	<p><b>3. Decisions outside the budget or policy framework</b></p> <p>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 <b><i>the monitoring officer</i></b> and/or the <del>finance</del> <b>strategic director of finance and corporate services</b> 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.</p> <p>.....</p> <p>c) Council assembly may either:</p> <p>.....</p> <p>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 <b><i>the monitoring officer</i></b> and/or <del>finance</del> <b>strategic director of finance and corporate resources</b>. The decision maker must reconsider within seven working days of the council assembly meeting. The decision taken by the decision maker is final.</p>	NO CHANGE
22	<b>GENERAL PROCEDURES APPLYING TO COUNCIL ASSEMBLY MEETINGS</b>	103	<p><b>1.5 POWERS OF THE CHAIR</b> <i>This rule cannot be suspended.</i></p> <p>1. Having received the views of the council assembly business panel, the chair shall decide, having taken the advice of <b><i>the monitoring officer</i></b>, the council assembly agenda and the timings for relevant sections of the meeting.</p> <p>2. The chair shall decide, having taken the advice of <b><i>the monitoring officer</i></b>, all matters of order, competence, relevancy, interpretation of council assembly procedure rules relating to the conduct of the meeting and the appropriateness of</p>	NO CHANGE

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			council questions.	
		105	<p><b>1.9 BROADCASTING AND RECORDING</b></p> <p>3. The circumstances in which termination or suspension might occur could include:</p> <p>a) Public disturbance or suspension of the meeting</p> <p>b) Exclusion of public and press being moved and supported</p> <p>c) The Mayor, on advice of <i>the monitoring officer</i>, considering that continued recording/photograph/filming/webcasting might infringe the rights of any individual, and</p> <p>d) The Mayor, on advice of <i>the monitoring officer</i>, considering that a defamatory statement has been made.</p>	NO CHANGE
23		105	<p><b>1.11 PREVIOUS DECISIONS AND MOTIONS Notice</b></p> <p>3. Notice of a motion to rescind or reject a previous motion shall be submitted to <u>proper constitutional officer</u> four clear working days in advance of the meeting.</p>	
24		113	<p><b>1.16 RECORDED VOTE BY ROLL CALL Procedure for recording the vote by roll call at council assembly meetings</b></p> <p>4. The Mayor shall cause the bell to be rung, after which the doors of the meeting room shall be closed and no members will be admitted until after the voting is completed. The Mayor shall put the question again. The <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
25		114	<p><b>1.17 FORMAL RECORDS TO BE MAINTAINED</b></p> <p>All meetings of the council assembly are to be clerked by a <del>representative</del> of the <u>proper constitutional</u> <del>monitoring</del> 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 <u>proper constitutional</u> <del>monitoring</del> officer.</p>	
26		115	<p><b>2.3 AGENDAS AND MINUTES</b></p> <p>1. The <del>monitoring</del> <u>proper constitutional</u> officer shall ensure that an agenda and summons for the meeting is despatched to each councillor and available to the</p>	

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			public and press.  2. The <del>monitoring</del> <u>proper constitutional</u> 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.	
27		116	<p><b>2.4 PETITIONS TO COUNCIL ASSEMBLY</b></p> <p><b>Deadline</b></p> <p>2. The petition must be submitted to the <del>monitoring</del> <u>proper constitutional</u> 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.</p> <p><b>Procedure at meeting</b></p> <p>4. The Mayor will call on the spokesperson to present petitions in the order in which they were notified to the <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p>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 <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
28		117	<p><b>2.5 PUBLIC QUESTION TIME</b></p> <p><b>Scope of questions</b></p> <p>3. The Mayor in consultation with <i><b>the monitoring officer</b></i> may reject a question if it: .....</p>	NO CHANGE
		118	<p><b>Deadlines</b></p> <p>6. An application for a question to be considered shall be submitted in writing to the <del>monitoring</del> <u>proper constitutional</u> officer no later than three clear working days in advance of the council assembly.</p>	

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29		119	<p><b>2.6 DEPUTATIONS TO COUNCIL ASSEMBLY</b>  <b>Scope of deputations</b>  4. The Mayor in consultation with <i>the monitoring officer</i> may reject a deputation if it:  .....</p>	NO CHANGE
		119	<p><b>Deadlines</b>  7. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the <del>monitoring</del> <u>proper constitutional</u> officer no later than three 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.</p>	
		120	<p><b>What happens at council assembly meetings?</b>  12. 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 <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
		121	<p><b>Following up and feedback after council assembly</b>  19. The <del>monitoring</del> <u>proper constitutional</u> officer will arrange for a summary of the deputation and any decision which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet <del>minister</del> <u>member</u> to follow up and feed back to the deputation.</p>	
30		122	<p><b>2.8 URGENT QUESTIONS BY GROUP LEADERS</b>  <b>Deadline for submission of questions</b>  8. Urgent questions must be received by the <del>monitoring</del> <u>proper constitutional</u> officer no later than 10.00am on the morning of an ordinary council assembly meeting. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend</p>	

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31		124	<p>this deadline shall be no later than 10.00am on the working day prior to the meeting.</p> <p><b>2.9 QUESTIONS BY MEMBERS</b></p> <p>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 questions from community council councillors, followed by other cabinet members (the order to be rotated by the <del>monitoring</del> <u>proper constitutional</u> 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.</p> <p><b>Deadline for submission of questions</b></p> <p>9. Questions must be received by the <del>monitoring</del> <u>proper constitutional</u> 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 rules 2.9(12) and (13)). All other questions will be listed in the order of receipt.</p>	
32		125	<p><b>Written answers to questions naming an individual member</b></p> <p>14. In the event that a member of the council is named in a response to another member's question, <u>proper constitutional officer</u> 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 <i>the monitoring officer</i>.</p> <p><b>2.10 SUBMISSION OF MEMBERS' MOTIONS ON NOTICE</b></p> <p><b>Notice</b></p> <p>3. Except for motions that can be moved without notice under rule 1.13, notice of every motion must be delivered to the <del>monitoring</del> <u>proper constitutional</u> 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</p>	

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33		125	<p>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.</p> <p>4. Notice of every member's amendment to a motion shall be delivered before 12.00 midday on the second clear working day before the day of the meeting at which the motion is to be moved. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 12.00 midday on the third clear working day before the day of the meeting. Amendments shall be submitted to the <del>office of the monitoring</del> <u>proper constitutional</u> 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.</p>	
33		126	<p><b>2.11 NOTICE FOR MOTIONS AND AMENDMENTS ON REPORTS FROM THE CABINET, COMMITTEES AND OFFICERS</b></p> <p><b>Notice required for amendments</b></p> <p>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 clear working day before the day of the meeting at which the motion is to be moved. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 12.00 midday on the third clear working day before the day of the meeting. Amendments shall be submitted to the <del>office of the monitoring</del> <u>proper constitutional</u> 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.</p>	

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34		127	<p><b>Notice required for questions on reports</b></p> <p>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, <del>at to the office of the monitoring</del> <u>proper constitutional</u> officer (i.e. by midnight of the Monday in the week of an ordinary Wednesday council assembly meeting). If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be delivered at least two clear working days before the day of the meeting. Each member is limited to one question per item of business.</p> <p><b>Circulation of questions and amendments</b></p> <p>5. The <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
35		127	<p><b>2.12 RECORDING OF RECEIPT OF MOTIONS, PETITIONS, DEPUTATIONS, AMENDMENTS AND QUESTIONS</b></p> <p>A record of the date of receipt of all motions, petitions, deputations, amendments and questions received under council assembly procedure rules 2.4(2), 2.5(6), 2.6(7), 2.7(8), 2.7(9), 2.8(8), 2.9(9), 2.10(3), 2.10(4), 2.11(3) and 2.11(4) be kept by the <del>monitoring</del> <u>proper constitutional</u> officer which shall be open to inspection by every member of the council.</p> <p><b>3.1 CALLING OF EXTRAORDINARY MEETINGS</b></p> <p>Those listed below may request <i>the monitoring officer</i> to call council meetings in addition to ordinary meetings:</p> <ul style="list-style-type: none"> <li>a) the council by resolution</li> <li>b) the Mayor</li> <li>c) the chief executive</li> <li>d) any five members of the council if they have presented a signed</li> </ul>	NO CHANGE



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36		129	<p>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.</p> <p><b>4.2 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) – BUSINESS</b></p> <p>1. The annual meeting will:</p> <p>.....</p> <p>i) receive a report from <u>proper constitutional officer</u> 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</p> <p>j) consider a report from the <del>monitoring</del> <u>proper constitutional</u> officer on constitutional matters for the municipal year including:</p> <ul style="list-style-type: none"> <li>• the draft calendar of meetings for the coming year</li> <li>• establishment of the voluntary bodies appointments panel as set out in Part 3</li> <li>• establishment of the constitutional steering panel as set out in Part 3</li> <li>• the appointment of representatives to outside bodies and joint committees</li> </ul>	
37		130	<p><b>4.6 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY</b></p> <p>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 <u>constitutional</u> officer shall make <del>or terminate the appointment accordingly</del> <u>the relevant changes</u> and inform the appropriate committee or sub-committee at its next available meeting. The proper <u>constitutional</u> officer shall maintain a full list of committee and sub-committee memberships. In the</p>	

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			<p>event of the termination of an appointment in accordance with the wishes of a political group, the proper <u>constitutional</u> officer is to inform the individual concerned in writing within three days of notice being received.</p> <p><b>Notification of appointments, resignations and termination of appointments</b></p> <p>2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
39	<b>COMMITTEE PROCEDURE RULES</b>	132	<p><b>1. GENERAL PROCEDURES APPLYING TO ALL COMMITTEE MEETINGS</b></p> <p><b>1.1 NOTICE AND SUMMONS OF MEETINGS</b> <i>This rule cannot be suspended.</i></p> <p>1. The <del>monitoring</del> <u>proper constitutional</u> 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.</p> <p><b>Cancellation of meetings</b></p> <p>7. The chair, in consultation with the <del>monitoring</del> <u>proper constitutional</u> officer may cancel a meeting or direct that an ordinary meeting of the relevant committee or sub-committee be not called.</p>	
		134	<p><b>1.3 POWERS OF THE CHAIR/VICE-CHAIR</b> <i>This rule cannot be suspended.</i></p>	

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		137	<p>1. The chair shall decide, having taken the advice of <b><i>the monitoring officer</i></b>, all matters of order, competence, relevancy and interpretation of committee procedure rules relating to the conduct of the meeting.</p> <p><b>1.9 FORMAL RECORDS TO BE MAINTAINED</b></p> <p>All meetings of the council committees and sub-committees are to be clerked by a representative of the <del>monitoring proper constitutional</del> 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 <del>monitoring proper constitutional</del> officer.</p>	NO CHANGE
		138	<p><b>2.2 PROPER <u>CONSTITUTIONAL</u> OFFICER SHALL MAKE RELEVANT CHANGES TO APPOINTMENTS IF NECESSARY</b></p> <p>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 <u>constitutional</u> officer shall make <u>relevant changes to or terminate the appointments</u> accordingly and inform the appropriate committee or sub-committee at its next available meeting. The proper <u>constitutional</u> 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 <u>constitutional</u> officer is to inform the individual concerned, in writing, within three days of notice being received.</p>	
		138	<p><b>Notification of appointments, resignations and termination of appointments</b></p> <p>2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the <del>monitoring proper constitutional</del> officer. A minimum of five clear working days must elapse</p>	

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		138	<p>from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.</p> <p><b>3. AGENDA AND MINUTES</b></p> <p><b>3.2 VARIATION IN ORDER OF BUSINESS</b></p> <p>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:</p> <p>a) by the chair in consultation with <i>the monitoring officer</i></p>	NO CHANGE
		139	<p>.....</p> <p><b>3.3 MINUTES</b></p> <p><b>Minutes</b></p> <p>1. The <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
		140	<p><b>4. DEPUTATIONS</b></p> <p><b>Scope of deputations</b></p> <p>3. The chair in consultation with <i>the monitoring officer</i> may reject a deputation if it:</p>	NO CHANGE
		140	<p>.....</p> <p><b>Deadline</b></p> <p>5. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the <del>monitoring</del> <u>proper constitutional</u> officer no later than three clear working days before the</p>	

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		140	<p>day of the meeting. 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.</p> <p><b>What happens at the meeting?</b></p> <p>8. The <del>monitoring</del> <u>proper constitutional</u> officer shall report the request for the deputation to the meeting. The meeting, without debate, shall decide whether the deputation will:</p> <ul style="list-style-type: none"> <li>a) be received at this meeting or a future meeting</li> <li>b) not be received</li> <li>c) be referred to the most appropriate committee/sub-committee.</li> </ul> <p>The <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
		141	<p><b>Formal communication of the meeting's decision</b></p> <p>16. The <del>monitoring</del> <u>proper constitutional</u> officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.</p>	
		142	<p><b>5. PETITIONS TO COMMITTEES</b></p> <p><i>This rule cannot be suspended.</i></p> <p><b>Deadline</b></p> <p>2. The petition must be submitted to the <del>monitoring</del> <u>proper constitutional</u> 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.</p> <p><b>Procedure at meeting</b></p>	

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			<p>4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p>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 <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
	<p><b>COMMUNITY COUNCIL PROCEDURE RULES</b></p>	<p>147</p> <p>148</p>	<p><b>2. NOTICE AND SUMMONS OF MEETINGS</b> <i>This rule cannot be suspended.</i></p> <p>2. The <del>monitoring</del> <u>proper constitutional</u> 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.</p> <p><b>Dates and frequency of meetings</b> .....</p> <p>6. The chair of a community council, in consultation with <b><i>the monitoring officer</i></b>, 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.</p> <p><b>Cancellation of meetings</b></p>	<p>NO CHANGE</p>

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			7. The chair, in consultation with the <del>monitoring</del> <u>proper constitutional</u> officer may cancel a meeting or direct that an ordinary meeting of the community council be not called.	
		148	<p><b>3. QUORUM</b> <i>This rule cannot be suspended.</i></p> <p><b>Meeting becoming inquorate</b></p> <p>1. 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 or <u>proper constitutional</u> officer. The meeting shall not take any decisions.</p>	
		149	<p><b>5. BREACHES AND PREVENTION OF DISORDERLY CONDUCT</b> <i>This rule cannot be suspended.</i></p> <p>1. The chair, having taken the advice of <b>the monitoring officer</b>, 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.</p>	NO CHANGE
		149  150	<p><b>6. POWERS OF THE CHAIR</b> <i>This rule cannot be suspended.</i></p> <p>1. The chair shall decide, having taken the advice of the <del>monitoring</del> <u>proper constitutional</u> officer, all matters of order, competence, relevancy and interpretation of community councils procedure rules relating to the conduct of the meeting.</p>	
		151	<p><b>7.3. PUBLIC QUESTIONS</b></p> <p><b>Public question time</b></p> <p>1. The chair, in consultation with the <del>monitoring</del> <u>proper constitutional</u></p>	

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			<p>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.</p> <p>.....</p> <p>2. <b>Scope of questions</b> The chair in consultation with <i>the monitoring officer</i> may reject a question if it:</p> <p>.....</p>	NO CHANGE
		<p>151</p> <p>152</p> <p>152</p>	<p><b>7.4 DEPUTATIONS</b> <b>Scope of deputations</b></p> <p>3. The chair in consultation with <i>the monitoring officer</i> may reject a deputation if it:</p> <p>.....</p> <p><b>Deadline</b></p> <p>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 <del>monitoring</del> <u>proper constitutional</u> officer. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation.</p> <p><b>What happens at the meeting?</b></p> <p>.....</p> <p>8. The <del>monitoring</del> <u>proper constitutional</u> officer shall report the request for the deputation to the meeting. The councillors present, without debate, shall decide whether the deputation will:</p> <p>.....</p> <p>9. The <del>monitoring</del> <u>proper constitutional</u> officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the</p>	NO CHANGE



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		153	<p>applicants that the meeting has discretion as to whether or not to receive the deputation.</p> <p><b>Formal communication of the meeting's decision</b></p> <p>13. The <del>monitoring</del> <u>proper constitutional</u> officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.</p>	
		153  153  154	<p><b>7.5 PETITIONS</b></p> <p><b>Deadline</b></p> <p>2. The petition must be submitted to the <del>monitoring</del> <u>proper constitutional</u> 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.</p> <p><b>Procedure at meeting</b></p> <p>4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p>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 <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
		154	<p><b>8. RULES OF DEBATE</b></p> <p><b>Application of rules of debate</b></p> <p>2. The chair shall use his or her powers, in consultation with the <u>proper constitutional officer</u> <del>monitoring officer's representative</del>, in applying the</p>	

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			following rules of debate. The ruling of the chair will be final.	
		156	<p><b>9. VOTING</b>  <b>Other appointments</b>  6. Informal appointments can be made by an affirmation of those councillors present. <del>The chair shall, in consultation with the monitoring officer, apply this clause as appropriate.</del></p>	
		156	<p><b>10. FORMAL RECORDS TO BE MAINTAINED</b></p> <p>All meetings of the community councils are to be clerked by a representative of the <del>monitoring</del> <u>proper constitutional</u> 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 <del>monitoring</del> <u>proper constitutional</u> officer.</p>	
		157	<p><b>11. BROADCASTING AND RECORDING</b></p> <p>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.</p> <p>Any request shall be submitted to <u>proper constitutional officer</u>. The chair, <del>following consultation with</del> <b>the monitoring officer</b>, shall decide to:</p>	
			<p><b>13. AGENDA AND MINUTES</b>  13.1 Order of business at community council</p> <p>The order of business at every meeting shall be:</p> <ul style="list-style-type: none"> <li>a) to choose a person to preside if the chair and vice-chair are absent</li> <li>b) apologies for absence</li> <li>c) declarations of interest</li> </ul>	

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			<p>d) to approve the minutes of the previous meeting, which shall then be signed by the person presiding</p> <p>e) to receive reports of the officers</p> <p>f) any other business specified in the summons.</p> <p>The chair, in consultation with the <del>monitoring</del> <u>proper constitutional</u> officer, may vary the order or timings of business.</p>	
		158	<p><b>14. MINUTES</b></p> <p><b>Minutes</b></p> <ul style="list-style-type: none"> <li>The <del>monitoring</del> <u>proper constitutional</u> 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.</li> </ul>	
			<p><b>16. AMENDMENT OF THE COMMUNITY COUNCIL PROCEDURE RULES</b></p> <p>2. Any proposed amendments should be sent to the <del>monitoring</del> <u>proper constitutional</u> officer who will report it to the appropriate body.</p>	
	<b>CABINET PROCEDURE RULES</b>	161	<p><b>2. HOW CABINET MEETINGS ARE CONDUCTED</b></p> <p><b>2.8 Who can put items on the cabinet agenda</b></p> <p>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 <u>proper constitutional</u> officer will comply with the leader's requests in this respect.</p>	

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		161	<p>Any member of the cabinet may require the proper <u>constitutional</u> 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 <u>constitutional</u> officer will comply.</p> <p>The proper <u>constitutional</u> 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.</p> <p>.....</p> <p><b>The monitoring officer</b> and/or the finance director may include an item for consideration on the agenda of a cabinet meeting and may require the proper <u>constitutional</u> 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 <b>monitoring officer</b> 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.</p>	
		162	<p><b>2.9 Formal records to be maintained</b></p> <p>No meeting of the cabinet shall commence or conduct business unless <b>the monitoring officer</b> or her/his representative is present. All meetings are to be clerked by a representative of the <del>monitoring</del> <u>proper constitutional</u> 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 <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p><b>2.10 Public questions at cabinet meetings</b></p> <p>2. A resident or business ratepayer of the borough may ask one written</p>	

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		162	<p>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 <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p><b>Scope of questions</b></p> <p>4. The leader in consultation with <b>the monitoring officer</b> may reject a question if it: .....</p> <p><b>Record of questions</b></p> <p>5. The <del>monitoring</del> <u>proper constitutional</u> officer will maintain a record of each question which will be open to public inspection. Rejected questions will include reasons for rejection.</p>	NO CHANGE
		163  164  164	<p><b>2.11 Deputations to the cabinet</b></p> <p><b>Scope of deputations</b></p> <p>3. The chair in consultation with <b>the monitoring officer</b> may reject a deputation if it: .....</p> <p><b>Deadlines</b></p> <p>6. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the <del>monitoring</del> <u>proper constitutional</u> officer no later than three clear working days before the day of the cabinet meeting.</p> <p><b>What happens at the meeting?</b></p>	NO CHANGE

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			<p>11. The <del>monitoring</del> <u>proper constitutional</u> officer shall report the request for the deputation to the cabinet. The meeting, without debate, shall decide whether:</p> <ul style="list-style-type: none"> <li>a) the deputation be received at this meeting or a future meeting</li> <li>b) the deputation not be received</li> <li>c) the deputation be referred to the most appropriate committee/sub-committee/community council.</li> </ul> <p>The <del>monitoring</del> <u>proper constitutional</u> 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.</p> <p><b>Formal communication of the cabinet's decision</b></p> <p>17. The <del>monitoring</del> <u>proper constitutional</u> officer shall, in writing, formally communicate the decision of the cabinet to the person who submitted the request for the deputation to be received.</p>	
		<p>165</p> <p>166</p>	<p><b>2.12 Petitions to the cabinet</b></p> <p><b>Deadline</b></p> <p>2. The petition must be submitted to the <del>monitoring</del> <u>proper constitutional</u> 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.</p> <p><b>Procedure at meeting</b></p> <p>4. The chair will call on the spokesperson to present petitions in the order in which they were notified to the <del>monitoring</del> <u>proper constitutional</u> officer.</p> <p>5. The spokesperson presenting the petition may speak for up to five minutes</p>	

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			<p>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 <del>monitoring</del> <u>proper constitutional</u> 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.</p>	
		167	<p><b>3. HOW INDIVIDUAL CABINET MEMBER DECISION MAKING IS CONDUCTED</b></p> <p><b>3.5 Formal records to be maintained</b></p> <p>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.</p> <p>All completed decision sheets must be forwarded to the <del>monitoring</del> <u>proper constitutional</u> officer. Copies of all reports and decision sheets are to be maintained by the <del>monitoring</del> <u>proper constitutional</u> officer.</p>	
		167	<p><b>3.7 All other decisions</b></p> <p>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 <del>monitoring</del> <u>proper constitutional</u> 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).</p>	
	<b>OVERVIEW AND SCRUTINY PROCEDURE</b>	173	<p><b>13. Formal records to be maintained</b></p> <p>13.1 No meeting of overview and scrutiny committee or any of its sub-committees</p>	

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	<b>RULES</b>		<p>shall commence or conduct business unless <b><i>the monitoring officer</i></b> or their representative is present. All meetings are to be clerked by a representative of the <del>monitoring</del> <u>scrutiny</u> 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 <del>monitoring</del> <u>scrutiny</u> officer.</p> <p><b>15. Agenda items</b></p> <p>173 15.1 Any member of the overview and scrutiny committee or a sub-committee shall be entitled to give notice to the <del>proper</del> <u>scrutiny</u> 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 <del>proper</del> <u>scrutiny</u> 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.</p> <p>173 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 <del>proper</del> <u>scrutiny</u> officer that they wish an item to be included on the agenda of that committee/sub-committee. If the <del>proper</del> <u>scrutiny</u> 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.</p> <p>173 15.3 Any member of the council may give written notice to the <del>proper</del> <u>scrutiny</u> officer that they wish to refer a councillor call for action to overview and scrutiny. If the <del>proper</del> <u>scrutiny</u> 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.</p> <p>174 <b>17. Members and officers giving account</b></p>	



No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			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 <del>proper</del> <u>scrutiny</u> officer. The <del>proper</del> <u>scrutiny</u> 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.	
		174	17.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the <del>proper</del> <u>scrutiny</u> officer in consultation with the committee/sub-committee and the member or officer shall arrange an alternative date for attendance.	
		175	<b>19. Reports from the overview and scrutiny committee and its sub-committees</b>	
			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 <u>constitutional</u> 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).	
		176	<b>21. Procedure to call-in a decision</b>	
			21.3 During that period, the <del>proper</del> <u>scrutiny</u> 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.	

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
		177	<p><b>23. Procedure following call-in</b></p> <p>23.1 If the <del>head of overview and</del> scrutiny <u>officer</u> 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 <b>the monitoring officer</b> shall be final.</p> <p>23.2 Following call-in of a decision, the <del>head of overview and</del> scrutiny <u>officer</u> 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 <del>head of overview and</del> scrutiny <u>officer</u> shall also notify <b>the monitoring officer</b> <del>or</del> <b>and strategic director of finance and corporate services director</b> in order for a report to be prepared for the overview and scrutiny committee.</p>	
		177	<p>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 <del>head of overview and</del> scrutiny <u>officer</u> shall either:</p> <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>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 <b>the monitoring officer</b> and/or</li> </ul>	

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
		178	<p>the <b>strategic director of finance and corporate services</b> 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.</p> <p><b>24. Call-in meeting and action required of decision-makers</b></p>	NO CHANGE
		178	<p>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, <b>the monitoring officer</b> or the finance director. <b>The monitoring officer's</b> report and/or <b>the strategic director of finance and corporate services'</b> director's report shall be copied to every member of the council.</p> <p>.....</p>	NO CHANGE
		178	<p>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 <b>the monitoring officer</b> 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 <b>the monitoring officer</b> or the <b>strategic director of finance and corporate services</b> 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.</p>	NO CHANGE
			<p>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 <b>the monitoring officer's</b> and/or <del>finance</del> <b>strategic director of finance and corporate services'</b> advice and to prepare a report to council assembly.</p>	

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			<p>24.7 The council assembly will receive details of the decision, the advice of <i>the monitoring officer</i> and/or the <del>finance</del> <b>strategic director of finance and corporate services</b>, the comments of the overview and scrutiny committee and the report from the decision maker.</p> <p>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:</p> <p>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</p> <p>b) require the decision maker to reconsider the matter in accordance with the advice of either <i>the monitoring officer</i> or <b>strategic director of finance and corporate services</b> <del>director</del> within five working days to reconsider/amend the decision and this will be reported to the overview and scrutiny committee.</p>	
	<b>CONTRACT STANDING ORDERS 2011/12</b>	184	<p><b>2. General principles</b></p> <p><b>2.9 Changes to CSOs</b></p> <p>As set out in article 1, the monitoring officer may make minor changes to the Contract Standing Orders, after consultation with the <del>finance</del> <u>strategic director of finance and corporate services, and the monitoring officer.</u></p> <p>Minor changes are defined as:</p> <ul style="list-style-type: none"> <li>• typographical/presentational/explanatory changes</li> <li>• changes in statutory framework, i.e. references to new or updated</li> </ul>	

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			legislation <ul style="list-style-type: none"> <li>• changes in titles, names or terminology</li> <li>• changes consequential to other constitutional changes already made.</li> </ul>	
		187	<b>4.3 Supplemental advice from other officers in Gateway and other reports</b>  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 <del>finance</del> <u>strategic</u> director <u>of finance and corporate services</u> or delegated officer(s).	
		189	<b>4.6 Decision to allow Variations during contract term – Gateway 3</b> <b>4.6.2</b> 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:  ..... d) 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 <b>the monitoring officer</b> that the sums are legally payable must be obtained and the decision to make the payment must be reported in writing to the <del>finance</del> <b>strategic director of finance and corporate services</b> within five clear working days	NO CHANGE
		192	<b>6. Tender procedure</b> <b>6.5</b> Tenders where the Estimated Contract Value is £500,000 or more must be returned to <b>the monitoring officer</b> 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	NO CHANGE But moves responsibility

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			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.	to LS
		192	<p><b>8. Contract termination</b></p> <p>8.1 A contract may only be terminated early or suspended by a chief officer, and only after obtaining approval from <b>the monitoring officer</b> and <del>finance</del> <u>strategic director of finance and corporate services</u>; 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.</p>	
			<p><b>9. Contractor insolvency</b></p> <p>9.1 Where it appears that a contractor is at risk of becoming insolvent, or the council is notified that insolvency proceedings have been brought, the chief officer must inform <b>the monitoring officer</b> and <del>finance</del> <u>strategic director of finance and corporate services</u> as early as possible, in order to enable appropriate advice to be given.</p>	NO CHANGE
	<b>FINANCIAL STANDING ORDERS 2011/12</b>	198	<p><b>1. Financial administration</b></p> <p>i) <b>Companies in which the council has an interest</b></p> <p>The <del>finance</del> <u>strategic director of finance and corporate services</u> and <b>monitoring officer</b> must be consulted on all proposals relating to the establishment of companies in which the council is to have an interest.</p>	NO CHANGE
	<b>OFFICER EMPLOYMENT PROCEDURE RULES</b>	209	<p><b>2. Recruitment of head of paid service and chief officers</b></p> <p>Where the council proposes to appoint the head of paid service, a chief officer, <del>finance</del> <u>strategic director of finance and corporate services</u> or <b>the monitoring officer</b> and it is not proposed that the appointment be made exclusively from among its existing officers, the council will as a minimum:</p>	NO CHANGE

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
		210	<p>.....</p> <p><b>4. Appointment of the monitoring officer</b></p> <p>This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>(a) The appointments committee will appoint <b>the monitoring officer</b>.</p> <p>(b) An offer of employment as <b>monitoring officer</b> shall only be made where no well-founded and material objection from any member of the cabinet has been received.</p>	NO CHANGE
		211	<p><b>9. Disciplinary action</b></p> <p>This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>(a) <b>Suspension.</b> The head of paid service, <b>monitoring officer</b> and <del>finance</del> <u>strategic director of finance and corporate services</u> 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.</p>	NO CHANGE
		212	<p><b>10. Dismissal</b></p> <p>This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>.....</p> <p>(b) <b>Chief officers, chief finance officer, monitoring officer, deputy chief officers</b></p> <p>A notice of dismissal shall only be given to an officer specified in paragraph (b)</p>	NO CHANGE

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			<p>where, in accordance with the regulations, no well-founded and material objection from any member of the cabinet has been received.</p> <p>(c) <b>Application of Paragraphs (a) and (b)</b></p> <p>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, <b>the monitoring officer</b>, chief finance officer, or to any deputy chief officer as defined by regulation 3(c) of the Local Authorities (Standing Orders) (England) Regulations.</p>	NO CHANGE
	<b>PART 5 - CODES</b>			
	<b>THE CODE OF CONDUCT FOR MEMBERS</b>		Changes addressed elsewhere	
	<b>PART 6 - PROTOCOLS</b>			
	<b>MEMBER AND OFFICER PROTOCOL</b>	222	<p><b>Review</b></p> <p>5. The standards committee and <b>the monitoring officer</b> 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.</p>	NO CHANGE
		229	<p><b>Members' access to information and council documents and data information</b></p> <p>54. 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 <b>the monitoring officer</b>.</p>	NO CHANGE
		229	<p>55. The common law right of members is based on the principle that any member</p>	NO



No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			<p>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 <b>the monitoring officer</b>).</p> <p><b>When things go wrong</b></p> <p><b>Procedure for officers</b></p>	CHANGE
		231	<p>69. 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 <b>monitoring officer</b>. 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. The advice of <b>the monitoring officer</b> should be sought.</p>	NO CHANGE
		231	<p><b>Procedure for councillors</b></p> <p>70. Where the complaint relates to a chief officer or <b>monitoring officer</b>, 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.</p>	NO CHANGE

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
			72. If the member remains dissatisfied with the response of the chief executive he or she will notify <b>the monitoring officer</b> 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.	NO CHANGE
	<b>COMMUNICATION PROTOCOL</b>	234	<p><b>Official visits by government and shadow ministers</b></p> <p>12. 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 <b>monitoring officer</b> 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.</p> <p><b>Obligations on officers in relation to documents being prepared for public consumption</b></p> <p>237 36. Where officers are uncertain as to whether a communication or publicity is appropriate they should seek advice from the communications unit and <b>the monitoring officer</b> in those cases.</p> <p>237 37. 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 <b>the monitoring officer</b> can offer you guidance on what would be appropriate.</p> <p><b>Postage</b></p> <p>238 44. 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 <b>the monitoring officer</b>.</p>	NO CHANGE

No.	Issue / Constitution Reference	Page A4	Recommendation	Comment
		238a	47. Where members are uncertain as to whether a communication or publicity is appropriate they should seek advice from the head of communications and <b><i>the monitoring officer</i></b> in those cases.	NO CHANGE
	<b>MEMBER ALLOWANCES SCHEME 2011/12</b>	242	<p><b>Pedal cycles</b></p> <p>13. A monthly cycle allowance is payable to councillors, independent and co-opted members who use their own cycles in connection with their official duties. The rate is currently £20 per month. Members must notify the <del>monitoring officer</del> <u>proper constitutional officer</u> of their intention to claim this allowance as unlike other travel allowances it is not paid as an expense. Except in circumstances agreed by the <del>monitoring officer</del> <u>proper constitutional officer</u> members in receipt of the cycle allowance may not claim other travel allowances. Except in circumstances agreed by the <del>monitoring officer</del> <u>proper constitutional officer</u> members who have taken advantage of the Bikes4Work scheme are required to use their cycle for normal council business whether they claim the cycle allowance or not and will not be eligible to claim other travel allowances.</p>	
		243	<p><b>Co-opted members</b></p> <p>20. Co-optees may, in writing to the <del>monitoring officer</del> <u>proper constitutional officer</u>, elect not to receive allowances.</p>	
		244	<p><b>Waiving right to receive allowances</b></p> <p>29. Members do not have to take their allowance(s) – if a member wishes to waive their right to receive a basic allowance, SRA, any other allowance, or part thereof, they must notify the <del>monitoring officer</del> <u>proper constitutional officer</u> in writing.</p>	
	<b>PART 7 ADDITIONAL INFORMATION</b>	-		

No.	Issue / Constitution Reference	Page A4	Recommendation		Comment												
	<b>GLOSSARY OF TERMS FOUND IN THE CONSTITUTION</b>	252	Monitoring officer	The officer responsible for ensuring that everything that the council does is fair and lawful. In Southwark the monitoring officer is the <u>director of legal services</u> <del>strategic director of communities, law &amp; governance.</del>													
	<b>STATUTORY OFFICERS AND PROPER OFFICER FUNCTIONS</b>		<p><b>1. Statutory Officers</b>  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.</p> <table border="1" data-bbox="646 602 1734 1388"> <thead> <tr> <th data-bbox="646 602 1192 670">Title/Description (and statutory derivation)</th> <th data-bbox="1192 602 1734 670">Officer appointed</th> </tr> </thead> <tbody> <tr> <td data-bbox="646 670 1192 776">Head of Paid Service (Section 4 – Local Government &amp; Housing Act 1989)</td> <td data-bbox="1192 670 1734 776">Chief Executive</td> </tr> <tr> <td data-bbox="646 776 1192 911">Monitoring Officer (Section 5 – Local Government &amp; Housing Act 1989)</td> <td data-bbox="1192 776 1734 911"><del>Strategic Director of Communities, Law &amp; Governance</del> <u>Director of Legal Services</u></td> </tr> <tr> <td data-bbox="646 911 1192 1084">Officer responsible for financial administration (Section 151 – Local Government Act 1972)</td> <td data-bbox="1192 911 1734 1084"><del>Finance</del> <u>Strategic Director of Finance and Corporate Services</u></td> </tr> <tr> <td data-bbox="646 1084 1192 1252">Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)</td> <td data-bbox="1192 1084 1734 1252"><del>Monitoring Officer</del> Strategic Director of Environment &amp; Leisure</td> </tr> <tr> <td data-bbox="646 1252 1192 1357">Chief Education Officer (Section 532 – Education Act 1996)</td> <td data-bbox="1192 1252 1734 1357">Strategic Director of Children’s Services</td> </tr> </tbody> </table>		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)	<del>Strategic Director of Communities, Law &amp; Governance</del> <u>Director of Legal Services</u>	Officer responsible for financial administration (Section 151 – Local Government Act 1972)	<del>Finance</del> <u>Strategic Director of Finance and Corporate Services</u>	Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)	<del>Monitoring Officer</del> Strategic Director of Environment & Leisure	Chief Education Officer (Section 532 – Education Act 1996)	Strategic Director of Children’s Services	
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No.	Issue / Constitution Reference	Page A4	Recommendation		Comment
			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 Act 1970)	Strategic Director of Health and Services Community Services	
			Scrutiny Officer (Section 31 – Local Democracy, Economic Development and Construction Act 2009)	Head of Overview and Scrutiny	
			<p><b>2. Proper officer functions</b></p> <p>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.</p>		