

COUNCIL ASSEMBLY
(ANNUAL MEETING)
WEDNESDAY 23 MAY 2012
QUESTIONS ON REPORTS

ITEM 3.1: EXECUTIVE FUNCTIONS 2012/13

1. QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI

Has the leader considered returning to the committee system?

RESPONSE

Yes, I have considered it, but don't believe it is right for Southwark for the following reasons:

- **Cost** – at a time when we are making considerable savings by cutting the cost of councillors and meetings, any increase in council meetings would come with as yet unidentified costs. Any increase in costs would have to be funded by cuts to services that people value.
- **Transparency** – in the already hugely complex world of local government, the leader and cabinet model is easier to understand for residents, businesses and partners, and political accountabilities are clear. In contrast, the committee system adds a further layer of complexity and blurs accountability, making it less transparent.
- **Efficiency** – since the introduction of the leader and cabinet model, the council has been working to break down internal silos and to respond to problems more cohesively and holistically. The leader and cabinet model facilitates this by focusing team-working at the top level of political leadership in the council, cutting across all portfolios and policy areas. In contrast, the committee system focuses team-working at a second-tier committee level, promoting a less joined-up approach with more duplication of effort across the organisation.

I wish good luck to those councils, such as Liberal Democrat Kingston, that are choosing to focus their resources, efforts and attention on changing their administrative and governance structures at the time of the biggest ever cuts for local government. In Southwark, we will be using all of our ingenuity and effort to try to protect our residents' valued front line services.

SUPPLEMENTAL QUESTION TO THE LEADER FROM COUNCILLOR ANOOD AL-SAMERAI

Congratulations to you Madam Mayor on your election this evening.

Thank you to the leader for his answer – it is a shame you have not made more of the opportunities now that the government is allowing councils to think more about their own governance arrangements. I am not suggesting that you and your seven colleagues make all bad decisions but if two heads are better than one, surely sixty three heads are better than eight; and why not give councillors that extra involvement that a committee system would bring? Certainly it does not seem like democracy has come up as one of these issues that you have considered and I would like to know why not.

RESPONSE

Well I don't want to repeat the reasons set out in my answer, but that is the answer to her question – there is the question of costs, there is a question of transparency under the system as we operate it. People do know who take decisions in this borough; it is not a question of decisions being fixed behind closed doors by people who are not seen making those decisions in public, in a way that sometimes the committee system operated. I do note that during the eight years when the Liberal Democrats were in power in this council, in fact they supported the introduction of the strong leader and cabinet model. Other councils across the country continued to operate the committee system even though the legislation had changed; I think of Brighton as one which only at the very last did they move to a cabinet or leader and executive model when the government absolutely insisted, but they continued to operate a committee system for many years, I think six or seven years after. So it was a system which was open to the Liberal Democrats when they were in power. As with many things that are raised by the opposition in this chamber, it seems to be one rule when they're in power, one rule or issue when they are in opposition.

ITEM 3.2 - ESTABLISHMENT OF COMMITTEES, COMMUNITY COUNCILS AND OTHER CONSTITUTIONAL ISSUES 2012/13

1. QUESTION FROM COUNCILLOR NICK STANTON

In section 5, the report highlights five community council areas to be established as set out below:

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

Please can the relevant cabinet member set out a) the population and b) the size of each geographical area for each community council?

RESPONSE

Community Council	Area in Hectares	Area %	Population	Population %
Bermondsey & Rotherhithe	761	25	74,136	26
Bermondsey				
Riverside	133	4	13,548	5
Grange	120	4	14,855	5

Community Council	Area in Hectares	Area %	Population	Population %
South Bermondsey	97	3	12,906	5
	350	12	41,309	15
Rotherhite				
Rotherhithe	149	5	13,069	4
Surrey Docks	190	6	12,883	4
Livesey (50%)	72	2	6,875	3
	411	14	32,827	11
Dulwich	704	24	34,403	12
Dulwich				
College	323	11	11,314	4
Village	279	9	11,101	4
East Dulwich	102	3	11,988	4
Peckham & Nunhead	655	22	58,636	21
Peckham				
Peckham	87	3	12,082	4
Livesey (50%)	72	2	6,875	3
	159	5	18,957	7
Nunhead & Peckham Rye				
Nunhead	132	4	12,104	4
The Lane	139	5	14,587	5
Peckham Rye	225	8	12,988	5
	496	17	39,679	14
Borough, Bankside & Walworth	543	18	73,480	26
Borough & Bankside				
Cathedrals	176	6	15,988	6
Chaucer	82	3	16,221	6
	258	9	32,209	12
Walworth				
Faraday	88	3	13,586	5
Newington	83	3	14,495	5
East Walworth	114	4	13,190	4
	285	10	41,271	15
Camberwell	323	11	38,678	15
Camberwell				
South Camberwell	133	4	12,337	5
Brunswick Park	93	3	12,363	5
Camberwell Green	97	3	13,978	5
Borough Total	2,986	100	279,333	100

*Source GLA 2009

SUPPLEMENTAL QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR NICK STANTON

Thank you Madam Mayor; the answer makes it fairly clear that this is a big gerrymander, doesn't it. Is there anyone in the entire borough outside the Labour group who has responded to the consultation saying 'yes, that is a good idea'?

RESPONSE

Yes.

2. QUESTION FROM COUNCILLOR JEFF HOOK

Who proposed the themes for council assembly as set out in paragraph 16? Will the relevant cabinet member consider allowing community councils to propose themes for council assembly?

RESPONSE

Following the democracy commission review of council assembly a council assembly business panel was established to review the work of council assembly. The panel consists of the Mayor and the three group whips. Amongst other things the panel has the function of choosing the themes for meetings of council assembly for the municipal year ahead.

The council assembly business panel met to set the 2012/13 themes on 23 April 2012 as set out in item 3.2, pages 10-11. Community councils are able to make suggestions for themes through the group whips.

SUPPLEMENTAL QUESTION TO THE LEADER FROM COUNCILLOR JEFF HOOK

I would like to thank the leader for his answer – we all know the democracy commission should have been called the anti-democracy commission, but that aside, whilst I was chair of the Rotherhithe community council, we did not actually foist onto residents a theme for that community council, we allowed them to choose a range of themes so we could then debate at the forthcoming meetings. But has the leader considered asking residents directly or even possibly having the chairs of the community council on this panel besides the theme for the future assembly meetings, not just the whips and the Mayor?

RESPONSE

Well Madam Mayor, there is all-party representation from this body which meets; I would hope that whips speak to group members in their group to decide what the themes for the year ahead might be and I hope members of the individual and respective groups might have some idea what interests the residents in their borough. We do on our side have an idea of what interests the residents of our borough and therefore our proposals I am sure came from what we have been listening to on the door steps in the last couple of years. So I am not sure that expanding the membership of this particular group is actually going to serve any particular purpose if the people on that committee are doing their job properly, if they are not doing their job properly and not representing the constituents they represent; well that is his problem, not mine.

3. QUESTION FROM COUNCILLOR GRAHAM NEALE

Are community councils allowed to meet more than five times a year on requests of local residents, as set out in paragraph 41, if they can find the resources to do so?

RESPONSE

Following the decisions of council assembly in February 2012, the community councils will meet five times a year in 2012/13. Due to the reductions in council budgets no additional meetings can be supported. There is nothing to stop local residents holding public meetings if they have the resources to do so. However, they would not be community council meetings as these are formal council meetings and require the appropriate officer support.

SUPPLEMENTAL QUESTION FROM COUNCILLOR GRAHAM NEALE

I thank the leader for the answer to the question. My supplemental question is as follows: how will staff levels and staff costs for community councils be changed by the restructuring? Thank you.

RESPONSE

I am not sure of the precise details of the answer to that question; I will have to come back to him with a detailed response to that.

4 QUESTION FROM COUNCILLOR DAVID HUBBER

Has the cabinet member considered devolving licensing powers to community councils?

RESPONSE

The democracy commission were tasked with investigating the roles and functions of community councils in the context of budgetary savings. Devolving licensing powers to community councils would result in additional meetings at a higher cost than licensing sub-committee meetings. Taking regulatory decisions at community councils can also make it difficult for ward members to represent their constituents – as highlighted by the democracy commission. This was a consideration in their recommendation to introduce planning sub-committees

ITEM 3.4 - CONSTITUTIONAL REVIEW 2012/13

1. QUESTION FROM COUNCILLOR JAMES BARBER

What will be the cost of forming two planning sub committees? How many planning applications that have previously gone to members will now be decided by officers?

RESPONSE

Introducing two planning sub-committees as an alternative to planning at community councils resulted in a saving of £92,238. Deleting planning from

community councils and delegating all decisions currently taken by community councils to officers would have saved £186,435.

It is likely that around 100 applications will be considered by the planning sub committees compared with 119 applications considered by community councils in 2011.

It is important to note that between June 2010 and May 2011 approximately 76% of applications which went to community councils were considered after the application expiry date, and could have been subject to legal challenge for non-determination.

SUPPLEMENTAL QUESTION FROM COUNCILLOR JAMES BARBER

Thank you Madam Mayor. What consultations took place with the many Southwark civic societies before deciding to centralise planning decisions away from community councils in Tooley Street?

RESPONSE

Well Madam Mayor, the democracy commission was tasked with consulting far and wide and I hope and trust that organisations (as part of the debate within the democracy commission was how planning was going to be dealt with going forward) I hope that other organisations were consulted on this issue. I think Councillor Dolezal already made important points about how planning is protected going forward under the new sub-committee system.

2. QUESTION TO THE CABINET MEMBER FOR FINANCE, RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR MARK GETTLESON

At the budget meeting in February 2012, the cabinet member for finance, resources and community safety said he would investigate whether there is a requirement to have five community council areas as he outlined at the meeting of Bermondsey community council as the reason behind not merging Camberwell community council in with one of its neighbours. Please can he confirm whether he has done this?

RESPONSE

The democracy commission recommended the new five community council areas identifying that:

- there were overlaps in items being considered in Borough and Bankside and Walworth community councils on issues such as the regeneration of Elephant and Castle
- there was an overlap of attendance between Bermondsey and Rotherhithe (20 people on average) and to a lesser extent between Peckham and Nunhead and Peckham Rye (three people on average)
- there was no overlap at Camberwell community council in terms of either issues or attendees.

The commission therefore did not recommend merging it with another community council area.

On the specific matter of my undertaking to investigate the matter further, I can confirm that I did ask the strategic director of communities, law & governance for further advice after the meeting. I have set out below the reply I received in full:

“The constraint is set out below, in bold.

Although two-fifths is greater than a quarter, the issue for us is that complying with the two-fifths rule while keeping some form of sensible boundary was getting very difficult.

I hope this helps.

Deborah Collins

Section 18 Local Government Act 2000

18 Discharge of functions by area committees. E+W

This section has no associated Explanatory Notes

(1)The Secretary of State may by regulations make provision for or in connection with enabling an executive of a local authority, or a committee or specified member of such an executive, to arrange for the discharge of any functions which, under executive arrangements, are the responsibility of the executive by an area committee of that authority.

(2)Regulations under this section may impose limitations or restrictions on the arrangements which may be made by virtue of the regulations (including limitations or restrictions on the functions which may be the subject of such arrangements).

(3)In this section—
"area committee", in relation to a local authority, means a committee or sub-committee of the authority which satisfies the conditions in subsection (4)
"specified" means specified in regulations under this section.

(4)A committee or sub-committee of a local authority satisfies the conditions in this subsection if—

(a)the committee or sub-committee is established to discharge functions in respect of part of the area of the authority,

(b)the members of the committee or sub-committee who are members of the authority are elected for electoral divisions or wards which fall wholly or partly within that part, and

(c)either or both of the conditions in subsection (5) are satisfied in relation to that part.

(5)Those conditions are—

(a)that the area of that part does not exceed two-fifths of the total area of the authority,

(b)that the population of that part, as estimated by the authority, does not exceed two-fifths of the total population of the area of the authority as so estimated.”

SUPPLEMENTAL QUESTION TO THE CABINET MEMBER FOR FINANCE RESOURCES AND COMMUNITY SAFETY FROM COUNCILLOR MARK GETTLESON

I do Madam Mayor, thank you. From Councillor Livingstone’s reply it is clear there was no legal requirement to not merge the untouched community councils in with their neighbours, in particular with Camberwell community council and its neighbours. I refuse to believe his answer in saying that there were no border issues between Camberwell community council and Walworth community council over Burgess Park or Camberwell community council over South Bermondsey and the Dog Kennel Hill issue. It is clear that the answer he gave to Bermondsey community council when he was asked this question was wrong. Will he take the opportunity at the first meeting of the Bermondsey and Rotherhithe community council to apologise for his incorrect answer at the last time he addressed that meeting?

RESPONSE

I would like to thank Councillor Gettleson for his supplemental question. I am more than happy to clarify the situation at the next merged meeting of the Bermondsey and Rotherhithe community council and explain that. I have been giving similar explanations to Rotherhithe for a number of meetings, so I am happy to do that within the Bermondsey and Rotherhithe community council.

3. QUESTION FROM COUNCILLOR PAUL NOBLET

The report clarifies the process for community council questions being asked to cabinet members. Does the cabinet member believe community councils should get to ask cabinet members supplemental questions?

RESPONSE

Yes, the councillor asking the question on the community council’s behalf can ask a supplemental question.

SUPPLEMENTAL QUESTION FROM COUNCILLOR PAUL NOBLET

Thank you Madam Mayor if I may, it is a very brief one; can I welcome the answer and could we have a double dose of good news perhaps by an indication there maybe some support for guaranteeing 30 minutes for members’ questions even if the guillotine has fallen, which formed part of the amendment slightly lower down the order paper?

RESPONSE

As Councillor Wingfield says, we will come to that when we get to it. We are not going to be minded to support that. It is up to us all to ensure that we manage the time of council assembly meetings efficiently so that there is sufficient time to

cover questions as well as deputations, as well as the themed debate. I think that is up to all of us to exercise a little bit of control in terms of how many people contribute to debates even when we are repeating points over and over again – all in the name of democracy, importantly – but if questions need to be addressed, and myself and my cabinet colleagues always welcome the opportunity to deal with questions, then a bit of self-control is necessary.