

Item No. 3.2	Classification: Open	Date: 16 May 2015	Meeting Name: Council Assembly (Annual Meeting)
<b>Report title:</b>		Establishment of Committees, Community Councils, Panels and Related Matters – 2015/16	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## RECOMMENDATIONS

1. That council assembly notes the appointment of political group leaders, deputies and whips.
2. To note the division of seats and percentage allocation of each political group on the council as follows:

**Table 1: Division of seats**

Group	Total	%
Labour	48	76.19
Liberal Democrat	13	20.64
Conservative	2	3.17
Total	63	100.00

3. That council assembly establishes the following committees and community councils for the coming municipal year 2015/16:

**Table 2: Ordinary Committees - Total number of seats 35**

Note: This table is based on the committees established in 2014/15.

Committee	Total	Lab	Lib Dem	Con
Committee 1 Appointments Committee	7	6	1	0
Committee 2 Planning Committee	8	5	2	1
Committee 3 Standards Committee	7	5	2	0
Committee 4 Audit and Governance Committee	6	5	1	0
Committee 5 Corporate Parenting Committee	7	6	1	0

Committee	Total	Lab	Lib Dem	Con
Total	35	27	7	1

**Table 3: Other committees - Total number of seats 29**

Committee	Total	Lab	Lib Dem	Con
Overview and Scrutiny Committee	11	8	3	0
Licensing Committee	15	11	3	1

**Table 4: Community councils**

1.	Bermondsey and Rotherhithe
2.	Borough, Bankside and Walworth
3.	Camberwell
4.	Dulwich
5.	Peckham and Nunhead

Note: The membership of community councils is set out in Article 8 of the constitution (see paragraph 46 of this report).

### **Health and wellbeing board**

4. That the health and wellbeing board be established as a committee of the council under the Health and Social Care Act 2012 with the membership set out in paragraph 42 of the report.
5. That it be noted that the local authority membership is nominated by the leader of the council. In accordance with committee procedure rules, the board is chaired by the leader.

### **Appointment of chairs and vice chairs**

6. That council assembly considers whether it wishes to appoint chairs and vice chairs for the following committees and community councils:

#### **Committees**

- Appointments committee
- Planning committee
- Standards committee
- Audit and governance committee
- Corporate parenting committee\*
- Overview and scrutiny committee
- Licensing committee

## **Community councils**

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

Notes: \* In 2014/15 the cabinet member responsible for children's services chaired the corporate parenting committee. Council assembly is asked to formally approve this appointment in 2015/16.

All outstanding appointments will be referred to the first meeting of the respective committee or community council in the 2015/16 municipal year.

## **Establishment of the council's panels**

7. That council assembly establishes the following council panels (see paragraph 57):

**Table 5: Panels - Total number of seats 18**

Note: This table is based on the panels established in 2014/15.

Committee	Total	Lab	Lib Dem	Con
Council assembly business panel	5	3	1	1
Constitutional steering panel	5	3	1	1
Pensions advisory panel	3	2	1	0
Voluntary bodies appointment panel	5	4	1	0

## **Appointments of chair to constitutional steering panel and voluntary bodies appointment panel**

8. That council assembly appoints a chair to the following panels:

- Constitutional steering panel
- Voluntary bodies appointment panel.

## **Urgency committee**

9. That the role of the urgency committee between a municipal election and the annual meeting of council assembly, as agreed by council assembly on 26 March 2014, be noted as set out in paragraphs 59 - 60.

## **Appointments to Local Government Association General Assembly**

10. That council assembly appoints up to three representatives and allocates the five votes to representatives to attend the LGA General Assembly (see paragraph 61).

## **BACKGROUND INFORMATION**

11. The constitution is updated annually and the recommendations in this report are based on the current constitution and previous decisions of the council.

## **KEY ISSUES FOR CONSIDERATION**

12. The division of seats and percentage allocation of each political group on the council is as follows:

**Table 6: Division of seats**

Group	Total	%
Labour	48	76.19
Liberal Democrat	13	20.64
Conservative	2	3.17
Total	63	100.00

### **Proportionality – the legal position**

13. The size and composition of the council's regulatory and other committees are established in accordance with the number of seats each political group has on the council as a whole – this is known as “proportionality”.
14. The Local Government and Housing Act 1989 covers the allocation of seats to political groups. It makes no provision for single independent councillors so they do not form part of the proportionality considerations.
15. Seats on committees and sub-committees must be allocated in accordance with the four principles of proportionality contained in sections 15, 16 and 17 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as is reasonably practicable:
  - (i) That not all the seats on a committee or sub-committee are allocated to the same political group
  - (ii) That the majority group must have the majority of seats on each committee or sub-committee

Note: As the Labour Group has an overall majority on the council, this principle has been applied.

(iii) Subject to (i) and (ii) above, it must be ensured that the proportion of each political group's seats of the total number of seats on “ordinary committees” reflects, as closely as possible, their proportion of seats on full council

Notes: 1. The ordinary committees are appointments, planning, standards, audit and governance and corporate parenting (see also paragraphs 18 - 21)

2. The licensing committee is appointed under the Licensing Act 2003, the overview and scrutiny committee is appointed

under section 21 of the Local Government Act 2000 and the health and wellbeing committee is appointed under the Health and Social Care Act 2012 and is to be treated as if appointed under section 102 of the Local Government Act 1972. None of the aforementioned committees are treated as an ordinary committee.

- (iv) Subject to (i) to (iii) above, the proportion of each political group's seats on each committee and sub-committee reflects as closely as possible their proportion of seats on full council.

**Note:** This rule applies to all committees, sub-committees and joint committees, except for the licensing committee.

16. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.

### **Appointments to seats**

17. Section 16(1) of the Local Government and Housing Act 1989 provides that it is the duty of an authority or committee to exercise its power to make appointments in such a way as to give effect “to such wishes about who is to be appointed to the seats on that body which are allocated to a particular political group as are expressed by that group”.

### **Ordinary committees**

18. The regulatory and other committees are the “ordinary committees” of the council. In 2014/15 the annual meeting established the following:

- Appointments committee
- Planning committee
- Standards committee
- Audit and governance committee
- Corporate parenting committee

19. The total number of seats on the ordinary committees is allocated and then divided between the committees to give each committee as proportionate an allocation as is possible within the overall total. Officers have reviewed the impact on the proportionality calculations on the ordinary committees for 2015/16. The table set out in recommendation 3 is based on the assumption that the same committees are established in 2015/16 as existed in 2014/15.

20. The proportionality is based on the total number of seats compared to the overall allocation of seats each political group has on the council. As the Labour Group has an overall majority on the council, it has been allocated a majority on each committee.

21. Council assembly is exercising a matter reserved to it in Part 3A (4) of the constitution to establish committees. It is for council assembly to agree the committees it wishes to establish, to set the total number of seats and allocate them to the committees numbered 1 to 5 in the Table 2 in paragraph 3 above.

### **Appointments committee**

22. The appointments committee determines appointments to posts of chief officers, chief finance officer and monitoring officer.
23. At least one member of the cabinet shall serve on the appointments committee.

### **Standards committee**

24. The Localism Act 2011 ("the Act"), section 27 of the Act places a duty on the council to ensure that its members and co-opted members maintain high standards of conduct and requires such authorities to adopt a code of conduct for their members.
25. Although the act does not make provision for a 'standards committee' the council has the power to form a 'standards committee' under the Local Government Act 1972. In May 2013 the council established a standards committee with the role of exercising a general duty to "promote and maintain high standards of conduct by members and co-opted members" of the authority.
26. Not more than one cabinet member may sit on a standards committee.

### **Audit and governance committee**

27. The audit and governance committee provides independent assurance of the adequacy of the council's governance arrangements, independent scrutiny of the council's financial and non-financial performance and has oversight of the financial reporting process of the council.
28. The constitution states no more than one member of the cabinet may be a member of the audit and governance committee and no cabinet member may chair the committee. The chair may be a deputy cabinet member as this role does not include the exercise of any delegated powers.
29. CIPFA's guidance (Audit Committees Practical Guidance for Local Authorities, 2005) states that although audit committees are not mandatory, "Audit committees are an essential element of good governance". It goes on to say "Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an audit committee, independent from the executive and scrutiny functions."
30. No more than one member of the overview and scrutiny committee may be a member of the audit and governance committee and no member of the overview and scrutiny committee may chair the committee. In 2014/15 no members of the cabinet sat on the audit and governance committee and no overview and scrutiny committee member sat on the committee.

### **Overview and scrutiny committee**

31. The overview and scrutiny committee (OSC) is the coordinating scrutiny body and appoints a number of scrutiny sub committees. It questions cabinet members and can "call-in" decisions taken by the cabinet, individual cabinet members,

community councils taking decisions on executive functions and key decisions taken by chief officers.

32. OSC co-ordinates councillor calls for action and scrutiny of crime and disorder, considers requests for scrutiny reviews and approves scrutiny work programmes. It receives and comments on reports from scrutiny sub-committees, and reviews overview and scrutiny procedures.
33. The committee can also appoint joint committees with other local authorities.
34. The overview and scrutiny committee is not an ordinary committee and is considered separately for the purposes of proportionality. Scrutiny sub-committees will be established by the overview and scrutiny committee at its first meeting and it will consider the allocation of places on sub-committees including members who are not part of any political group.
35. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.
36. The overview and scrutiny procedure rules provide that the overview and scrutiny committee will consist of the chair, vice chair and the chairs of the scrutiny sub-committees provided that the proportionality rules are not compromised. Each political group is permitted to nominate members who are not cabinet members should it be necessary to maintain proportionality and/or if there are fewer chairs of scrutiny sub-committees than places on the overview and scrutiny committee.
37. The overview and scrutiny committee and any sub-committee which scrutinises the council's education functions will contain in its membership four voting education representatives in addition to its councillor members, comprising one Church of England, one Roman Catholic Church and two parent governor representatives.
38. No member of the cabinet shall serve on any scrutiny committee.

### **Health and wellbeing board**

39. The Health and Social Care Act 2012 enables the local authority to arrange for any of its functions to be exercised by the board should it so wish. The board will not have the power to perform any of the functions given to the health overview and scrutiny committee, and it will itself be subject to overview and scrutiny as a committee of the council. In addition members of scrutiny committees should not be members of the health and wellbeing board as this may create a conflict of interests.
40. It will be for the leader of the council under the 'strong leader' model to decide whether any executive functions should be delegated to the board. Until such a decision is taken, the board will operate in accordance within the council's existing decision-making framework and normal council budget setting processes.
41. The health and wellbeing board must include six statutory members which are:
  - At least one councillor, who will be (or be nominated by) the leader
  - The director of adult social services of the local authority
  - The director of children's services of the local authority
  - The director of public health of the local authority

- A representative of local healthwatch
  - A representative of the clinical commissioning group.
42. On 11 June 2014 council assembly agreed the membership of the health and wellbeing board as follows:
- Local authority councillors, who will be (or be nominated by) the leader of the council\*
    - The leader of the council\*
    - The cabinet member for public health, parks and leisure\*
    - The cabinet member for adult care, arts and culture\*
  - The chief executive of the council
  - The strategic director of children's and adults' services\*
  - The director of public health\*
  - Three representatives from the clinical commissioning group\*
  - A representative of Southwark HealthWatch\*
  - A representative from King's Health Partners
  - Southwark Borough Commander, Metropolitan Police Service
  - The chief executive of Community Action Southwark.

\* = Denotes a statutory member of the board.

43. All members of the health and wellbeing board are subject to Southwark's Code of Conduct for elected members when acting as a member of the board and will be subject to declarations of disclosable pecuniary interests. As a consequence it is recommended that substitutes should not be permitted at meetings of the committee.

### **Community councils**

44. Community councils take decisions about local matters and have some responsibility for decisions in the following key areas: the neighbourhoods fund, the cleaner, greener, safer capital programme, traffic management and agreeing schemes for the community infrastructure levy project bank. Community councils also offer an important mechanism for formal consultation on council wide policies and strategies.
45. Following the decision by council assembly in February 2012, there are five community councils areas divided by geographical areas as follows:

**Table 7: Community councils areas divided by geographical areas**

Name of community council	Members from electoral wards serving on community councils
Bermondsey and Rotherhithe	Grange, Livesey (north of the Old Kent Road), Riverside, Rotherhithe, South Bermondsey and Surrey Docks wards
Borough, Bankside and Walworth	Cathedrals, Chaucer, East Walworth, Faraday and Newington wards
Camberwell	Brunswick Park, Camberwell Green and South Camberwell wards

Name of community council	Members from electoral wards serving on community councils
Dulwich	College, East Dulwich and Village wards
Peckham and Nunhead	Livesey (south of the Old Kent Road), Nunhead, Peckham, Peckham Rye and the Lane wards

46. The membership of community councils included those councillors who were members for the electoral wards wholly or partly contained within the area of each community council. Community councils do not need to be politically balanced. Livesey ward members shall serve as voting members on Peckham and Nunhead and Bermondsey and Rotherhithe community councils. Following the decisions of council assembly in February 2012, the community councils met five times a year in 2014/15. Community councils meet in local venues around the borough.

#### **Licensing committee**

47. Section 6 of the Licensing Act 2003 requires that each licensing authority must establish a licensing committee of at least 10, but no more than 15 members of the authority. The power to establish the committee rests with council assembly. Council agreed in December 2004 that the licensing committee should comprise 15 members in order to achieve maximum flexibility and provide a sufficient pool of members to ensure quorate sub-committees.
48. There is no requirement in the Licensing Act 2003 that the licensing committee should be proportionate. Council assembly agreed in December 2004 to establish the current committee on a proportionate basis. Council assembly, in 2014/15, agreed the following allocation of seats: Labour eleven seats, Liberal Democrat three seats and Conservative one seat.
49. The Licensing Act 2003 makes no provision to appoint reserve members.
50. In accordance with the constitution, a licensing sub-committee with delegated authority to hear licence applications including Licensing Act 2003, Gambling Act 2005, street trading and other licensing responsibilities granted by statute. The sub-committee will include members of the licensing committee with a quorum of three members and a reserve. Sub-committees shall be summoned as required to deal with any business and the membership will be based on the allocation process agreed by the licensing committee in December 2007.

#### **Appointment of chairs and vice chairs**

51. Chairs and vice chairs may be appointed directly by council assembly or the appointments may be delegated to the first meeting of the relevant committee.
52. In the case of the corporate parenting committee, it is proposed that the cabinet member with responsibility for children's services be appointed chair. This is line with the decision of the annual meeting last year.
53. The health and wellbeing board is chaired by the leader of the council, in accordance with committee procedure rule 9.13.

## **Reserve members**

54. The council assembly, committee and overview and scrutiny procedure rules make provision for the appointment of reserve members to council committees and to scrutiny committees. There is no provision for reserves on the licensing committee, the health and wellbeing board or community councils.
55. Each political group can appoint reserve members. The number of reserve members a group can appoint is, with the exception of the overview and scrutiny committee and standards committee, one less than the number of places the group holds on the committee or sub-committee. If a political group holds only one place on a committee or sub-committee, that group may appoint one reserve member.
56. On the overview and scrutiny committee and the standards committee, the number of reserve members that each political group can nominate is equal to the number of places each group holds on the committee.

## **Establishment of the council's panels**

57. Council assembly will consider the establishment and composition of the following council panels:
  - **Council assembly business panel** – The panel is chaired by the Mayor and consists of two representatives from the majority group (one of whom is the whip) and the whips of the other political groups represented on the council. The panel acts as an advisory panel to the Mayor on council assembly matters, including the setting of themes for debate.
  - **Constitutional steering panel** – The panel is responsible for reviewing and recommending amendments to the constitution. It is also responsible for making recommendations to council assembly for the award of the Honorary Freedom of the Borough and Honorary Aldermen and to recommend changes to the members' allowances scheme.

In 2014/15 council assembly established a panel with a membership comprising the group whip and two other members from the majority group and the whips of the other political groups represented on the council. In accordance with current practice groups can nominate a reserve to attend in the absence of a representative. Council assembly is also invited to appoint a chair of the constitutional steering panel.

- **Pensions advisory panel** – The panel has a composition of three members, officers, independent advisors and a trade union representative. The purpose of the panel is to advise the chief finance officer when performing functions relating to the council's pension scheme.
- **Voluntary bodies appointment panel** – The panel has a composition of four Labour and one Liberal Democrat member. The panel will be responsible for recommending the appointment of charity trustees to specific Southwark charities and recommending appointments to the position of school governor on local education authority secondary and special school governing bodies.

## **Council assembly dates**

58. A calendar of council assembly meetings for the 2015/16 municipal year was agreed at council assembly on 25 February 2015. This meeting agreed the council assembly dates, in accordance with the relevant statutory provision.

## **Urgency committee**

59. On 26 March 2014 council assembly established the urgency committee, together with planning and licensing (urgency) sub-committees, to function during the interim period between a municipal election and the annual meeting of council assembly. The urgency committees will exercise the non-executive functions of the council, other than those reserved by law to council assembly for decision, in cases where in the opinion of the chief executive it was necessary to act urgently. The urgency committees have normally only met to consider issues that are time sensitive and cannot wait for the annual meeting to establish the decision making arrangements. The leader shall exercise any urgent executive matters.
60. Council assembly on 26 March 2014 agreed that the urgency arrangements should be as follows:
  - Urgency committee - The urgency committee will deal with non-executive functions only that are not reserved by law to council assembly, and are not planning or licensing applications. The urgency committee arrangements comprise the leaders of the two largest political groups following the borough-wide elections.
  - Executive arrangements – Executive decisions will be exercised by the leader (if personally re-elected or his nominee, a relevant cabinet member). If the leader (or relevant cabinet member) is required to take an executive decision, because the normal scrutiny arrangements would not have been established by the annual meeting, executive decisions would be treated in a similar way to urgent implementation decisions or an urgent decision outside the budget and policy framework.
  - Planning and licensing – Separate arrangements exist for a planning (urgency) sub-committee and a licensing (urgency) sub-committee. Each licensing (urgency) sub-committee convened to hear an urgent application will comprise of three licensing members who will be selected using the current procedure from the pool of re-elected councillors who previously served on the licensing committee. The arrangements are set out in more detail in Part 3N of the council's constitution.

## **Appointments to Local Government Association (LGA) General Assembly**

61. In 2014 council assembly appointed three representatives to the Local Government Association (LGA) General Assembly and allocated 5 votes amongst the three representatives as set out in Table 8:

**Table 8: Appointments to Local Government Association (LGA) General Assembly**

<b>Representative</b>	<b>No. of votes</b>	<b>Group</b>
Councillor Peter John	3	Labour
Councillor Ian Wingfield	1	Labour
Councillor Anood Al-Samerai	1	Liberal Democrat

62. In 2015 council assembly is asked to appoint up to three representatives and allocate 5 votes. The Local Government Association advises that votes can be allocated amongst the representatives as the local authority sees fit. The LGA encourages local authorities with three or four representatives to allocate at least one position and vote to a minority group representative. Council assembly can agree any combination of representatives and votes.

## BACKGROUND DOCUMENTS

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
<p>Appointment of Leader and Executive Functions 2013/14  Report - Council Assembly 22 May 2013</p> <p>Establishment of committees and other constitutional issues 2013/14 - Report - Council Assembly 22 May 2013</p> <p>Agenda and minutes for the following meetings:</p> <ul style="list-style-type: none"> <li>• Council Assembly 23 May 2012</li> <li>• Council Assembly February 2012</li> <li>• Cabinet 12 February 2013</li> <li>• Constitutional Steering Panel 5 March 2013</li> <li>• Council Assembly 26 February 2014</li> <li>• Council Assembly 26 March 2014</li> <li>• Council Assembly 25 February 2015</li> </ul>	<p>Southwark Council  Constitutional team  160 Tooley Street,  London, SE1 2QH</p>	<p>Ian Millichap  020 7525 7225</p>

## APPENDICES

<b>Appendix</b>	<b>Title</b>
Appendix 1	Political Group Leaders, Deputies and Whips (information to be circulated separately)

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Lesley John, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	8 May 2015	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes (included in body of report)
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
<b>Date final report sent to Constitutional Team</b>	<b>8 May 2015</b>	