

<b>Item No.</b> 3.2	<b>Classification:</b> Open	<b>Date:</b> 16 March 2016	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Constitutional Issues 2015/16 - Report back on Motions, Supplemental Questions, Council Tax Base, Council Assembly Dates, Calendar of Meetings 2016/17 and Payment to Cabinet Members for Loss of Office	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Constitutional Steering Panel	

That council assembly considers the recommendations of the constitutional steering panel in respect of the proposals set out in this report.

## **RECOMMENDATIONS**

### **Report back on motions**

1. That the proposed change to council assembly procedure rule (CAPR) 2.10.6 in respect of reporting back on motions at council assembly be agreed (see paragraph 19).

### **Procedural change - supplemental questions**

2. That the current practice of producing transcripts of supplementary questions and responses for members' questions, public questions and questions on reports at council assembly be replaced with the uploading of audio files on the council's website (see paragraphs 20-24).

### **Council tax base**

3. That the proposed changes to Part 3A: Council Assembly and Part 3B: Cabinet Role and Functions set out in paragraph 19 in respect of the council tax base and the designation of this decision as an executive function be agreed (see paragraph 28).

### **Council assembly dates 2016/17**

4. That the list of dates for meetings of council assembly be fixed in the council calendar for the 2016/17 municipal year be agreed (see paragraphs 30-34):
  - Ordinary meeting – Wednesday 13 July 2016
  - Ordinary meeting / Leader's Public Question Time – Wednesday 5 October 2016 (*Note: Alternative date is Wednesday 12 October 2016, subject to venue availability*)
  - Ordinary meeting – Wednesday 30 November 2016
  - Budget and council tax setting – Wednesday 22 February 2017 (*Note: Statutory meeting*)

- Ordinary meeting / Cabinet Member Public Question Time – Wednesday 22 March 2017 (*Notes: (1) This meeting is scheduled earlier than usual to avoid last week before school holidays; (2) Alternative date is Wednesday 15 March 2017, subject to venue availability*)
  - Annual meeting – Saturday 13 May 2017 (*Notes: (1) Statutory meeting; (2) Alternative date is Saturday 20 May 2017, subject to venue availability*)
5. That officers review the feasibility of holding separate leader’s public question time and cabinet member public question time events on the same evening as the remaining council assembly dates based on the experience in March 2016 and report to the constitutional steering panel.
  6. That the calendar of council meetings for the 2016/17 municipal year as shown at Appendix 1 be noted, subject to the changes to standards committee, audit and governance committee and cabinet as set out in paragraphs 35 to 39 of the report be agreed.
  7. That a revised roles and functions of the audit, governance and standards committee be agreed (to be circulated separately as Appendix 2).

**Payment to cabinet members for loss of office**

8. That the addition of the following paragraphs to the Member Allowances Scheme in the Constitution be agreed:

“Payment to cabinet members for loss of office

49. Members entitled to a full band 3 or full band 4 Special Responsibility Allowance (SRA) will be entitled to a payment for loss of office when they cease to be eligible for a full band 3 or 4 allowance.
  50. Members must have served at least one year in Cabinet to claim a payment for loss of office. Members are eligible to claim a payment for loss of office no more than once in any 4 year council term.
  51. The level of payment is set at 4 weeks of the full band 3 or band 4 SRA plus 1 week for every year in continuous full time service. The maximum level any member can receive is 13 weeks of the full band 3 or band 4 SRA.
  52. The Standards Committee (or its relevant sub-committee) will adjudicate on any dispute as to entitlement and any allegation of abuse, and shall be authorised to determine any reduction or withholding of a loss of office payment.”
9. That paragraph 33 of the Member Allowances Scheme in the Constitution be amended so it makes specific reference to Payment to Cabinet Members for loss of office and reads as follows:
    33. In accordance with the Local Authorities (Member Allowances) (England) Regulations 2003, the council is required to publish details of any basic and special responsibility allowances paid to councillors during each financial year along with details of the allowances scheme which applied at that time. This statutory notice also includes

details of subsistence, travel and carer's allowance. In addition the council publishes further information regarding members' expenses. Any payments to cabinet members for loss of office will also be published."

### **Consequential changes**

10. That the proper constitutional officer be authorised to make any necessary consequential changes to the constitution as a result of the above.

## **BACKGROUND INFORMATION**

### **Introduction**

11. The context for this report is the on-going review of efficient democracy and the current financial climate requiring savings to be identified. The changes will be introduced via efficiency savings and realignment of workloads and business activity.
12. In making recommendations consideration has been given to prioritising the statutory requirements of the service, officers have identified non-statutory or discretionary functions as savings.
13. The recommendations in this report reduce democratic activity in a number of ways:
  1. Reduction in the number of ordinary council assembly meetings from seven to six.
  2. Delegate council tax to cabinet thus removing the need for a January council assembly meeting
  3. Review feasibility of holding separate leader's and cabinet member public question time events on the same evening as the remaining ordinary council assembly meetings
  4. Reduce frequency of cabinet
  5. Combine the functions of audit, governance and standards into a single committee, retaining the existing standards sub-committees on conduct and civic awards.
14. A separate consultation exercise is taking place on proposals to enhance the community engagement role of community councils with new town hall style meetings and shorter decision making meetings taking place before two of the five meetings.

### **Decision making route and constitutional changes**

15. In accordance with Article 1.5 of the constitution, any changes to the constitution, including the Member Allowances Scheme are considered by constitutional steering panel, which then recommends changes to council assembly. Changes to the constitution are generally agreed by council assembly, unless another body or individual is authorised to do so – see Article 1.5(b). Changes to council assembly procedure rules are reserved to council assembly. The constitutional steering panel considered the proposals on Wednesday 2 March 2016 and agreed to recommend the changes contained within this report to council assembly.

Changes to the constitution are shown as follows:

- Additions (shown as underlined)
- Deletions (shown with a ~~strikethrough~~).

## **KEY ISSUES FOR CONSIDERATION**

16. This report considers a number of constitutional changes:
1. Report back on motions
  2. Procedural change - supplemental questions
  3. Council tax base
  4. Council assembly dates and calendar 2016/17, including changes to standards committee, audit and governance committee and cabinet.
  5. Member allowances scheme – payment to cabinet members for loss of office.

## **REPORT BACK ON MOTIONS**

17. CAPR 2.10.6 (motions to be debated at council assembly), states that "having considered the motion, cabinet, committee or sub-committee shall report on the outcome of their deliberations to the next meeting of the council assembly."
18. This is time-consuming and inefficient, as this information is readily available in the minutes produced by the relevant meeting. Cabinet is the body most frequently referenced in motions, and current practice is to circulate the draft minute as a notice of decision within two clear working days of the meeting to all councillors to begin the call-in process. Updating the CAPRs to reflect this practice will allow for efficiency savings in officer time, member time before and during council assembly, and reduced printing costs.
19. A revised procedure rule is shown below:

### **Proposed change to procedure rules – Motions to be debated at council assembly**

#### **Revised procedure rule:**

#### **2.10.6 - Motions to be debated at council assembly**

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

## **PROCEDURAL CHANGE - SUPPLEMENTAL QUESTIONS**

20. There is currently no requirement within the CAPRs to circulate written transcripts of supplemental questions from members' question time, public question time or questions on reports.

21. It is our current practice to produce transcripts of the supplemental questions from members' question time, public question time or questions on reports for inclusion as an appendix to the minutes of council assembly.
22. Following a technology development, we are now capable of producing an audio record of the meeting, which will be associated with the agenda and minutes in the "Meetings and minutes" section of the council's website. Recordings will be available sooner than the transcripts currently are, allowing greater public access to the information in them. It is expected that they can be uploaded within five clear working days of the meeting.
23. With the reduced administrative support available in the council, the staff with the relevant skills to produce transcripts are no longer readily accessible. Outsourcing this work would incur an additional expense at a time of limited financial resources. Technological developments mean there is an alternate solution.
24. Officers propose to discontinue the practice of creating transcripts of supplemental questions from members' question time, public question time or questions on reports, to achieve significant efficiency savings in officer time and printing costs. Instead, email notification of the publication of the recordings will be sent to all members when they are available. Prior to publication, the audio recordings will be edited should any confidential information have been released in any of the supplemental questions. It is noted that in some circumstances where an equality case exists it may be necessary to provide the recordings in a different format.

## **COUNCIL TAX BASE**

25. The Local Government Finance Act (LGFA) 1992, as amended by the LGFA 2003 & LGFA 2012, requires the authority to formally calculate the council tax base each year and pass this information to precepting authorities by 31 January 2015. The tax base must be set between 1 December and 31 January.
26. Section 67 of the Local Government Finance Act 1992 was amended by section 84 of the Local Government Act 2003, (and more recently the Localism Act 2011), to enable council assembly to delegate the power to set the tax base to another decision maker i.e. cabinet, individual cabinet member or chief officer. This report recommends that the constitution be duly amended to designate this decision as an executive function. As such it would be then the responsibility of the leader to delegate this function to the relevant decision maker using the notice of variation process (see Article 6.8). At this stage it is envisaged by officers that the decision would be delegated to the cabinet. As a cabinet decision it will be subject to the call-in process, and officers would need to programme the decision to ensure implementation by the 31 January. It is proposed that the council tax base be considered by the cabinet meeting in December. The new arrangements would apply to the next council tax base decision for the 2017/18 financial year, i.e. cabinet in December 2016.
27. The council tax base is the primary purpose for holding a council assembly meeting in January. With the delegation of this function, it is recommended that this meeting be removed from the schedule of council assembly meeting. The cost of holding a council assembly meeting at Tooley Street is approximately £15,000.

28. This requires a constitutional change to Parts 3A and 3B: Who takes decisions, as follows:

**PART 3A: COUNCIL ASSEMBLY** (See page 27 of the constitution)

**Matters reserved for decision**

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

7. Agreeing the budget and determining the level of local taxation. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds including reserves and balances, ~~the council tax base~~, setting the council tax and decisions relating to the control of the council's borrowing requirement, the treasury management strategy and the setting of virement limits.

**PART 3B: CABINET ROLE AND FUNCTIONS** (See page 30 of the constitution)

**Financial management and resources**

12. To have responsibility for the strategic management of the council's resources, financial, land, property and staffing, and to take decisions on such matters in the context of the budget and policy framework agreed by council.
13. To have responsibility for the council's revenue and capital budgets, including the council tax base, the housing revenue account, ensuring effective financial control and the achievement of value for money, within the provisions of financial standing orders.
29. Research from other local authorities indicates that a number have already delegated this function:

**Table 1: Delegation of council tax base report in other local authorities**

<b>Borough</b>	<b>Decision Taker</b>
Lambeth	Corporate Committee
Lewisham	Mayor and Cabinet
Hackney	Cabinet
Enfield	Full Council
Bromley	Executive
Bexley	General Purposes Committee
Wandsworth	Finance and corporate resources committee
Kensington & Chelsea	Full Council
Westminster	Cabinet
Havering	Cabinet

**COUNCIL ASSEMBLY DATES AND CALENDAR 2016/17**

**Council assembly dates 2016/17**

30. Council assembly procedure rules require that meetings shall take place on such dates as agreed by council assembly. Council assembly is asked to formally agree these dates, in accordance with the relevant constitutional provision.
31. A schedule of proposed council assembly meetings for the 2016/17 municipal year has been prepared. In line with recommendation 4 on the council tax base, the list of proposed dates does not include a January meeting. In 2014 a leader's public question time event staged at City Hall was held instead of an October council assembly. A similar event was due to take place in 2015, but was cancelled due to the South Camberwell by-election. It is recommended that this event is reinstated together with a cabinet member public question time. Officers will review the feasibility of a holding separate leader's public question time event and cabinet member public question time event on the same evening as an existing council assembly. It is envisaged that the constitutional steering panel will continue to maintain an oversight of the arrangements for the question time events. This would leave six council assembly meetings per annum; two of which are required by statute.
32. The list of recommended dates is set out below:

**Proposed Dates for Council Assembly 2016/17**

- Ordinary meeting – Wednesday 13 July 2016
  - Ordinary meeting / Leader's Public Question Time – Wednesday 5 October 2016 (*Note: Alternative date is Wednesday 12 October 2016, subject to venue availability*)
  - Ordinary meeting – Wednesday 30 November 2016
  - Budget and council tax setting – Wednesday 22 February 2017 (*Note: Statutory meeting*)
  - Ordinary meeting / Cabinet Member Public Question Time – Wednesday 22 March 2017 (*Notes: (1) This meeting is scheduled earlier than usual to avoid last week before school holidays; (2) Alternative date is Wednesday 15 March 2017, subject to venue availability*)
  - Annual meeting – Saturday 13 May 2017 (*Notes: (1) Statutory meeting; (2) Alternative date is Saturday 20 May 2017, subject to venue availability*)
33. It is anticipated that the annual meeting in 2017 will be held jointly with the civic awards ceremony, however at this stage the date may be subject to variation due to venue availability and the civic diary.
34. The table below sets out the frequency of other local authorities full council meetings.

**Table 2: Number of council assembly meetings per year**

Borough	Number of Full Council meetings per year
Lambeth	7
Lewisham	6
Hackney	5
Enfield	7

<b>Borough</b>	<b>Number of Full Council meetings per year</b>
Bromley	7
Bexley	5
Wandsworth	7
Kensington & Chelsea	6
Westminster	6
Havering	7

### **Council calendar 2016/17**

35. A calendar of council meetings for the 2016/17 municipal year ahead has been prepared and is shown at Appendix 1. The calendar includes the dates for school holidays, party conferences and other committed dates. Due to business demands, certain meetings will meet more frequently e.g. cabinet, overview and scrutiny committee and planning committee. Scrutiny sub-committees are included in the draft calendar, pending their establishment by the overview and scrutiny committee.
36. A number of changes to committees and frequency of meetings are recommended as part the review of the calendar for 2016/17.

### **Standards Committee**

37. Since the new standards regime for councillors was introduced in 2012 the frequency and business for the standards committee has reduced. There is no statutory requirement to have a standards committee. A major part of its workload has transferred to the civic awards sub-committee established last year; this meeting is scheduled to meet twice a year to consider civic awards. The standards committee is currently scheduled to meet three times a year, however in 2015/16 the one meeting was cancelled due to lack of business and of the other two committees there were only four items of business: two of which were reports for noting on the Operational Use of the Regulation of Investigatory Powers Act 2000; one to establish a sub-committee to consider civic awards; and a member complaints monitor report. It is recommended that the standard committee is not re-established by the annual meeting in May 2016. Its roles and functions would be amalgamated into the audit and governance committee, which would be renamed audit, governance and standards committee to reflect the different roles. The audit and governance committee meets six times a year and it is envisaged the limited amount of standards business could be accommodated. A revised roles and functions of the proposed audit, governance and standards committee are attached as Appendix 2. This is recommended for approval. The existing standards sub-committees on civic awards and conduct (considering any complaints against members) would be retained. The chair of the standards committee does not receive a special responsibility allowance.

### **Cabinet**

38. Currently the cabinet meets about 12 times a year and this frequency results in the lead-in times for meetings overlapping with one another. It is recommended that this should be rationalised by reducing the frequency of cabinet meetings to eight scheduled meetings a year. Cabinet would meet on a six weekly cycle. This will enable the agenda management processes to

operate more efficiently. This would require a small consequential constitutional change to the cabinet procedure rule 2.1 which states that the cabinet should meet at least ten times per year. It is recommended that this is amended to "eight". A consequence of the changes to cabinet is there may be some increase in the delegation to individual cabinet members; officers would look to offset this in part with greater efficiencies in the use of the modern.gov system. These decisions would continue to be subject to scrutiny call-in.

39. In respect of meetings other than council assembly, this calendar is subject to amendments, additions and cancellations. The calendar is regularly updated throughout the year and is published on the council's website.

#### **PAYMENT TO CABINET MEMBERS FOR LOSS OF OFFICE**

40. Southwark is one of the most complex, diverse and dynamic boroughs in the country. With 55,000 council homes under management, we are the largest local authority social landlord in London and we are embarking on the largest council home building programme in the country. Our regeneration programme is the most ambitious in London and includes the transformation of the Aylesbury Estate and Elephant and Castle. At the same time we are leading on economic development and policy innovations such as the introduction of free healthy school meals and free swim and gym.
41. Southwark is a young borough with a growing population. 52% of our population is aged 18-44 compared with 36% for England as a whole. At the same time we are an ethnically and culturally diverse borough with more than 300 languages spoken. The need for engaged and responsive leadership from the Council has never been greater.

#### **The growing complexity of cabinet roles**

42. Over the past two decades there has been a trend both in London and in Southwark where more cabinet members of all parties are serving in a full time capacity. At present 8 out of the 10 of Southwark's cabinet members serve the Council full time.
43. Councils are expecting more from their cabinet members. The combination of funding cuts and increased powers for local government have made the role more complex and important than ever before. In order to meet these challenges it is important to attract the best possible candidates to serve in Cabinet.
44. For many members, the decision to relinquish a full time role elsewhere to serve in Cabinet entails a significant reduction in financial security. For some potential cabinet members, the reduction in security may prevent them from being able to accept the role.

#### **Special Responsibility Allowances (SRAs)**

45. Southwark is proud of its diversity and wants the Council and Cabinet to reflect the borough. The Council's Special Responsibility Allowance (SRA) scheme should encourage diversity and remove disincentives to Members taking on responsibilities within the Council. Members giving up full time employment to be a full time Cabinet Member give up the security of employment. This disproportionately impacts those without alternative

financial means.

46. In recognition of the loss of security for those giving up full time work to serve in Cabinet, a number of benefits have been extended to full time cabinet members in recent years including maternity leave, adoption leave, paternity leave and sick leave.
47. The extension of compensation for loss of office can be seen as a natural progression of these other arrangements with the intent of widening the pool of people able to accept a position in Cabinet.
48. If implemented, this would be the first scheme of its type for councillors in England; however schemes do exist for other elected members elsewhere. For example, Scotland pays councillors who step down in a way that reflects their years of service, and Members of Parliament receive a resettlement payment if they lose their seats in an election.
49. At present there is no provision for either a notice period or redundancy pay when a Leader or other cabinet member leaves office. This means that a cabinet member's SRA ends from the date they leave the position for which they received the SRA.
50. SRAs are paid to compensate members for their special responsibilities in addition to their role as ward councillors (for which a separate basic allowance is payable). SRAs are not deemed as salary, as members are not employees of the Council. However most members in receipt of a full time band 3 or band 4 SRA have given up other paid work in order to devote full time attention to their role in the Cabinet.
51. Council officers receive between 4 and 13 weeks notice period depending on their level of seniority. Statutory redundancy pay for employees is 1 week for each year of continuous service for those aged 22 to 40 and 1.5 weeks for each year of continuous service for those aged 41 and over. Statutory Redundancy pay does not apply to elected members.
52. Offering payment for loss of office will reduce the disparity in security offered to employees of the Council compared with cabinet members. It is believed this will expand the range of Members able to accept a full time Cabinet role as it will ensure a modest degree of financial security should they leave that role.
53. The changes to the Member Allowances scheme above apply only to members who serve the Council in a full time capacity.
54. Officers have considered a range of scenarios regarding how payment for loss of office would be applied fairly and ensure that full time cabinet members have a basic level of security. The main provisions of the proposed scheme are set out below.
55. Members must have served at least one year in cabinet to be eligible for payment for loss of office. No member would be able to claim a payment for loss of office more than once in any 4 year council term.
56. Payment for loss of office applies only to those cabinet members eligible for a full time allowance. Cabinet members who job share or work elsewhere more

than 10 hours per week are not eligible.

57. Payment for loss of office will be applied equally whether members resign from office, are not reappointed by the Leader, or fail to secure re-election.
58. Payment for loss of office applies only to SRA band 3 or 4, and not the basic member allowance.
59. A member who leaves Cabinet and takes another position in the Council with an SRA will be eligible for payment for loss of office.
60. When determining entitlement to a payment for loss of office, the period of continuous full time service is unaffected by any periods of absence in accordance with the special leave arrangements (see paragraphs 39 to 48 of the member allowances scheme), including maternity and paternity leave.
61. The Standards Committee (or the relevant sub-committee) will have the power to adjudicate on any dispute as to entitlement and any allegation of abuse. Any allegations should be referred in the first instance to the council's monitoring officer who will determine in consultation with an independent person(s) whether or not there is a case to be answered. If not, the monitoring officer shall close the matter. If there is a case to answer, the monitoring officer shall arrange for a report (and recommendation) to be presented to a specially convened standards (conduct) sub-committee to consider the facts, hear representations from the subject member and reach a final decision. The monitoring officer will arrange for the sub-committee's decision to be communicated to the complainant and the subject member.

## **COMMUNITY IMPACT STATEMENT**

### **Payment to cabinet members for loss of office**

62. Payment for loss of office is likely to increase the pool of people able to take up cabinet positions, particularly from those who work full time and do not have financial resources to cushion a period out of the salaried labour market.
63. Out of the protected characteristics of the general equality duty, four areas stand out as areas where payment for loss of office will have a positive impact: age, disability, race and sex.
64. Payment for loss of office is likely increase the age range of those able to accept Cabinet posts, and in particular to expand option for more people of working age.
65. At present, those of working age often face a reduction in job security and progress in careers elsewhere to take up a Cabinet post. The risk of unexpected loss of office weighs against some people of working age feeling able to accept the position.
66. By offering a financial payment in cases of loss of office, a greater number of members of working age could be available to enter the Cabinet.
67. Southwark has a significantly higher percentage of residents of working age, and fewer people of retirement age compared with London and England as a whole.

68. The risk of loss of office may weigh disproportionately against those with disabilities more than others. Offering payment for loss of office may help those who face greater barriers re-entering the labour market to be able to accept a Cabinet post.
69. Payment for loss of office is likely to expand the range of individuals from groups with less financial resources able to take the risk of accepting a Cabinet post, and this may have a positive impact on ethnic minority groups. Evidence from the ONS and census reveal that:
- i) minority non-white ethnic groups are significantly more likely to earn less than the median income, and
  - ii) Southwark has a higher proportion of non-white residents than either London or England.
70. Payment for loss of office is likely to expand the range of individuals from groups with less financial resources able to take the risk of accepting a Cabinet post, and this may have a positive impact on women, who on a full time basis earn 14% less on average than men. Women are also more likely to work part time, further reducing their access to financial resources.

#### **Other changes**

71. The other changes considered in this report will have no direct impact on local people from adoption of these changes to the council's constitution. The constitution enables people, including the local community where relevant, to understand the role that they can play in the decision making of the council and how the council will safeguard high standards of conduct amongst members and officers.

#### **RESOURCE IMPLICATIONS**

73. The proposed changes to report back on motions and supplemental questions will enable more efficient ways of working to be introduced in these areas. Neither area has been reviewed for some years; in each case a more cost effective approach exists. The proposed change in the delegation of the council tax base will provide an efficiency saving of £15,000 which can be offset against current targets. A full breakdown of the costs of a council assembly meeting is set out below:

**Table: Breakdown of council assembly costs**

<b>Item</b>	<b>£</b>
Stage, Lighting and Event Management	6,525
Furniture Hire and Installation	1,330
Sound System and Induction loop	2,605
Refreshments	580
Transport	110
Printing	725
Staffing costs	715
Facilities charges (including door supervisors and engineer) [See note]	2,790

Item	£
<b>Total</b>	15,380

Note: Facilities charges such as extra staffing costs for the building and health and safety are funded from corporate budgets.

74. The constitution is published on the council's website and is available for viewing online. Limited numbers of the constitution are produced in binder form with loose leaf pages and dividers. This means that any additional costs arising from the reproduction of small sections of the constitution are reduced compared to the reprinting of the whole constitution. It is anticipated that the cost can be contained within existing budgets.
75. With regard to the proposal to introduce a payment for loss of office for cabinet members, the capping of any individual's payment to a maximum of 13 weeks' SRA will contain the cost of the scheme.
76. The cost payment for loss of office would vary depending on length of service, and the SRA band. The total cost per SRA band 3 member would be £2,641 (equivalent to 4 weeks SRA) plus £660 for each year of service as a full time cabinet member.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

77. The report includes proposals to amend the Member Allowances Scheme as detailed in the Constitution to introduce a payment to Cabinet Members for loss of office.
78. Paragraphs 54 to 60 of the report provide further details of the operation of the Member Allowances Scheme and when a payment for loss of office will be made. Paragraph 61 provides a mechanism for the Standards Sub-Committee (Conduct) to adjudicate on any dispute on entitlement or abuse of the scheme.
79. The statutory scheme for the payment of allowance to members can be found in Section 175 of the Local Government Act 1972, and Section 18 of the Local Government and Housing Act 1989, these acts confer powers on the Secretary of State to 'authorise or require' specified local authorities to make a scheme providing for the payment of (a) a basic allowance, (b) an attendance allowance, and (c) a special responsibility allowance;. The Local Authorities (Members' Allowance) (England) Regulations 2003/1021 requires local authorities to have such a scheme in place. The legislation and the 2003 regulations do not prohibit a payment to Cabinet Members for loss of office.
80. Further Section 1 of the Localism Act 2011 confers on the Council a power to make these payments.
81. The Member Allowances Scheme forms part of the Council's constitution. All constitutional changes are considered by constitutional steering panel which then recommends changes to Council Assembly.
82. Under Part 3A of the constitution, council assembly is responsible for determining the Member Allowances Scheme and amount of member allowances.

## Strategic Director of Finance and Governance

83. The costs of the payment to cabinet members for loss of office will be maintained within existing budgets for members' allowances and appropriate reserve provisions if necessary.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Equality Analysis	Cabinet Office, 160 Tooley Street, London SE1 2QH	Matthew Robinson 020 7525 0341
Southwark Constitution – Member Allowances Scheme) Link: <a href="http://modern.gov.southwark.gov.uk/documents/s57730/17%20Member%20allowances%20scheme%20January%202015.pdf">http://modern.gov.southwark.gov.uk/documents/s57730/17%20Member%20allowances%20scheme%20January%202015.pdf</a>	Constitutional Team 160 Tooley Street, London SE1 2QH	Ian Millichap 020 7525 7225
Southwark Constitution <a href="http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution">http://www.southwark.gov.uk/info/10058/about_southwark_council/375/councils_constitution</a>	Council Offices, 160 Tooley Street, London SE1 2QH	Constitutional Team Email: <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a> Tel: 020 7525 7228

## APPENDICES

Appendix	Title
Appendix 1	Council Calendar 2016/17
Appendix 2	Draft Revised Roles and Functions for Audit, Governance and Standards Committee (to be circulated separately)

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Proper Constitutional Officer	
<b>Report Author</b>	Ian Millichap, Constitutional Manager Chidilim Agada, Principal Constitutional Officer Matthew Robinson, Senior Strategy Officer Virginia Wynn-Jones, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	3 March 2016	
<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 Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	3 March 2016	