

<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 13 July 2016	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Constitutional Issues 2016/17	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## **RECOMMENDATIONS**

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

### **Part 4: Rules – Protocol on key decisions**

1. That the change to the protocol on key decisions to include gateway zero decisions, as described in paragraphs 12 to 14 of this report be agreed.

### **Part 4: Rules – Contract standing orders**

2. That the changes to the contract standing orders as described in paragraph 15 to 17 of this report and set out in Appendix 1 be agreed.

### **Leader and cabinet member public question time**

3. That in October 2016, a Leader and Cabinet Member Public Question Time (LCMPQT) event be held as a stand alone event, i.e. without a truncated council assembly meeting following the event, and that this becomes a fixed arrangement in the council calendar. A thematic approach would be adopted over the entire electoral cycle involving the leader and relevant cabinet members, depending on the theme for each event (see paragraphs 18 to 24).
4. That, subject to venue availability, the date for the October 2016 LCMPQT be confirmed and communicated to all councillors.

### **Revised schedule of council assembly / question time dates 2016/17**

5. That as a result of the above recommendations relating to public question time events, the revised schedule of council assembly dates be agreed as set out in paragraph 25, including:
  - An ordinary meeting of council assembly to be held on 22 March 2017.
  - The annual meeting to be held on Saturday 13 May 2017 at Southwark Cathedral.

### **Minor constitutional changes**

6. That the minor proposed changes to the constitution as outlined in Appendix 2 of the report, be agreed.

## **Consequential constitutional changes**

7. That the proper constitutional officer be authorised to make any consequential changes as a result of the proposals set out in this report.

## **BACKGROUND INFORMATION**

8. In accordance with Article 1.5 of the constitution, any changes to the constitution 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 in this report on Monday 13 June 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**

9. The context for this report is the on-going review of efficient democracy and the current financial climate requiring savings to be identified.
10. This report considers several constitutional issues as recommended by the constitutional steering panel on 13 June 2016. The constitutional issues are as follows:
  - Changes arising from the Fairer Future Procurement Strategy
  - Leader and cabinet member public question time
  - Council assembly / question time dates 2016/17
  - Minor constitutional changes.

## **CHANGES ARISING FROM THE FAIRER FUTURE PROCUREMENT STRATEGY**

11. On 7 June 2016, the cabinet approved the Fairer Future Procurement Strategy, which replaces the Contracts and Procurement Strategy in the Medium Term Resources Strategy. The Fairer Future Procurement Strategy was developed following a review of commissioning and procurement undertaken by the overview and scrutiny committee. Cabinet noted that there would be consequential amendments to the constitution.

### **Part 4: Protocol on key decisions**

12. The Fairer Future Procurement Strategy introduces a new strategic assessment (gateway zero) for services above £10m in value (excluding capital investment works) or for other strategically important contracts. This assessment will be for cabinet members' (IDM) decision making and will be included on the forward plan. A strategic assessment may also be requested for other contracts by the relevant cabinet member.
13. The proposed change will be effected through the inclusion of a new bullet point (Decisions which should always be treated as key decisions) to include strategic procurement assessment decisions (gateway zero reports).

14. The recommended addition to the protocol on key decisions will read as follows:
- the pre-procurement strategic assessment approval decisions in respect of services over £10,000,000 or for other strategically important contracts where requested by the relevant cabinet member (Gateway 0 reports).

#### **Part 4: Contract standing orders**

15. The Fairer Future Procurement Strategy introduces a number of new requirements to each decision stage of the procurement process which necessitate changes to the contract standing orders (CSOs) as set below:
- Gateway zero – as noted above in paragraphs 12 to 14, a new strategic assessment (gateway zero) is being introduced which will need to be picked up in CSOs as well as in the protocol on key decisions.
  - Gateway one – when developing a proposed procurement strategy (gateway 1), explicit consideration must be given as to whether the works, goods or services could be provided in-house. Additionally, where the aggregate value of the contract of purchase is valued at £100,000 or more, the lead contract officer must consult with the relevant portfolio holder before the procurement strategy is implemented.
  - Gateway one and two – the council is committed to considering what social value can be delivered during the development of all procurement strategies (gateway 1 reports) and will also identify the achievement of social value commitments from proposed successful tenderers in the contract award recommendation (gateway 2 report).
16. The council is introducing an e-procurement system and the tender procedure as set out in the current contract standing orders needs to be updated to reflect this. The Fairer Future Procurement Strategy also notes that, as well as enabling the continuation of the gateway process, the new e-procurement system will enhance the ability to record contract management and monitoring.
17. Details of the proposed changes to the contract standing orders are included in the report as outlined in Appendix 1.

#### **LEADER AND CABINET MEMBER PUBLIC QUESTION TIME**

18. At its meeting on 13 June 2016, constitutional steering panel received a report reviewing the last public question time event in March 2016 and looking at the feasibility of running similar events in 2016/17. Unlike Leader's Public Question Time (LPQT), which was a stand alone event, council assembly in November 2015 had agreed that the Cabinet Member Public Question Time (CMPQT) be followed by a truncated council assembly. Further on 16 March 2016, council assembly agreed to hold two similar question time events (i.e. a question time event followed by a truncated council assembly) in October 2016 and March 2017, subject to a review of feasibility.
19. On 13 April 2016, CSP reviewed the March Cabinet Member Public Question Time (CMPQT) and the truncated council assembly and stated that it may be appropriate that future public question times include the leader and cabinet together rather than be separated out. They also felt that using City Hall to hold a joint public question time and a truncated council assembly was not appropriate. These decisions drew a variety of opinions and officers were

asked to work on feasibility of either / both, in relation to holding a joint LPQT and CMPQT and/or a joint question time with a truncated council assembly.

20. On 13 June 2016, CSP considered the future arrangements for hosting a combined leader and cabinet member question time event as a fixed event within the council calendar.
21. Based on the experience gained from the 22 October 2014 LPQT and 16 March 2016 CMPQT event at City Hall, CSP were advised of, and discussed the format of, principles and approach to future events.
22. In relation to holding a joint leader and cabinet member question time, CSP discussed the number of public present at both events, the type of question that were submitted, how portfolio areas were dealt with, the benefits of having an independent facilitator/chair and feedback from attendees.
23. CSP recommended that a combined leader and cabinet member question time option be pursued and that the event be made a fixed arrangement in the council calendar. This is because it best meets the original principles of the event, namely to improve democratic engagement in a modern, leaner council context; and gives the opportunity for residents to hold the collective political leadership of the council directly to account on the issues of the day. The principles, approach and format agreed for CMPQT would be repeated for the combined event and amended to involve the leader. A thematic approach would be adopted over the entire electoral cycle involving the leader and relevant cabinet members depending on the theme for each event.
24. In respect of holding a truncated council assembly following the question time event, CSP recommends that the October 2016 date should be given over to a public question time event and the March 2017 date should be a stand alone ordinary meeting of council assembly.

#### **REVISED SCHEDULE OF COUNCIL ASSEMBLY AND QUESTION TIME DATES 2016/17**

25. As a result of the above recommendations relating to public question time events, alterations are required to the council calendar, therefore a revised schedule is set out below:

<b>Council Assembly/Question Time Meetings 2016/17</b>	<b>Type of Meeting</b>
Wednesday 13 July 2016	Ordinary Meeting
October 2016 Note: The date and venue of event to be communicated to all councillors.	Joint Leader's and Cabinet Members Public Question Time
Wednesday 30 November 2016	Ordinary Meeting
Wednesday 22 February 2017	Budget and Council Tax Setting
Wednesday 22 March 2017	Ordinary Meeting
Saturday 13 May 2017 Note: Following the council assembly decision in March 2016, officers have looked at the alternative dates agreed and venue availability for the annual meeting in 2017. Officers have booked Southwark Cathedral for the morning of Saturday 13 May 2017. The option of using the cathedral on the third weekend was explored, however the venue is unavailable.	Annual Meeting Note: To be held jointly with Civic Awards Ceremony.

In accordance with council assembly procedure rules, council assembly shall set the dates for its meetings.

## **MINOR CONSTITUTIONAL CHANGES**

26. During the course of the year it becomes necessary to make minor changes to the constitution, these can include such things as updating memberships, meeting cycles and inconsistencies within procedure rules. The minor changes that are required at this time are set out in Appendix 2 of the report.

### **Community impact statement**

27. 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.
28. A combined leader and cabinet member question time event provides an opportunity for a direct dialogue between the leader, members of the cabinet and residents.

### **Resource implications**

29. The financial implications within this report seek to have a positive impact on improving the outcomes and delivery of value for money. Agreement that a combined leader and cabinet member question time event be a fixed arrangement in the council calendar may require a review of resource allocation over the medium term. The financial implications of holding a question time event in October 2016 can be met from existing budgets.
30. 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.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

31. Any legal issues are outlined in the body of the report.

## **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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 7055

## APPENDICES

No.	Title
Appendix 1	Proposed changes to contract standing orders arising from the Fairer Future Procurement Strategy
Appendix 2	Schedule of minor constitutional changes

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Chidilim Agada, Principal Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 June 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 (Included in the body of the report)
Strategic Director of Finance and Governance	No	Not applicable
<b>Date final report sent to Constitutional Team</b>		28 June 2016