

Item No. 3.4	Classification: Open	Date: 16 September 2020	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Establishment of Committees, Panels and Related Matters 2020-21	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly notes the appointment of political group leaders, deputies and whips (information to be circulated separately).
2. That council assembly note the political balance of the council as follows:

Table 1: Political balance

Group	Members	%
Labour	48	76.19
Liberal Democrat	14	22.22
Independent (not a group)	1	1.59
Total	63	100.00

3. That council assembly notes that there is no change to proportionality and the allocation of seats on committees and panels as agreed by council assembly on 18 May 2019 remains the same as set out below.
4. That council assembly establishes the following committees for the coming municipal year 2020-21:

Table 2: Ordinary Committees - Total number of seats 29

Committee	Total	Lab	Lib Dem
Committee 1 Appointments Committee	7	6	1
Committee 2 Planning Committee	8	6	2
Committee 3 Audit, Governance and Standards Committee	7	5	2
Committee 4 Corporate Parenting Committee	7	6	1
Total	29	23	6

Table 3: Other committees - Total number of seats 26

Committee	Total	Lab	Lib Dem
Overview and Scrutiny Committee	11	8	3
Licensing Committee	15	12	3
Total	26	20	6

Note: The political balance rules require that the political groups represented on council have proportionate representation on council committees. A political group must comprise at least two members, so the one Independent member does not constitute a political group. Councils can allocate seats on committees to members not aligned to a group, but are under no statutory obligation to do so.

Table 4: Multi-ward areas

1.	North-west
2.	North-east
3.	West-central
4.	East-central
5.	South

Note: The composition of multi-ward areas is set out in Article 8 of the constitution (see paragraph 42 of this report).

Health and wellbeing board

5. 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 39 of the report.
6. That it be noted that the leader of the council nominates the local authority membership. In accordance with committee procedure rules, the leader chairs the board.

Appointment of chairs and vice chairs

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

Committees

- Appointments committee
- Planning committee
- Audit, governance and standards committee
- Corporate parenting committee [see note 1 below]
- Overview and scrutiny committee
- Licensing committee

Notes:

1. In 2019-20, the cabinet member responsible for children's services chaired the corporate parenting committee. Council assembly is asked to formally approve this appointment in 2020-21.

2. All outstanding appointments will be referred to the first meeting of the respective committee in the 2020-21 municipal year.

Appointment of community champions

8. That council assembly appoint community champions for the following multi-ward areas:

Multi-ward areas

- North-west
- North-east
- West-central
- East-central
- South

Establishment of the council's panels

9. That council assembly establishes the following council panels (see paragraph 53):

Table 5: Panels - Total number of seats 16

Panel	Total	Lab	Lib Dem
Council assembly business panel	4	3	1
Constitutional steering panel	4	3	1
Pensions advisory panel	3	2	1
Voluntary bodies appointments panel	5	4	1
Total	16	12	4

Note: This table is based on the panels established in 2019-20.

Appointments of chair to constitutional steering panel and voluntary bodies appointments panel

10. That council assembly appoints a chair to the following panels:
 - Constitutional steering panel [see note 1 below]
 - Voluntary bodies appointments panel.

Notes:

1. The group whip of the majority group chaired the constitutional steering panel in 2019-20. Council assembly is asked to formally approve this appointment in 2020-21.
2. That it be noted that the Mayor chairs the council assembly business panel.

Urgency committee

11. 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 55 and 56.

Appointments to Local Government Association (LGA) General Assembly

12. That council assembly appoints up to three representatives and allocates the seven votes to representatives to attend the LGA General Assembly (see paragraphs 57 and 58).

Other appointments to joint committees/outside bodies

13. That council assembly notes the cabinet and other committees will make appointments to all other outside committees and bodies for the municipal year 2020-21 as required by part 3Q of the constitution.

BACKGROUND INFORMATION

14. The constitution is updated as and when changes are required. The recommendations in this report are based on the current constitution and previous decisions of the council.

KEY ISSUES FOR CONSIDERATION

Proportionality – the legal position

15. 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”.
16. 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. The political balance rules require the council to ensure that the political groups represented on council have proportionate representation on the committees of the council. Political groups have to constitute two or more members and be actively constituted as a group in accordance with the above regulations.
17. 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; audit, governance and standards; corporate parenting (see also paragraphs 20 to 22).

2. The licensing committee is appointed under the Licensing Act 2003, the overview and scrutiny committee is appointed under section 9F of the Local Government Act 2000 and the health and wellbeing board 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 (subject to modifications of the effect of section 102 made by the Secretary of State). None of the aforementioned committees is 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.

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

Appointments to seats

19. 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

20. The regulatory and other committees are the "ordinary committees" of the council. In 2019-20 the annual meeting established the following:
 - Appointments committee
 - Planning committee
 - Audit, governance and standards committee
 - Corporate parenting committee.
21. 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.
22. 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 4 in the Table 2 in paragraph 3 above.

Appointments committee

23. The appointments committee determines appointments to posts of chief officers, chief finance officer and monitoring officer and also acts as a panel for the purpose of advising council assembly on matters relating to the dismissal of the head of paid service, the chief finance officer or the monitoring officer as prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
24. At least one member of the cabinet shall serve on the appointments committee.

Audit, governance and standards committee

25. The audit, governance and standards committee provides independent assurance of the adequacy of the council's governance arrangements, independent scrutiny of the council's financial and non-financial performance, has oversight of the financial reporting process of the council and ensures 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.
26. The Chartered Institute of Public Finance and Accountancy (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."
27. No more than one member of the cabinet may be a member of the audit, governance and standards 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.
28. No more than one member of the overview and scrutiny committee may be a member of the audit, governance and standards committee and no member of the overview and scrutiny committee may chair the committee. In 2019-20, no members of the cabinet sat on the audit, governance and standards committee.

Overview and scrutiny committee

29. 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, decisions on executive functions and key decisions taken by chief officers.
30. OSC co-ordinates councillor calls for action and scrutiny of health, 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.
31. The committee can also appoint joint committees with other local authorities.
32. The overview and scrutiny committee is not an ordinary committee, but it is one to which the proportionality requirements apply. 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.
33. Council assembly can agree an allocation that is disproportionate, provided no member votes against this.
34. 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.

35. The overview and scrutiny committee and any sub-committee/commission 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.
36. No member of the cabinet shall serve on any scrutiny committee.

Health and wellbeing board

37. 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 health and wellbeing board was first constituted by council assembly on 27 March 2013. 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. Members of scrutiny committees who are members of the health and wellbeing board should not be involved in the scrutiny process if the health and wellbeing board undertakes executive functions, which is then subject to scrutiny, as this may create a conflict of interests. The proportionality requirements do not apply to the health and wellbeing board.
38. 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.
39. 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.
40. The proposed membership of the board is set out below:
 - Leader of the Council
 - Cabinet Member for Children, Schools and Adult Care
 - Cabinet Member for Community Safety and Public Health
 - Opposition Spokesperson for Health (Southwark Councillor)
 - NHS Southwark Clinical Commissioning Group representatives x 2
 - Chief Executive, Southwark Council
 - Strategic Director of Children's and Adults' Services
 - Director of Public Health
 - Chief Executive, Community Southwark (Voluntary Sector)
 - Executive Director, Southwark Law Centre (voluntary sector)
 - King's College Hospital NHS Foundation Trust (King's Health Partners) representative
 - South London and Maudsley (SLAM) NHS Foundation Trust representative
 - Healthwatch Southwark representative
 - Southwark Headteachers representative.

Note: The health and wellbeing board membership is currently under review. This is to ensure that the right partners are represented on the board. Any proposed change to the membership will be put forward to the health and wellbeing board for agreement.

41. 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. Consequently, it is recommended that substitutes should not be permitted at meetings of the committee.

Multi-ward areas

42. The boundaries of the multi-ward areas reflect the borough's communities as far as possible.

Table 7: Multi-ward areas divided by geographical areas

Multi-ward area	Electoral wards
North-west	Borough & Bankside, London Bridge & West Bermondsey, St George's and Chaucer wards
North-east	North Bermondsey, South Bermondsey, Rotherhithe and Surrey Docks wards
West-central	North Walworth, Newington, Camberwell Green, St Giles and Faraday wards
East-central	Old Kent Road, Peckham, Rye Lane, Nunhead & Queen's Road and Peckham Rye wards
South	Champion Hill, Goose Green, Dulwich Hill, Dulwich Village and Dulwich Wood wards

Licensing committee

43. 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.
44. 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.
45. The Licensing Act 2003 makes no provision to appoint reserve members.
46. In accordance with the constitution, a licensing sub-committee with delegated authority will be established 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 on 6 December 2007.

Appointment of chairs and vice chairs

47. 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.
48. 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 in line with the decision of the annual meeting last year.
49. The leader of the council, in accordance with committee procedure rule 8.13, chairs the health and wellbeing board.

Reserve members

50. 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 and the health and wellbeing board.
51. 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 audit, governance 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.
52. On the overview and scrutiny committee and the audit, governance and 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

53. Council assembly will consider the establishment and composition of the following council panels. Panels are not required to be proportionate. This is a matter of local choice for the local authority.
 - **Council assembly business panel** – The Mayor chairs the panel 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 2019-20, the chief whip of the majority group chaired the panel.

In 2019-20, 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.

- **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 appointments 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.

Council assembly dates

54. A calendar of council assembly meetings for the 2020-21 municipal year was agreed at council assembly on 15 July 2020. This meeting agreed the council assembly dates, in accordance with the relevant statutory provision.

Urgency committee

55. 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.
56. 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. If the leader is not re-elected, the urgency committee shall exercise the executive functions.
 - 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 would 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

57. In 2017, the Local Government Association informed the council that it was now entitled to seven votes and advised 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:
58. For 2019-20, council assembly appointed three representatives and allocated seven votes:

Representative	No. of votes	Group
Councillor Peter John (Leader)	3	Labour
Councillor Rebecca Lury	3	Labour
Councillor Adele Morris	1	Liberal Democrat

Establishment of sub-committees

59. Sub-committees for planning, overview and scrutiny, and audit, governance and standards committees will be established at a special meeting that immediately follows the conclusion of this annual meeting or can be established at the first meeting of the relevant parent committee.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive Functions 2018 Report - Council Assembly 21 May 2018	Southwark Council Constitutional team 160 Tooley Street, London, SE1 2QH	Virginia Wynn- Jones 020 7525 7055
Establishment of committees and other constitutional issues 2018-19- Report - Council Assembly 18 May 2019		
Agenda and minutes for the following meetings: <ul style="list-style-type: none"> Licensing Committee - 6 December 2007 Council Assembly 2004 to 2019 		

APPENDICES

Appendix	Title
Appendix 1	Political Group Leaders, Deputies and Whips (to be circulated separately)
Appendix 2	Nominations for Chairs and Vice Chairs (to be circulated separately)

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Chidilim Agada, Head of Constitutional Services	
Version	Final	
Dated	7 September 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	7 September 2020	