



CONSTITUTION WORKING PARTY

Date: MONDAY, 21 MARCH 2016 at 6.30 pm

**Committee Room 7
Civic Suite
Lewisham Town Hall
London SE6 4RU**

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MEMBERS

Councillor Obajimi Adefiranye	L
Councillor Kevin Bonavia	L
Councillor John Coughlin	G
Councillor Brenda Dacres	L
Councillor Alan Hall	L
Councillor Gareth Siddorn	L
Councillor James-J Walsh	L

Members are summoned to attend this meeting

**Barry Quirk
Chief Executive
Laurence House
Catford
London SE6 4RU**

Date: Thursday, 10 March 2016

ORDER OF BUSINESS – PART 1 AGENDA

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MINUTES OF THE CONSTITUTION WORKING PARTY

10 June 2015 at 7.00 p.m.

PRESENT: Councillors Obajimi Adefiranye, John Coughlin, Brenda Dacres, Alan Hall and James-J Walsh.

APOLOGIES: Councillor Gareth Siddorn.

1. Election of Chair and Vice Chair

RESOLVED that Councillor Hall be elected as Chair and Councillor Bonavia be elected as Vice Chair for the Municipal Year 2015/16.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

RESOLVED that the Minutes of the Meeting held on 10 February 2015 be confirmed and signed as a correct record.

4. Broadway Theatre Working Group

The Working Party considered a report which proposed the establishment of a time limited, Member led working group to consider the future of the Broadway Theatre.

RESOLVED that the Constitution Working Party recommend to the Council that it establish a time limited member led working group to consider the future of the Broadway Theatre, as set out in the report, subject to the following amendments:

- that the membership should include at least one local ward councillor;
- that membership be extended to include the member outside the majority party if he so wishes;
- that no more than one executive member should sit on the working group;
- and that the Working Group should be time limited to the Council's AGM in 2016.

5. Constitutional Update

The Head of Law, who was present at the meeting, left the room on consideration of recommendation (b) Employment Procedure Rules.

The Working Party considered a report which set out a number of proposed amendments to the Constitution. They were discussed separately.

(a) Members discussed the proposed amendments to Contract Procedure Rules appearing at Appendix 1 to the report and the Working Party RESOLVED that it recommend to full Council that they be adopted.

(b) Members considered proposals to amend the Employment Procedure Rules as set out at Appendix 2 to the report, relating to the dismissal of the Chief Executive, the Chief Finance Officer, and the Monitoring Officer. The Working Party RESOLVED to recommend to Council that they be adopted. The Chair requested that the report be submitted to Council to clarify the practicalities of appointment of councillors to the Panel referred to in the report.

(c) Members considered the proposed provisions relating to the SACRE at Appendix 3 to the report and RESOLVED that as they reflect current practice, a recommendation be made to Council that they be included in the Constitution as proposed.

(d) The Working Party discussed the proposed establishment of a Public Spending Working Group and RESOLVED to recommend that the Group be established in accordance with the recommendation in the report and Appendix 4, save the reference to the “Labour Group” in paragraph 2 of Appendix 4 should be deleted and the words “majority group” substituted for it.

(e) Members then considered the Scrutiny of cross cutting issues. Following discussion, the Working Party RESOLVED that Article 6 (7) (b) of the Constitution be amended to read as follows:

“where a particular issue would fall within the remit of more than one overview and scrutiny select committee to decide on the allocation of the issue for consideration. The Business Panel may allocate to a select committee. Alternatively until the AGM in 2016, it may reserve the matter to itself.”

The Working Party RESOLVED that a review of this amendment should occur at the AGM 2016.

The Meeting closed at 8.35 p.m.

CONSTITUTION WORKING PARTY		
Report Title	Declarations of Interests	
Contributors	Chief Executive	Item No. 1
Class	Part 1	Date: 21 March 2016

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a

partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

- (g) Beneficial interest in securities of a body where:-
- (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes , or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any

event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Constitution Working Party		
Title	Options for the public transport liaison committee	
Contributor	Head of Corporate Policy and Governance	Item 3
Class	Part 1 (open)	21 March 2016

1. Summary

- 1.1 This report sets out options for the future of Lewisham's public transport liaison committee.

2. Recommendation

It is recommended that:

- 2.1 That the Constitution Working Party considers the options for the future of the public transport liaison committee and asks officers to carry out any future activity necessary to deliver the preferred option.

3. Policy context

- 3.1 Lewisham's sustainable communities strategy sets out a vision of a borough that is 'Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond. The Strategy includes a commitment to: improve access to sustainable modes of transport within the borough and our connections to London and beyond.
- 3.2 The discussion about the Council's transport policy is also in line with the council's corporate priorities: 'clean green and liveable' as well as 'inspiring efficiency, effectiveness and equity'.
- 3.3 The budget report to Council in February 2016 estimated that a further £45m of savings will be required for the period 2017/18 to 2019/20. In order to achieve these savings the Council continues to work on a series of thematic (Lewisham Future Programme) and crosscutting (Lewisham 2020) reviews to fundamentally revisit the way it delivers services.

4. Background

- 4.1 The public transport liaison committee was an informal body, which provided a forum for discussion and information sharing between community groups in Lewisham and public transport providers. It was set up under the remit of London Councils and Transport for London by agreement with London boroughs. A member of the Council chaired the forum and it was supported by Council officers.
- 4.2 The purpose of the group was to provide councillors and other representatives of the public with the opportunity to discuss operational problems directly with public transport providers. It also served as a forum for public transport providers to

consult public transport users, and address the issues and difficulties that they face.

4.3 The forum previously met four times a year – and invitations were sent to the following organisations:

- Transport for London
- Network Rail
- Rail operators – South Eastern, Southern, Thameslink, DLR, LOROL
- Bus Operators – Abelio, Arriva, FirstGroup, Go-ahead, Metrobus, Stagecoach
- Transport user groups
- Local assemblies
- Local residents societies

4.4 The format for the meeting involved a call for questions from the invitees. These questions would be collated and sent to the relevant organisations who would endeavour to respond in advance of the meeting. The agenda for each meeting would therefore comprise of the questions and answers, for both bus-related issues, and for rail-related issues, and the Chair of the meeting would lead a discussion on any matters arising.

4.5 The forum was a place for discussion that enabled the views of stakeholders to be put to providers. It did not have decision making powers.

4.6 A reorganisation of the teams that deliver the Council's transport related activities resulted in the loss of the officer support to the liaison committee and from March 2015, the group ceased to meet. This has led to a review of the activities of the public transport liaison committee and an appraisal of options for the future.

5. Options for future activity

5.1 There are currently four prospective options for supporting the future of transport liaison activity led by the Council:

- **Option A:** to cease supporting this activity;
- **Option B:** to incorporate the forum as body of the Council and allocate resources to supporting meeting;
- **Option C:** to add the work of the liaison committee to the responsibilities of the Overview and Scrutiny Committee;
- **Option D:** to explore further options for the delivery of the group through an online platform.

5.2 The sections below provide further information about each of these options:

5.3 Option A: to cease the activity of the group

5.4 The Council could cease its support for public transport liaison activities. Casework and questions about transport providers would be dealt with by the casework team.

- 5.5 Pros:
- Savings related to officer time and resources made in the previous reorganisation would be retained.
 - There are existing complaints handling and casework processes.
 - There are other forums where issues can be discussed and recommendations or referrals can be made to decision makers.
- 5.6 Cons:
- Concerns of local people regarding transport may not be put to transport providers in a robust and coordinated fashion.
 - The subject matter may not fit easily in work programmes of other forums.
 - There could be an increase in transport related queries for the Council's casework team.
- 5.7 **Option B: incorporate public transport liaison as a body of the Council and allocation resources to supporting meetings**
- 5.8 The public transport liaison committee could be constituted as a group supported and serviced by the Council, with nomination by Council to the position of Chair. The on-going work of the group would require officer time and resources to support it. As a minimum, these activities would need to be carried out for each of the meetings that are scheduled:
- Production of agendas in consultation with the Chair
 - Responding to email queries
 - Maintaining the Committee's mailing list
 - Managing contact with guests
 - Production of written briefings and reports for the committee, when required
 - Organising room bookings, room set up and provision of resources for meetings
 - Attending meetings
 - Production of minutes
 - Following up actions from meetings
- 5.9 It is anticipated that this option would work sufficiently with the frequency of meetings reduced to twice a year.
- 5.10 Pros:
- This option would enable the work of the forum to continue in its current form.
- 5.11 Cons
- Additional resources and officer time would need to be allocated in order to support the forum.
- 5.12 **Option C: to add the work of the liaison committee to the responsibilities of the Overview and Scrutiny Committee.**
- 5.13 The work carried out by the forum could be added to the work programme of one the Overview and Scrutiny Select Committees.

5.14 Pros:

- Work could be incorporated within existing activity and would not require any additional resourcing.

5.15 Cons:

- The types of issue considered by the forum may not fit easily in the Overview and Scrutiny work programme.
- A proportion of Scrutiny work programmes would need to be given over to liaison activity, rather than policy development, scrutiny and challenge.
- The procedures at Overview and Scrutiny Committees might not easily accommodate the exiting format of the forum.

5.16 Option D: to explore further options for the delivery of the group through an online platform.

5.17 Resources could be allocated to carry out further work to develop a digital solution. This approach to the running of the working group might use an online platform for gathering ideas and disseminating information about transport related issues to stakeholders. This approach would be in line with the Council's digital transformation programme.

5.18 Pros:

- This option would enable the work of the forum to continue with fewer additional resourcing requirements.

5.19 Cons

- No detailed work has been carried out to ascertain how this approach would work.
- Providers may not be perceived as so responsive to concerns that are not raised face to face.

6. Legal implications

6.1 The Council may establish working groups for time limited purposes if it considers it appropriate to do so.

6.2 The Equality Act 2010 (the Act) introduced the new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

6.4 The duty continues to be a "have regard duty", and the weight to be attached to it is

a matter for the Council, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

6.5 The Equality and Human Rights Commission issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it. The statutory code and the technical guidance can be found at:

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

6.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

6.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

7. Equalities implications

7.1 There are no direct equalities implications arising from the implementation of the recommendation in this report. Each of the options might have implications, which would be considered further as part of the process of implementation.

8. Financial implications

8.1 Should the working party recommend either options B or D resources would need to be allocated to enable their delivery.

8.2 Some of the activity required to deliver option B could be incorporated into existing functions (primarily in transport casework and asset management) however, there is currently no capacity available to provide services to clerk and minute a new group.

8.3 Further work would be required to establish the viability of managing liaison activity online. However, any additional resources required to deliver an online platform

have not currently been identified. The use of email, a messaging forum or social media, could reduce the potential costs.

Background documents and originator

If you have any questions about this report, please Timothy Andrew (Overview and Scrutiny Manager) 02083147916

Agenda Item 4

CONSTITUTION WORKING PARTY		
Report Title	Broadway Theatre Working Group – extension to lifespan	
Key Decision		Item No.
Ward	All	
Contributors	Executive Director for Resources and Regeneration (Head of Business & Committee)	
Class	Part 1	Date: 21 March 2016

1. Summary

This report asks the Working Party to consider a request to extend the lifespan of the time-limited Broadway Theatre Working Group (BTWG).

2. Purpose

The purpose of the report is to ensure compliance with governance and procedural requirements in extending the life of the BTWG.

3. Recommendation

- 3.1 That the Constitution Working Party (CWP) considers the request of the Broadway Working Group to recommend to Council that the lifespan of the BTWG be extended by 6 months.

4. Background

- 4.1 Following a decision by Council on 24 June 2015, the Broadway Theatre Working Group (BTWG) was established with the following terms of reference and composition:-

“Without prejudice to the remit of the Safer Stronger Select Committee, to explore any proposals for the future of the Broadway Theatre over the course of the municipal year 2015/16.

To make any comments it considers appropriate about those proposals to the Mayor and Cabinet.

The Working Group will consist of 6 members (7 if the councillor outside the majority party wishes to sit on the Group) and will cease to exist at the end of May 2016.”

- 4.2 The BTWG met on 1 September 2015, 4 December 2015, and 1 February 2016. At the meeting on 1 February 2016, the following was agreed:

“RESOLVED that a request be made to Overview and Scrutiny Committee to extend the lifespan of the time-limited Broadway Theatre Working Group by 6 months.”

- 4.3 An extension would allow the group to complete its work on exploring options for the future of the Theatre.

5. Legal implications

The Council may establish working groups for time limited purposes if it considers it appropriate to do so.

6. Financial Implications

There are no specific implications.

7. Environmental Implications

There are no specific implications.

8. Equalities implications

There are no specific implications.

If there are any queries on this report please contact Kevin Flaherty 02083149327.