

<b>CONSTITUTION WORKING PARTY</b>		
<b>Report Title</b>	<b>CONSTITUTIONAL CHANGES</b>	
<b>Key Decision</b>	<b>N/A</b>	
<b>Ward</b>	<b>All</b>	
<b>Contributors</b>	<b>Head of Law</b>	
<b>Class</b>	<b>Part 1</b>	<b>Date 10 June 2015</b>

## **1 Summary**

This report sets out some proposed amendments to the Constitution for consideration by the Constitution Working Party (CWP) which is asked to decide whether to recommend to full Council to adopt those amendments.

## **2 Purpose of the Report**

The Council is under a duty both by law and under the Constitution to keep its constitution under review. The purpose of this report is to ask the CWP to consider the report prepared by the Head of Law by way of review and so fulfil both of these duties.

## **3 Recommendations**

The CWP is asked to consider the proposed amendments suggested in this report and to agree to recommend them to full Council, namely

- (a) that the contents of Appendix 1 replace the existing Part I of the Constitution – Contract Procedure Rules
- (b) that the contents of Appendix 2 replace the existing Part H of the Constitution – Employment Procedure Rules
- (c) that the contents of Appendix 3 – SACRE - be inserted into the Constitution at Article 18
- (d) that the Council establish a Public Services Working Group in accordance with the provisions set out in Appendix 4 and appoint members to it

- (e) that Article 6 (7) (b) be amended in accordance with Paragraph 9 of this report

#### **4 Policy Context**

- 4.1 The Council introduced a directly elected mayor and cabinet model of political governance under the Local Government Act 2000. It took effect from May 2002. Since then it has made a number of changes to its Constitution to ensure best fit with both regulation and local circumstances.
- 4.2 The Council is required by Section 37 Local Government Act 2000 to draw up and keep up to date a document referred to as the Constitution which contains information specified by the Secretary of State, the Council's standing orders, the Member code of conduct and such information as the Council considers appropriate. It must be available for public inspection.
- 4.3 A number of changes are proposed. There are two significant changes which are required by regulation.

#### **5 Procurement**

- 5.1 The first regulatory change relates to the Public Contract Regulations 2015 which were laid in February 2015. Some of the provisions came into effect in February and others on 1<sup>st</sup> April this year. The regulations reflect changes to European public procurement law and make significant amendments to the procedure for letting local authority contracts. Some of the main changes are summarised below:-
  - (a) Express legislative permission to conduct soft market testing
  - (b) The introduction of two new procurement procedures – competitive with negotiation and innovation partnerships
  - (c) A requirement to set out in procurement documents a decision not to subdivide into lots – a measure designed to make public contracts more accessible to small and medium enterprises (SMEs)
  - (d) The abolition of a minimum requirement of three providers for framework agreements
  - (e) Exemption for in house procurement - Codification of case law (Teckal) which enables a contracting authority, without a competitive procurement exercise, to contract with a controlled entity over which it exercises a degree of control similar to that which it exercises over its own departments, provided that the work of the controlled entity for the contracting authority represents 80% of its turnover.

- (f) Exemption for co-operation between authorities, subject to a requirement that the participating authorities perform on the open market less than 20% of their activities
- (g) Frontloading the procurement - The Council must provide unrestricted direct access free of charge to all procurement documents at the time the notice is placed in OJEU
- (h) Timescales for stages of the procurement process are shortened
- (i) Abolition of the distinction between Part A and Part B services, with a light touch regime introduced for certain public contracts
- (j) Reserved contracts – some service contracts may be reserved for certain types of organisation (e.g. social enterprise/mutual)
- (k) Mandatory grounds for excluding contractors - e.g. non-payment of tax with binding judgement
- (l) Discretionary grounds to exclude contractors are introduced – e.g. poor performance on previous contracts involving termination/damages
- (m) Selection criteria are principle based and less prescriptive. Relevant project specific criteria may be added if relevant and proportionate.
- (n) A new obligation to ask tenderers to explain abnormally low tenders
- (o) A detailed and much expanded reporting regime for Council to adhere to
- (p) A range of regulations designed to encourage interest from SMEs e.g. requirement to advertise on Contracts Finder, standardised pre qualification questionnaires and 30 day payment terms with heavy penalties in default. Procurement below the threshold may not have prequalification stage

5.2 Because of the significant changes to procurement law, officers suggest it would be appropriate for the existing contract procedure rules to be replaced with those appearing at Appendix 1 which reflect the requirements of the new regulations.

## **6. The dismissal of the Chief Executive, Chief Finance Officer and Monitoring Officer**

6.1 To date, by law, the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer required a statutory procedure to

be followed involving the appointment of a designated independent person (DIP) by agreement between the Council and the officer concerned, or in default of such agreement, by the Secretary of State. Further whilst the dismissal of the Head of Paid Service required full Council approval, that of the Chief Finance Officer or the Monitoring Officer did not.

6.2 On 25<sup>th</sup> March 2015 the Local Authorities (Standing Orders ) ( England) (Amendment) Regulations (the 2015 regulations) were laid before Parliament. They came into force on 11<sup>th</sup> May. They provide for the existing procedure to be abolished and the introduction of a new statutory procedure which must be followed before a Head of Paid Service, Chief Finance Officer or Monitoring Officer may be dismissed. The 2015 regulations state that at its first ordinary meeting after 11<sup>th</sup> May, the Council must amend its standing orders to reflect the new law.

6.3 Key features of the 2015 regulations are set out below in summary:-

- (a) The appointment and dismissal of the Head of Paid Service remains subject to full Council approval.
- (b) The dismissal of the Chief Finance Officer or Monitoring Officer is subject to full Council approval.
- (c) Instead of a DIP, at least 20 days before it considers whether or not to approve the dismissal of the officer concerned, the Council must appoint a Panel (which is formally an advisory committee) to advise it on matters relating to the decision whether to approve the dismissal or not.
- (d) The Panel must consist of at least 2 “relevant independent persons” who have accepted an invitation to be on the Panel. These are independent persons appointed by the Council or another authority for the purposes of advising on alleged breaches of the Member Code of Conduct under the Localism Act 2011.
- (e) Subject to acceptance of the invitation to participate, appointments to the Panel must be made in the following priority order:-
  - (i) An independent person who has been appointed by the Council who is also a local government elector in the borough
  - (ii) Any other independent person who has been appointed by the Council
  - (iii) An independent person who has been appointed by another authority/authorities.

(f) Before voting on whether to approve the dismissal of the officer concerned or not, the Council must take into account:-

- Any advice, views or recommendations of the Panel
- The conclusions of any investigation into the proposed dismissal; and
- Any representations from the officer concerned.

6.4 The Council has appointed 2 independent persons for the purposes of the Localism Act 2011. They are Erica Pienaar and Wendy Innes. Their details were reported briefly to the 2015 Annual General Meeting of Council. Neither are local government electors in the borough. Were the Council to consider the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer it would be appropriate to invite Ms Pienaar and Ms Innes to be members of the Panel and should they not accept, to approach independent persons from another authority/authorities. Both have indicated at this stage that they would be prepared to sit on the Panel if required to do so.

6.5 The 2015 regulations also provide that the remuneration, allowances or fees paid to the Panel members may not exceed the level payable to that person in respect of their role under the Localism Act 2011.

6.6 Because of these changes in the law it is suggested that Part H of the Constitution entitled "Employment Procedure Rules" be replaced with that amended Part H appearing at Appendix 2.

## **7 SACRE**

7.1 Every local authority must establish a permanent body called a Standing Advisory Council on Religious Education (SACRE) to:

(a) advise the local authority on:

- (i) religious worship in community and foundation schools which do not have a religious character; and
- (ii) religious education in accordance with an agreed or other syllabus; and

(b) decide applications by Headteachers about whether it is appropriate for collective worship to apply at their school (under section 394(1) of the Education Act 1996).

7.2 Local authorities must appoint representatives to each of four committees, representing respectively:

Group A: Christian denominations and such other religions and religious denominations as, in the authority's opinion, will

appropriately reflect the principal religious traditions in the area

Group B: the Church of England

Group C: teacher associations

Group D: the local authority .

- 7.3 It is suggested that the Constitution be amended to include SACRE as an additional representation panel at Article 18 of the Constitution. A suggested amendment appears at Appendix 3. The proposed membership of the SACRE is attached and also appears at Appendix 3.

## **8. A Public Spending Working Group**

- 8.1 The Council recognises that alongside that of the Council, the work of other public sector organisations is critical to the wellbeing of local people. The Council and those other organisations often work in partnership to achieve the best possible outcomes for those who live and work in the borough. Particularly in times of austerity it is critical that the Council understands how resources are deployed by other public organisations in the borough. This will enable the Council to make its views known to those organisations and make informed choices about the nature of its own service provision.
- 8.2 The members of the Overview and Scrutiny Business Panel have expressed a wish to investigate in some detail the way in which other public sector organisations deploy expenditure across the borough. Such a fact finding enquiry could entail a mapping exercise to create a picture of the state of public service provision throughout Lewisham. At the same time however, it is acknowledged that it would be unhelpful to put in place an organisational structure that is cumbersome or overly bureaucratic. For this reason it is proposed that the Council establish a Public Spending Working Group for a maximum period of 6 months to investigate how public sector resources are deployed across the borough, with a requirement that it make a report to Mayor and Cabinet and full Council for consideration. It is proposed that the membership of the Working Group should be the same as the membership of the Overview and Scrutiny Business Panel.
- 8.3 Proposed Terms of Reference appear at Appendix 4 to this report.

## **9. Scrutiny of cross cutting issues**

- 9.1 Recent experience has shown that the overview and scrutiny of cross cutting issues has led to the need on several occasions for meetings of joint select committees to ensure that the views of members with different remits are voiced and taken into account. Given the economic

strictures which the Council faces over the coming years it is likely that there will be a larger number of proposals which will cut across the remit of two or more select committees. A proliferation of joint select committee meetings would be likely to prove burdensome and diffuse.

- 9.2** The Overview and Scrutiny Business Panel has expressed a wish for the overview and scrutiny of cross cutting issues to be streamlined whilst ensuring that the different perspectives of select committees can be represented and heard. Currently, the Constitution provides that where a matter crosses the remit of two or more select committees, the Overview and Scrutiny Business Panel may allocate the matter to a select committee. It is proposed that such cross cutting matters might be considered by the Overview and Scrutiny Business Panel. It is noteworthy that the Chairs of all the select committees sit on the Overview and Scrutiny Business Panel and so views from across the remits of all select committees might be voiced in that forum. To provide a more focussed approach and to provide the maximum flexibility, it is suggested that Article 6 (7) (b) of the Constitution be amended to allow the Overview and Scrutiny Business Panel not only to allocate cross cutting issues to a select committee but also to reserve the consideration of such cross cutting issues to itself. If there is agreement to the proposed amendment, the new Article 6 (7) (2) would 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, or reserve the matter to itself for consideration. “*

## **10. Legal implications**

- 10.1 The Council is under a duty to have the Constitution available for public inspection at its offices and to provide a copy to anyone who requests it on payment of a reasonable fee. In practice a copy of the Constitution is made available on the Council’s website.
- 10.2 The body of the report refers to a number of legal implications including its statutory basis. It refers to the new legal requirements in relation to public procurement and employment procedure rules and to the statutory basis for the SACRE. Amendments to the Constitution are a matter for full Council decision.
- 10.3 The Constitution Working Party was established by the Council to advise it on any proposed amendments to the Constitution and its views will be made available to Council on considering whether to adopt the proposed changes.
- 10.4 The Equality Act 2010 (the Act) introduced a 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.

10.5 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.

10.6 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, 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.

10.7 The Equality and Human Rights Commission has recently 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, as failure to do so without compelling reason would be of evidential value. 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/>

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

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

10.9 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/>

10.10 Members are reminded of the duty to secure best value under the Local Government Act 1999. The whole purpose of the amendments is to secure continuous improvement in the administration of the Council's business.

## **11 Crime and disorder implications**

The Constitution is designed to embody sound decision making principles and a robust ethical framework to reduce the prospect of any potential wrong doing and to promote public confidence in local government.

## **12. Equalities implications**

There are no specific equalities implications

## **13. Financial implications**

There are no financial implications arising from this report

**I CONTRACT PROCEDURE RULES**

To follow

## **Appendix 2**

### **H EMPLOYMENT PROCEDURE RULES**

#### **1 Declarations**

Candidates for appointment as employees of the Council shall be required to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, aunt, uncle, niece or nephew of an existing member or employee of the Council. or of the partner of such a person.

No candidate so related to a member or employee of the Council will be appointed without the authority of the relevant Executive Director or an officer nominated by him/her.

#### **2 Canvassing for appointment**

Canvassing of members of the Council or of any members of any committee of the Council, directly or indirectly, for appointment by the Council will disqualify the candidate concerned from that appointment. The content of this paragraph will be included in any recruitment information.

No councillor shall seek support for any person for any appointment with the Council. However, this does not preclude a member from giving a written reference for a candidate for submission with an application for appointment.

#### **3 Statement of duties for chief officer posts**

Where the Council intends to appoint the Head of Paid Service or any chief officer within the meaning of Section 2(6) or 2(7) Local Government and Housing Act 1989 and it is not proposed that the appointment will be made exclusively from among existing officers, the Council will:-

- (a) draw up a statement specifying:
  - i. the duties of the post concerned; and
  - ii. any qualifications or qualities to be sought in the person to be appointed; and
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

#### **4 Responsibility for appointment, dismissal and disciplinary action below deputy chief officer**

The Head of Paid Service, or such person as he/she nominates will be responsible for the appointment, dismissal and disciplinary action in respect of all employees with the exception of the following posts:-

- The Head of Paid Service
- Chief officers as defined in Sections 2(6) and 2(7) Local Government and Housing Act 1989
- Deputy chief officers as defined in Section 2(8) Local Government and Housing Act 1989
- Assistants for political groups
- Assistant to the Mayor

#### **5 Meaning of disciplinary action**

For the purposes of these Employment Procedure Rules, 'disciplinary action' means any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Council, be recorded on an employee's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term, unless the Council has undertaken to renew such a contract.

#### **6 Recruitment and dismissal of Head of Paid Service**

The functions of the appointment and dismissal of the Head of Paid Service are delegated to the Appointments Committee in accordance with Article 9, subject to the approval of the full Council. No letter of appointment or dismissal may be sent until such approval is obtained.

#### **7. The functions of the appointment and dismissal of the Chief Finance Officer and the Monitoring Officer**

The functions of the appointment and dismissal of the Chief Finance Officer and the Monitoring Officer are delegated to the Appointments Committee in accordance with Article G, but dismissal of the Chief Finance Officer and/or Monitoring Officer is subject to the approval of the full Council. No notice of dismissal may be sent until such approval is obtained.

## **8. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers**

Subject to (6) above and (9) below, the appointment of the Head of Paid Service, chief officers and deputy chief officers is delegated to the Appointments Committee in accordance with Article 9. Subject to (6) above in relation to the appointment of the Head of Paid Service, an offer of appointment may not be made until:

- (1) the appointer has notified the proper officer of the name of the person to whom it wishes to make the offer of appointment, and any other particulars which are relevant to the appointment; and
- (2) the proper officer has notified every member of the Executive of:-
  - the name of the person to whom the Committee wishes to make an offer;
  - any other particulars relevant to the appointment; and
  - the period within which any objection to the making of the offer is to be made by the elected Mayor on behalf of the executive;  
and
- (3) either
  - i. the Mayor has within the time specified for doing so in the notice served by the proper officer, notified the Chair of the Appointments Committee that neither he/she nor any other member of the Executive has any objection to the making of the offer: or
  - ii. the proper officer has notified the appointer that no objection was received by him/her from the Mayor within the period for doing so; or
  - iii. the appointer has received an objection from the Mayor but is satisfied that it is not material or well founded

In this Rule (8) 'the appointer' means the Council in the case of the Head of Paid Service, and the Appointments Committee in respect of the appointment of chief officers and deputy chief officers, or such other committee or sub-committee or officer to whom the appointment of chief officers and deputy chief officers has been delegated.

## **9. The Director of Public Health – recruitment and dismissal**

- (1) The Council's first Director of Public Health transferred to the Council's employment on 1 April 2013 by statutory instrument.

- (2) For subsequent appointments, the following provisions shall apply.
- (3) The appointment will be made by the Council's Appointments Committee acting jointly with the Secretary of State for Health. Current Guidance provides for an advisory appointments committee to be established to advise the Council in accordance with the Faculty of Public Health Guidance. This provides that the advisory panel should be chaired by a lay member such as a local authority elected member. The constitution of the advisory panel is recommended in the Faculty of Public Health Guidance from time to time. The Council must provide the Secretary of State with details of their preferred candidate and their professional competence, compliance with regulation and necessary registration to perform the role. Public Health England will perform this role on behalf of the Secretary of State. In the event of disagreement between the Council and Public Health England, the matter will be referred to the Secretary of State who will advise the Council about the appointment.

The Council may dismiss the Director of Public Health but before doing so, will consult the Secretary of State.

#### **10. Dismissal of Head of Paid Service, chief officers and deputy chief officers**

Subject to Rule (6) above in relation to the Head of Paid Service, Rule (8) above in relation to the Director of Public Health, and subject to Rule (12) below in relation to disciplinary action against the Head of Paid Service, Chief Finance Officer and Monitoring Officer, the dismissal of chief officers and deputy chief officers will be delegated to the Head of Paid Service, or such other person as he/she shall nominate from time to time.

Notice of dismissal may not be served on the Head of Paid Service, a chief officer or deputy chief officer unless:-

- (1) The dismissor has notified the proper officer of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal; and
- (2) the proper officer has notified every member of the executive of:-
  - the name of the person who the dismissor wishes to dismiss
  - any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

- the period in which any objection to the dismissal is to be made by the Mayor on behalf of the executive to the proper officer; and

(3) either:-

- (i) the Mayor has within the period specified in the notice, notified the dismissor that neither he/she nor any other member of the executive has any objection to the dismissal; or
- (ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the elected Mayor; or
- (iii) the dismissor is satisfied that any objection received from the Mayor within that period is not material or is not well founded

In this Rule (9), “the dismissor” means the Council, a committee, sub-committee or officer of the Council discharging the function of dismissal on behalf of the Council.

**11. Membership of committees with responsibility for appointment/dismissal of Head of Paid Service, chief officers and deputy chief officers**

Any committee or sub committee of the Council which discharges the function of appointing or dismissing the Head of Paid Service, chief officer or deputy chief officer, must have at least one member of the Executive among its membership.

**12. Eligibility to sit on appeals committees**

Nothing in rule (10) prevents a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:-

- another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
- a member of Council staff against any decision relating to the dismissal of, or taking of disciplinary action against, that member of staff.

**13. Disciplinary action against the Head of Paid Service, Chief Finance Officer and the Monitoring Officer**

- 13.1 The Council may not dismiss the Head of Paid Service, Chief Finance Officer or the Monitoring Officer unless the procedure set out in the following paragraphs 13.2 – 13.6 has been complied with.
- 13.2 The Council must invite “relevant independent persons” to be considered for appointment to a Panel to be established under Section 102(4) Local Government Act 1972 to advise it on matters relating to the dismissal of the officer concerned.
- 13.3 For the purposes of paragraph 13.2 a “relevant independent person” is any independent person who has been appointed by the Council to advise it on alleged breaches of the Council’s Member Code of Conduct pursuant to Section 28(7) Localism Act 2011. If the Council has appointed fewer than 2 such persons, the definition shall include independent persons appointed by another authority/authorities.
- 13.4 The Council shall appoint to the Panel at least 2 relevant independent persons who have accepted the invitation issued in accordance with paragraph 13.2 above. The Council must appoint Panel members in the following priority order:-
- (a) a relevant independent person who has been appointed by the Council who is a local government elector in the London Borough of Lewisham.
  - (b) any other relevant independent person who has been appointed by the council
  - (c) a relevant independent person who has been appointed by another authority or authorities.
- 13.5 The Council must appoint the Panel at least 20 working days before any Council meeting to consider whether or not to approve the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
- 13.6 Before the taking of a vote at a meeting convened to consider whether or not to the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer, the Council must take into account, in particular:-
- (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.

**14. Involvement of members in disciplinary action below deputy chief officer**

Councillors will not be involved in disciplinary action against officers (including dismissal) below the level of deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

**15. Political assistants**

The Council may appoint to the post of political assistant as defined in Section 9 Local Government and Housing Act 1989 from time to time.

These posts must be filled from time to time in accordance with the wishes of the group to which the post has been allocated.

A prohibition is imposed on appointment to any post allocated to a political group until the Council has allocated a post to each political group which qualifies for one.

Political assistants must not be allocated to a political group which does not qualify for one.

No party may have more than one political assistant.

**16. Mayor's assistant**

The Council may appoint a Mayor's assistant in pursuance of regulations made under paragraph 6 of Schedule A1 of the Local Government Act 2000 as amended.

**17. Pay Policy Statement**

The Council will approve its Pay Policy Statement annually as required by Section 38 Localism Act 2011 and will act in accordance with it.

**SACRE**

**ARTICLE 18  
APPEALS AND REPRESENTATION PANELS**

The Council will establish appeals and representations panels to deal with complaints and other matters as the law requires. Currently the Council has established the panels in column 1 of the table below which deal with the matters set out in column 2 of that table. This may change from time to time.

Column 1	Column 2
Independent Review Panel	To review decisions in relation to permanent school exclusions
Admission Appeal panel	To deal with appeals against refusal of school admission
Standing Advisory Council on Religious Education (SACRE)	To advise the Council on religious education in schools and to consider applications under section 394(1) of the Education Act 1996 on whether it is appropriate for the requirement for Christian collective worship to apply in the case of a particular school or pupils at the school.

**PROPOSED MEMBERSHIP OF SACRE**

**Committee A Other Christian denominations and other faiths and beliefs represented in the LA**

African-Caribbean Churches/ Pentecostal churches	1 representative
Baha'i	1 representative
Buddhism	1 representative
Free Churches	3 representatives
Hinduism	1 representative
Humanism	1 representative
Islam	2 representatives
Judaism	1 representative
Roman Catholicism	1 representative
Sikhism	1 representative

**Committee B The Church of England**

Southwark Diocese	5 representatives
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**Committee C Teachers' Professional Associations**

ATL	1 representative
NASUWT	1 representative
NUT	2 representatives
Lewisham Heads and Deputies	1 representative
Turnham school	1 representative

**Committee D The Local Authority**

Elected Members	3 representatives
Representative of the Executive Director	1 representative
Secondary school Governors	1 representative
Primary school Governors	1 representative

Also

Clerk to the SACRE	(non-voting)
RE Adviser to SACRE	(non-voting)
Co-optees	(non-voting)

**Proposal for a Public Spending Working Group**

**1. Terms of reference**

- To enquire into the nature, extent and spread of local public spending by any and all public sector organisations operating in the borough.
- To take evidence, whether orally or otherwise from such public sector organisations and such other parties as the Group considers appropriate
- To prepare a report on its findings for submission to the Mayor and Cabinet and to full Council at the earliest opportunity.

**2. Membership**

Membership of the Working Group shall be the same as the membership of the Overview and Scrutiny Business Panel save that the member who is not a member of the Labour Group shall also be a member should he wish to be so.

**3. Time limit**

The Working Group shall cease to exist 6 months after its establishment, or on completion of its report, whichever is the earlier.