

# MINUTES OF THE CONSTITUTION WORKING PARTY

Wednesday, 6 June 2012 at 7.30 pm

PRESENT: Councillors Christine Allison, Kevin Bonavia, Damien Egan, Vicky Foxcroft, Alan Hall and Stella Jeffrey

Apologies for absence were received from Councillor Obajimi Adefiranye and Councillor Susan Wise

## 9. Election of Chair and Vice Chair

RESOLVED that Councillor Hall be elected Chair and Councillor Bonavia Vice-Chair of the Constitution Working Party for the municipal year 2012/13.

## 10. Minutes

RESOLVED that the minutes of the meeting of the Constitution Working Party held on 15 November 2011 be confirmed and signed.

## 11. Declarations of Interests

None were made.

## 12. Legislation Update Report

This item was introduced by the Head of Law who began by highlighting the Localism Act issues shown in Section 6 of the report. In relation to the Localism Act 2011, she pointed out amended Contract Procedure Rules would be required and a comprehensive Constitutional amendment would be drawn for consideration at the Council meeting in September. In the interim compliance with Localism Act requirements would be delegated to the Executive Director for Resources and Regeneration.

In answer to a question from Councillor Foxcroft as to whether the London Living Wage could be tied to the bidding process, the Head of Law indicated this would be possible and that the social value of a contract was a relevant consideration.

Councillor Bonavia asked how voluntary bodies were defined and was informed that they could be specified in Regulations and the draft Statutory Guidance.

Councillor Maines queried the procedure for asset valuation and was promised he would be informed subsequent to the meeting.

Councillor Bonavia requested a definition of 'community' and was informed this was a parish or community body with a local connection.

The Chair observed final details regarding assets of Community Value, the Community Right to Challenge, and Neighbourhood Planning were still awaited and that these should all be reviewed by the Working Party.

The Panel accepted the Chair's suggestion that Flood Management responsibilities should be the responsibility of the Sustainable Development Committee; that the Petitions scheme be retained but subject to review following consideration of an options paper to be produced by the Head of Law and that new co-option powers be noted.

The Head of Law went on to explain the principal requirements of the Health and Social Care act 2012 as described in Section 7 of the report.

The Chair observed that while there was a Shadow Health and Well Being Board already in existence, there were no Council appointed representatives. However, the Council had now been empowered to directly appoint representatives at its discretion and would need to take a considered view as to what would be appropriate.

**RESOLVED** that Officers be asked to prepare a further report for the Working Party on Constitutional issues related to the Localism Act 2011 and the Health and Social Care Act 2012 prior to the Council meeting in September.

### **13. The New Ethical Framework under the Localism Act 2011**

The report was introduced by the Head of Law who explained Regulations had only been received the previous Thursday but it was clear the currently existing statutory ethical framework had been swept away. There would no longer be a National Code of Conduct. Instead there would be some statutory elements that had to be incorporated into

a Local Code. Standards Committees would no longer be compulsory and any independent members invited to join a local committee could only do so in a non voting capacity. Sanctions against members in future would only be criminal.

The Chair commented that there had been very little time for members generally to consider the Code and given the serious implications for members of criminal sanctions, he asked for a wider discussion to take place prior to the June Council. The Head of Law offered to brief all Groups on the Code before the Council meeting.

The Working Party reviewed the suggested Lewisham Member Code of Conduct and unanimously concluded that they would recommend it to the Council subject to the deletion of the suggested text appearing at paragraph 2.2 (2) of Appendix 1 which had read *"LBL requires that members must not act to place themselves in a position where their integrity might be questioned and should on all occasions avoid situations which may create the impression of improper behaviour"*. The Working Party noted that the Standards Committee had earlier recommended this text subject to it being amended to say *'reasonably questioned'*, and that both versions would be subject to consideration by the Council.

The Working Party next reviewed the draft procedure for handling complaints of breach of the Code of Conduct and agreed it be referred unaltered to the Council.

The Working Party also agreed to recommend the retention of a Standards Committee with the suggested composition and terms of reference shown subject to the amendment by Council of the Constitution's Committee General Rules J4 and J11 to exempt any Chair of the Standards Committee from the limitation on chairing other committees and agreement to increase the voting membership to ten to allow for all party representation.

RESOLVED That

(i) the draft Lewisham Member Code of Conduct, subject to the deletion of the discretionary text at paragraph 2.2 (2) be referred to the June meeting of the Council.

(ii) the draft procedure for handling complaints of breach of the Code of Conduct be referred to the June meeting of the Council.

(iii) a Standards Committee of 10 Councillors and 6 Independent Members be retained with the composition and terms of reference as shown subject to the Councillor membership being increased to ten and the Council be asked to amend Committee General Rules to remove the limitation on chairing other committees from any Chair of the Standards Committee.