



CONSTITUTION WORKING PARTY

Date: TUESDAY, 14 MARCH 2023 at 6.00 pm

**Civic Suite
Lewisham Town Hall
London SE6 4RU**

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MEMBERS

Councillor Amanda De Ryk
Councillor Aisha Malik-Smith
Councillor Oana Olaru (Chair)
Councillor James Rathbone
Councillor Luke Warner
Councillor Susan Wise (Vice Chair)

ORDER OF BUSINESS – PART 1 AGENDA

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MINUTES OF THE CONSTITUTION WORKING PARTY

Tuesday 11 October at 6pm

Members Present:

In Person: Councillor Oana Olaru (Chair), Councillor Susan Wise (Vice-Chair),
Councillor Amanda De Ryk, Councillor Aisha Malik-Smith,
Councillor James Rathbone, Councillor Luke Warner

Also present: Jeremy Chambers, Director of Law (Monitoring Officer), Claudette Minott (Committee Officer)

Apologies: None.

NB: Before the meeting convened the Committee Officer advised that a Vice-Chair would be required for the Committee. Nominations were then taken.

Councillor Susan Wise was nominated as Vice-Chair. The nomination was proposed by Councillor Rathbone, seconded by Councillor Aisha Malik-Smith and unanimously agreed by the Members of the Committee.

1. Declarations of Interest

1.1. No interests were declared.

2. Minutes

2.1. The minutes of the last meeting were agreed.

3. Review of the Constitution

3.1. The Monitoring Officer presented the report to the Committee.

3.2. Members were advised that due to the large size of the Constitution, it would be reviewed using a 3 phased approach, as outlined in the Officer's report.

3.3. The Monitoring Officer advised Members of the Committee that they were not undertaking any form of decision-making at the meeting. The feedback gained for each item discussed, would be taken to full Council for any decision-making.

- 3.4. Members were advised by the Monitoring Officer that during its review, the local authority's Constitution was compared against the following local authorities: Enfield, Hackney, Lambeth, Southwark and Tower Hamlets.

Proper Officer Designations

- 3.5. The Monitoring Officer informed the Committee that the local authority's Chief Executive was the current designated 'Proper Officer.
- 3.6. Following the Monitoring Officer's update, a Member enquired if the list of existing designated officers had been reviewed. The Monitoring Officer informed the Members that there had been no recent review of the listed officers. Members were advised the Proper Officer functions were not to be confused with the Scheme of Delegation. It was noted that there could be confusion between the Scheme of Delegation and Proper Officer functions and when the Scheme of Delegation was reviewed the Proper Officer Designations would be checked again.
- 3.7. Another Member asked if there was any logic behind the selection of the local authorities for comparison. The Monitoring Officer advised the Committee that there was no logic applied. A good mixture of leader/mayor structured local authorities had been selected.

Council Questions

- 3.8. The Monitoring Officer informed Members that the current format for Council Question allowed unlimited questions to be presented to Council. By comparison the comparable local authorities scrutinised, incorporated a limit to the number of questions and time allowed for the presentation of questions to their Council meetings.
- 3.9. The Monitoring Officer quoted the details of the limitations applied by the other local authorities, as outlined in the report. The Monitoring Officer also noted that some local authorities did not allow the public to present questions to Council.
- 3.10. The Monitoring Officer recommended to Members in order to ensure equality of opportunity, questions to Council should continue, but they should be limited to 2 questions per individual, with a 50 word limit applied. The current time frame of 30 minutes for questions would remain.
- 3.11. The Monitoring Officer also recommended that where individuals attend Council meetings virtually, if they asked supplementary questions that were consequently lost due to technical issues, it would not affect the legality of the Council meeting.

- 3.12. Following the Monitoring Officer's presentation of this report item, Members advised they felt a problem existed where the Council questions procedure was open to abuse. A Member stated that in some instances certain questions should be information requests. Members also noted there was no opposition representation in place at the local authority. Therefore the current format of Council meetings allowed positive transparency for the public.
- 3.13. A Member stated that due to the local authority's current political makeup, questions were sometimes the only way the opposition could ask about the local authority business.
- 3.14. Concern was expressed by Members that the recommendations made especially after the pandemic lockdown, were a move away from public transparency, which was not viewed positively. A Member enquired if it would not be possible to recommend a fair balanced approach to ensure more public engagement, but to eliminate the abuse of the process.
- 3.15. Members advised that they agreed with the Members comments. They also advised the recommendation for 2 questions per individual was good, but limiting and preferred the 50 word limit be increased to 100 words.
- 3.16. At 6.30pm the Chair adjourned the meeting. The meeting was reconvened at 6.31pm.
- 3.17. The Monitoring Officer advised Members if it was felt 2 questions were too restrictive then the following measures could be incorporated: extend the time frame for questions, number of questions or extend the number of words allowed for a question.
- 3.18. A Member noted several councils they worked with, that had Council question limitations in place, were quite progressive and got positive outcomes with regard to their goals. The Member also noted that in contrast the local authority was sometimes openly abused by the public during Council questions from the public gallery, but they did not wish to see public transparency closed.
- 3.19. A Member noted questions could be limited, because Councillors were constantly engaged with the public.
- 3.20. A Member asked if there were any other examples of local authorities managing their Council questions procedure.
- 3.21. The Chair asked why there was the 3 month gap between questions being repeated to Council and if any examples from other local authorities existed.

- 3.22. Members were advised by the Monitoring Officer that it was legitimate to have the gap, as preparation was required for full answers to questions. It was noted that Enfield council incorporated a time gap of 6 months and it was a matter of choice for each local authority.
- 3.23. The Officer advised the Members the following final recommendations would be presented to full Council:
- 1) The number of questions allowed for a member of the public and any councillor would be two.
 - 2) The word limit for questions would be 100 words.
- 3.24. The Monitoring Officer assured the Committee the recommendations would be taken to full Council in November 2022 for a decision and be reviewed after 6 months.

Cabinet appointments

- 3.25. The Monitoring Officer informed Members that with regard to the 'confirmatory hearing' provisions in the Constitution, the legal power to appoint, remove and allocate portfolios rested entirely with the Mayor. The Monitoring Officer advised the Committee that the provisions relating to confirmatory hearings in the Executive Procedure Rules (Rule 2(b) refers) should be removed.
- 3.26. Following the Officers presentation of this item, a Member stated there was no constitutional purpose for the procedure at the Council AGM.
- 3.27. A Member noted that the recommended procedure favoured confident public speakers, tested the confidence of new Members and should not be entwined into the Constitution.
- 3.28. Members discussed the steps required to have the procedure removed from the Council AGM.
- 3.29. There was also discussion regarding the implications of transparency, if restrictions were put upon the Council AGM procedure.
- 3.30. The Monitoring Officer advised the recommendation taken to the full Council would be that the 'confirmatory hearing' provisions as set out in the Constitution relating to confirmatory hearings in the Executive Procedure Rules (Rule 2(b) refers) should be removed.

Key Decision Definition

- 3.31. The Monitoring Officer presented the item to the Committee and made the following recommendation:
1. That the definition of Key Decision should be simplified as below: -
 - a. Any decision with a total value, expenditure or savings, including any grant and/or matched funding, with a total value in excess of: -
 - i. £700,000 in revenue; or
 - ii. £1.5m in capital; or
 - iii. A property transaction, disposal or acquisition, in excess of £1.5m.
 - b. Any decision that, in the opinion of the Monitoring Officer, has a significant impact on the communities in two or more wards;
 2. That the financial thresholds should be adjusted annually, on 1st April to reflect any movement in the Consumer Prices Index.
- 3.32. A Member noted that the recommendation could remove a sizeable portion of funding from that Councillor's portfolio, as such were there any mitigation measures that could be implemented to protect smaller budgets. Other Members agreed and provided examples of how financial cuts might not seem significant from a strategic point of view, but could have a negative impact on local communities and community services.
- 3.33. Members also quoted from Sections 6.c. xxiv and 6.c xxv of the Officer report, to illustrate the concerns raised.
- 3.34. The Members voiced concerns with regard to the Mayor and Cabinet deciding what impacts were experienced by wards and the financial values proposed noting that impacts were not measurable or quantifiable.
- 3.35. Several Members discussed the financial thresholds and expressed concerns with aspects of the key decisions definition, such as a property transaction, disposal or acquisition, in excess of £1.5m. A Member felt the figure should be increased for the £1.5m in capital, as long as it was index linked. Another Member did not have a view on the financial thresholds, but wanted to be assured they would not need to be revised as soon as they were approved and published, due to extensive paperwork administration. A Member supported and welcomed advice on the matter, from the local authority's Head of Financial Strategy, Planning and Commercial.

- 3.36. Overall the Committee agreed with the financial threshold recommendations.
- 3.37. The Members were advised by the Monitoring Officer that where the Speaker took advice from 3 Officers on a matter, before it was decided it should be allocated as to be a key decision.
- 3.38. The Monitoring Officer acknowledged the Committees concerns and recommendations also informed the Committee the recommended definitions proposed, were more extensive than those implemented by the assessed local authorities and examples were provided, as set out in the report.
- 3.39. The Monitoring Officer would implement recommendations and send to full Council for implementation for amendment to the Constitution.

The meeting ended at 7:46 pm.



Constitution Working Party

Declarations of Interest

Date: 14 March 2023

Key Decision: No

Class: Part 1

Ward(s) affected: n/a

Contributors: Chief Executive (Head of Governance and Committee Services)

Outline and recommendation

Members are asked to declare any interests they may have on any agenda item.

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 no 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

Report title: Review of the Constitution

Date: 14th March 2023

Key decision: N/A

Class: Part 1

Ward(s) affected: N/A

Contributors: Jeremy Chambers, Monitoring Officer

Outline and recommendations

The Council's Monitoring Officer, is required to keep the Constitution under periodic review. Given the size of the Constitution (470 pages), the current review will be broken down into three phases. The first phase was considered by Constitutional Working Party in October 2022 and agreed by Council in November 2023. Phase 2 of the Review covers the following elements: -

1. Petition Scheme;
2. Amalgamation of Committees;
3. Planning Committee;
4. Overview & Scrutiny Arrangements.

Recommendations

The Constitution Working Party is asked to: -

1. note the contents of this report;
2. note that the Monitoring Officer will ensure the terminology used in the Constitution is appropriate and also 'tidy up' any minor spelling, grammatical and formatting errors;
3. consider the contents of this report and to make any recommendations it sees fit for further consideration by a meeting of the Council on 29th March 2023.

1. Executive Summary

- 1.1. The Constitution is the document that governs how the Council makes decisions, how scrutiny operates, how the public engages with the Council and how the Council operates. The Council is required to keep the Constitution under review and the Council's Monitoring Officer is the custodian of the Constitution.

2. Introduction

2.1. The Constitution aims to:-

- i) lead to effective and efficient Council decision making;
- ii) make it clear to local people who is making decisions on their behalf;
- iii) give Councillors and local people greater opportunity to engage directly;
- iv) set out clearly the arrangements for local political governance;
- v) separate decision making from scrutiny of those decisions to create greater accountability.

2.2. The Council's Monitoring Officer, is required to keep the Constitution under periodic review. Given the size of the Constitution (470 pages), the current review will be broken down into three phases. Phase 2 of the Review covers the following elements: -

1. Petition Scheme;
2. Amalgamation of Committees;
3. Planning Committee;
4. Overview & Scrutiny Arrangements.

2.3. The Constitution Working Party (CWP) has, as part of its Terms of Reference, responsibility for making proposals to the Council for any changes to the Council's Constitution it considers necessary. With limited exceptions only a meeting of the Council can make amendments to the Constitution. The views and any recommendations of the CWP will be included in the report taken to the Council.

2.4. The purpose of this report is to allow the CWP to consider the effectiveness of the current constitutional provisions listed above. The report will consider each provision in turn and give examples from other councils. At the CWP meeting when the report is considered, the Monitoring Officer will be in attendance to clarify legal requirements, where members do and do not have options and, if and when required, give a professional view on effectiveness of each provision in terms of good governance.

2.5. At the meeting the Monitoring Officer will also give feedback from the informal discussions that have taken place with senior members of the administration during and after the preparation of this report.

3. Petition Scheme

3.1. The Council's current petition scheme appears incomplete and lacks clarity and detail regarding how the Council deals with petitions. Petition Schemes should provide the public, councillors and officers with sufficient details to understand how petitions will be dealt with and processed.

Petition Scheme Recommendations

1. **That the Council adopts the revised petition scheme set out below with immediate effect.**

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Petitions Scheme for the London Borough of Lewisham

The Council will consider all petitions that fall within the scope of this scheme. A petition template and signature sheet is attached at Appendix 1. This sets out the information we need to consider your petition. If you need any advice, please contact the Governance & Committee Services team at committee@lewisham.gov.uk.

We accept both paper and e-petitions. The requirements of the Council's petition scheme apply to both paper and e-petitions. E-Petitions should use the council's system which can be found on the council's website.

Paper petitions can be sent to: Governance and Committee Services, 1st Floor, Laurence House, Catford Road, SE6 4RU.

To submit an e-petition you will need to register on the Council's petition page. Registration is simple requiring a few details in case we need to contact you. On the e-petition page, select 'submit a new petition' and follow the prompts from there. Your online form will be submitted to the Governance & Committee Services Team. You must let us know when you would like your e-Petition to go live on the website, and a date for when your e-petition will stop collecting signatures. The Council accepts no liability for the petitions on these web pages. The views expressed in the petitions do not necessarily reflect those of the Council. When the e-petition reaches its closing date, you will no longer be able to sign it online. The petition will then be dealt with in line with the scheme.

We do not accept hybrid petitions.

The Council will acknowledge receipt of a petition within ten working days. In all cases the relevant Cabinet member and senior officer (at Director level) will be informed, if the petition relates to a particular part of the Borough, then we will also notify the local ward councillors.

Who can submit a petition?

Any person who lives, works or studies in Lewisham can organise a petition, including those under the age of 18. The address provided must be an address within the borough of Lewisham: it may be the home, work or study address.

Who can sign a petition?

Any individual can sign a petition and may be any age and should provide an address which shows that they live, work or study in Lewisham. There may be occasions where it is appropriate for signatories from outside the borough to sign a petition, for example where the matter significantly affects the community in a neighbouring borough. You can only sign a petition once.

What are the guidelines for submitting a petition?

Petitions submitted to the council must:

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- Contain the name, a valid address with postcode, and the signature of any person supporting the petition. A valid address is within the Borough of Lewisham and can be a home, work or study address.
- Include a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take.
- have the petition organisers contact address. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If no lead petitioner is identified, we will consider the first decipherable name on the petition to be the lead contact.
- relate to a matter for which the authority has responsibility, and which affects the authority or its area.

Are there petitions the Council cannot accept?

Most petitions we receive will be accepted but there are some circumstances where we will not be able to deal with your petition under this scheme. To avoid contempt of court or prejudice to the Council's position, and duplicating procedures where established processes already exist, some matters are excluded from this scheme:

- petitions which in the opinion of the Monitoring Officer are considered vexatious, defamatory, offensive, frivolous or abusive or otherwise inappropriate will not be accepted.
- any matter that does not engage the council's responsibilities including, matters which relate to the proceedings of a political party, and matters that are the subject of electoral law.
- petitions which relate to any matter that is, or is likely to be, the subject of legal proceedings. This includes petitions which the Monitoring Officer considers would put the Council at risk of constituting a contempt of court, or any petition which is asking the Council to do anything unlawful.
- in the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale which will apply
- if a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.
- any matter where there is already an existing way of making representation and a process for right of appeal such as Planning, Licensing, council tax banding and non-domestic rates, where the existing procedures will be used.
- requesting a statutory petition (for example requesting a referendum on having an elected mayor)
- names or clearly identifies an employee of the authority or any matter relating to an individual
- petitions which are substantially the same as a petition which has been considered under the petition scheme within the last 12 months as agreed by the Monitoring Officer.
- involve the disclosure of confidential or exempt information as defined under Schedule 12A to the Local Government Act 1972 (as amended)

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by the Local Authorities (Access to Information (Exempt Information))(England) order 2006)

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within ten working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again.

The Council will normally send its substantive response within 4 weeks of receipt, however there may be occasions where this is not possible, for example, over the summer holidays, in the period immediately prior to an election or referendum, where a petition relates to a matter yet to be considered.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. Where the subject matter of the petition relates to a matter which is or will shortly be the subject of statutory or non-statutory consultation by the authority, the Monitoring Officer may elect to include the petition in the consultation process. You will be informed if this is the route that has been taken.

If the petition has enough signatures to trigger a debate at a meeting of full Council or at an Overview and Scrutiny Select Committee then the acknowledgment will confirm this and tell you when and where the meeting will take place.

If the petition needs more investigation, we will tell you the steps we plan to take.

The Council reserves the right to verify signatures as required. Please ensure each signatory has given a valid address and postcode. These signatures will be taken into account when identifying if a debate at an Overview and Scrutiny Select Committee, or full Council has been triggered. Any signature without a valid address, or duplicates will be discounted.

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following: -

- a) taking the action requested in the petition*
- b) considering the petition at a council meeting*
- c) holding an inquiry into the matter*
- d) undertaking research into the matter*
- e) holding a public meeting*
- f) holding a consultation*
- g) holding a meeting with petitioners*
- h) referring the petition for consideration by an Overview and Scrutiny Select Committee*
- i) writing to the petition organiser setting out our views about the request in the petition*
- j) referring the petition for consideration to the Standards Committee.*

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If your petition is about something that a different authority is responsible for, for example a local railway or hospital, we will consider the best method for responding; this may consist of simply forwarding your petition to that body, or the council may consider making representations on behalf of the community to the relevant body.

This may depend on whether the petition conflicts with Council policy. In any event, we will always inform you of the action taken.

Full Council debates

If the petition contains at least 1% of the assessed population figure from the 2021 Census (insert number) as published by the Office of National Statistics it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be advised of the date for full Council and the time allowed for presentation of the petition. The petition organiser will be contacted by the Governance & Committee Services Team to clarify what remedy is being sought and to advise of the option of having their Councillor present their petition. The Governance & Committee Services Manager will prepare a report detailing the subject of the petition and what action the Council and/or partners is being asked to take and arrange for this issue to be placed on the appropriate Council agenda to suit all parties.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of fifteen minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

Where the issue is one on which the Mayor & Cabinet are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of the Council's decision. This confirmation will also be published on our website.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request a review of the steps that the Council has taken in response to your petition. If your petition was considered and a response given by officers, then please send your concerns via the council's corporate complaints system which can be accessed via the council's website. If you remain dissatisfied, you can submit a complaint to the Local Government and Social Care Ombudsman.

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If your petition was considered and debated at either an Overview & Scrutiny meeting, or Full Council, then please request a referral to the Chair of OSC who will consider how best to respond, depending on the nature of the concerns, please email scrutiny@lewisham.gov.uk.

Privacy policy

The details you give us are needed to validate your support and your details will not be published on the website. This is generally the same information required for a paper petition. The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the e-Petition. London Borough of Lewisham is the data controller for personal information collected in respect of both the Council's E-petition facility and for paper petitions.

4. Amalgamation of Committees

- 4.1. The Council currently has an Audit Panel, Health & Safety Committee, Elections Committee and Constitutional Working Party.
- 4.2. As part of ensuring the Council's meeting structure is fit for purpose and as efficient as possible, a review of the Council's formal meeting structure has been undertaken, including a steer from the administration and several roundtable informal discussions with councillors. The following recommendations are as result of these discussions.

Amalgamation of Committees Recommendations

- 1. The Audit Panel be renamed the Audit & Risk Management Committee;**
- 2. The Chair of the Audit & Risk Management Committee be paid Special Responsibility Allowance of £7151 in recognition of the remit of the committee;**
- 3. That the Audit & Risk Management Committee meets six times a year;**
- 4. That there are no changes to the Health & Safety Committee at present but the matter is kept under review following the transfer of the housing stock to the Council from Lewisham Homes;**
- 5. That the Elections Committee and Constitutional Working Party are merged into a Governance Committee that meets as and when required as determined by the Monitoring Officer in consultation with the Chair of the committee.**
- 6. A Special Responsibility Allowance of £7151 be paid to the Chair of Pensions Investments Committee.**

5. Planning Committee

- 5.1. Feedback through the Local Democracy Review programme suggested that there was a need for improved and earlier engagement with Members who are on Planning Committees and increased training. This feedback recognised that this will require greater time commitment from Members and officers who support committees so changes would be needed to the number of meetings and types of applications that are taken to Planning Committee to support that type of

change.

- 5.2. The rationale for the planning proposals is to give a greater sense of fairness in terms of the type of cases that come to committee and the process of how decisions are made, enable better decision making by ensuring that sufficient time is available for those Members who are on committees for training and ensure that Members still have the opportunity to appropriately advocate for all their communities and effectively fulfil the wider range of responsibilities members have.
- 5.3. Most planning decisions are made by officers using their delegated powers. However, for applications where there are three or more objections, those involving the loss of a pub or departures from the development plan, decisions are made by a planning committee. Schemes where an objection is received from an amenity society or residents' association are also automatically referred to planning committee.
- 5.4. Lewisham has one of the highest numbers of planning committees in London (three committees and strategic planning committee). Lewisham's current threshold for Planning Committee is 3 objections, or a single amenity society objection and is the lowest in London. The most common threshold is between 5 and 10 objections and officers are currently unaware of any other authority who gives an automatic call-in right to amenity societies.
- 5.5. As a consequence of the low objection threshold, Lewisham has 4 planning committees (A, B & C and Strategic Planning Committee) to address the committee case pipeline. The committee threshold is the second highest in London. Lewisham has 37 planning committee councillors in order to run the 4 committees, and is the highest in London by some margin. The majority of boroughs have between 7-10 Councillors with a number of boroughs have a core group of councillors with a reserve or pool list for flexibility. This includes Enfield, Lambeth, Southwark and Richmond.
- 5.6. The majority of boroughs have a single planning committee, and a large number have a dual set up for planning committee (planning committee and a strategic committee).
- 5.7. Temporary changes to the scheme of delegation during the Covid-19 pandemic increased officer delegations. Cases with 3-4 objections were decided by planning officers under delegated powers. Schemes with 5-9 objections or an amenity society objection were taken to a Chair's Review meeting where a decision was made by a planning committee chair on whether a scheme would be decided by committee or under delegated powers. Member training and briefings were undertaken virtually with high levels of attendance and engagement and protocols and standard scripts prepared for committees and chairs to assist with virtual committees.
- 5.8. It is proposed to increase the threshold of objections that would trigger a committee referral to 10 objections. This would bring Lewisham in line with other authorities in London.

- 5.9. It is also considered that Chairs' Review meetings for those schemes with an amenity society objection should become a permanent feature of the scheme of delegation to recognise the value of our Amenity Societies and their commentary on planning applications, whilst ensuring that planning committees are used for the most complex cases only. The temporary changes during Covid-19 demonstrated that good decision was safeguarded despite a higher committee threshold and ensured that only the most complex and sensitive schemes are referred to planning committee.
- 5.10. The proposed changes are likely to reduce the Planning Committee backlog from the current 67 cases to around 20-30. It is therefore also proposed to alter the structure, frequency and resourcing of planning committees. This would enable the Planning Service to refocus resource to support the increased early engagement activities promoted via a refreshed Statement of Community Involvement and enable a smaller pool of Members to have more focus on planning matters to help improve decision making.
- 5.11. It is proposed that the number of planning committees is reduced to 2 main committees of equal standing ensuring that cases are spread equally. Along side the two main committees there will be a Strategic Planning Committee, which will sit only when required. The Strategic Planning Committee will be made up as follows: -
- Chairs of the two Planning Committees;
 - Vice-Chairs of the two Planning Committees;
 - Two Cabinet Members nominated by the Mayor;
 - One other member from each of the two Planning Committees.
- 5.12. A meeting of the Strategic Planning Committee will only be triggered if the application falls within ***Parts 1-4 of the Schedule to The Town and Country Planning (Mayor of London) Order 2008.***
- 5.13. Alongside the changes to thresholds and the committee structure, it is proposed to introduce greater clarity to the constitution to define what a planning application is to avoid any uncertainty regarding submission types that are not a planning application (such as a certificate of lawful development, prior approval or approval of details).
- 5.14. The proposals can be summarised as follows: -

Planning Committee

- Replace the existing committee structure made of up 4 committees, with 2 committees of equal status.
- *Planning Committee* – meeting monthly this covers all referable committee application.
- Planning Committee Members to comprise a core group and a reserve list (for further exploration with other boroughs that have this arrangement – Southwark, Lambeth, Enfield and Richmond)
- Councillor call-in to be retained, a reason must be provided in writing and limited to the ward in which the development is located or adjacent ward.
- Public speaking arrangements at committee to be retained – 5 minutes.

Scheme of Delegation/ Committee threshold

- Increase the current threshold from 3 to 10 objections.

Amenity Societies

- Formal recognition of amenity societies – they will need to be constituted, representative and meet the terms of the London Forum for Amenity and Civic Societies.
- They will have a defined area of one conservation area (not multiple conservation areas). This would ensure each group has an identifiable area and avoid current issues of different amenity groups covering the same area.
- Amenity groups would retain a form of call-in power for their defined area but this would refer cases to a Chairs' Review Panel rather than automatically to committee. Other groups would be free to make representations but would not have call in powers.

Planning Committee Arrangements Recommendations: -

1. **The deletion of the current four committees and the establishment of two main planning committees of equal standing;**
2. **The creation of a new Strategic Planning Committee, which only meets when an application falls within Parts 1-4 of the Schedule to The Town and Country Planning (Mayor of London) Order 2008.**
3. **That the new Strategic Planning Committee be constituted as follows: -**
 - a. **Chairs of the two Planning Committees;**
 - b. **Vice-Chairs of the two Planning Committees;**
 - c. **Two Cabinet Members nominated by the Mayor;**
 - d. **One other member from each of the two Planning Committees.**
4. **That the Chairs of both committees be paid a Special Responsibility Allowance of £10,216 (an amount equal to the current SRA payable to the Chair of Strategic Planning Committee) and the Chair of Strategic Planning Committee does not get a Special Responsibility Allowance;**
5. **That each main committee has a membership of 8 councillors;**
6. **That each main committee meets bi-monthly;**
7. **That the threshold for referral to a main Committee be increased from 3 objections to 10 objections;**
8. **That amenity societies must be formally constituted and meet the terms of the London Forum for Amenity and Civic Societies;**
9. **That any objection from an amenity society is not automatically referred to a main committee but suitability for referral to committee is determined by the Director of Planning in consultation with the Chairs of both committees (or Vice-Chairs in their absence) in a Chairs' Briefing.**

6. Overview & Scrutiny Arrangements

- 6.1. Overview and scrutiny is a way in which non-executive councillors can hold the Mayor and Cabinet, officers and external organisations to account for the decisions that they make. The scrutiny process enables councillors to examine the functions of the Council; ask questions about how decisions have been made;

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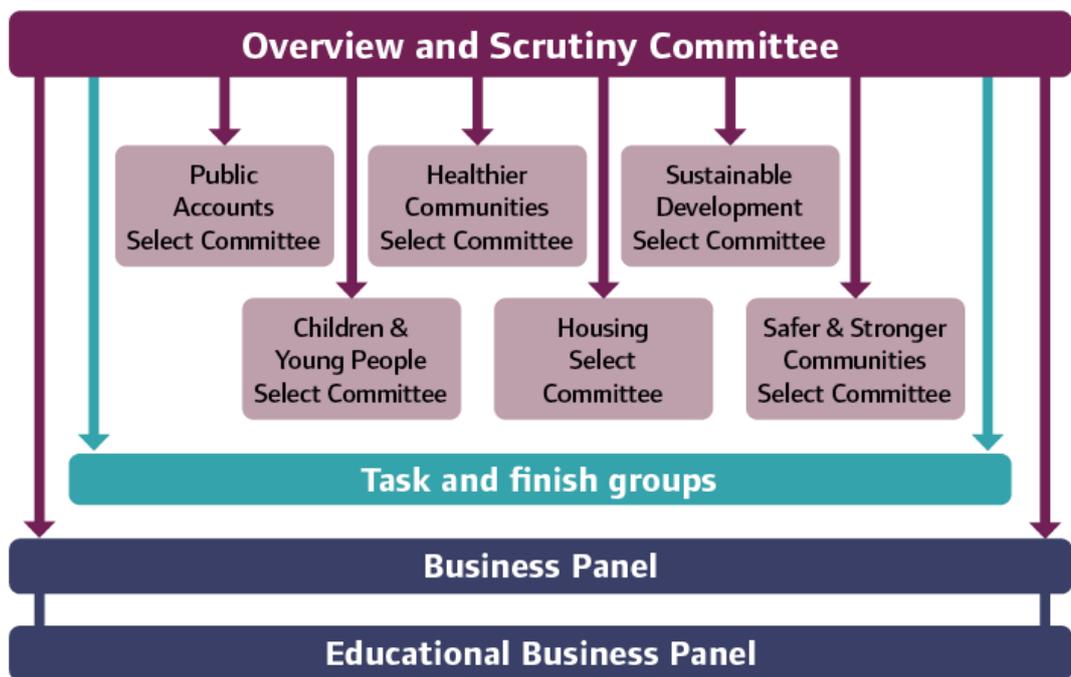
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and investigate issues of local concern to consider whether service improvements can be put in place. The main types of scrutiny are pre and post decision scrutiny; performance monitoring; and policy development.

- 6.2. All non-executive councillors (currently 44 Members) sit on the Overview and Scrutiny Committee (OSC). This body focuses on cross-cutting and strategic issues and can get involved in policy development, performance monitoring and pre-decision scrutiny.
- 6.3. There are currently 8 sub-committees: 6 select committees and 2 business panels. The 6 select committees have remits covering specific service areas and they focus on policy development, pre-decision scrutiny and performance monitoring. The 2 business panels agree the overall scrutiny work programme and handle post-decision scrutiny and call-in.
- 6.4. Time-limited sub-committees called Task and Finish Groups (TFGs) can also be established by OSC. TFGs consider topical issues of concern and focus on policy development. They gather evidence to develop recommendations to inform policy and make service improvements via methods such as desktop research, telephone conferences, site visits, good practice visits and a wide range of engagement activities.
- 6.5. The diagram below shows the current structure:

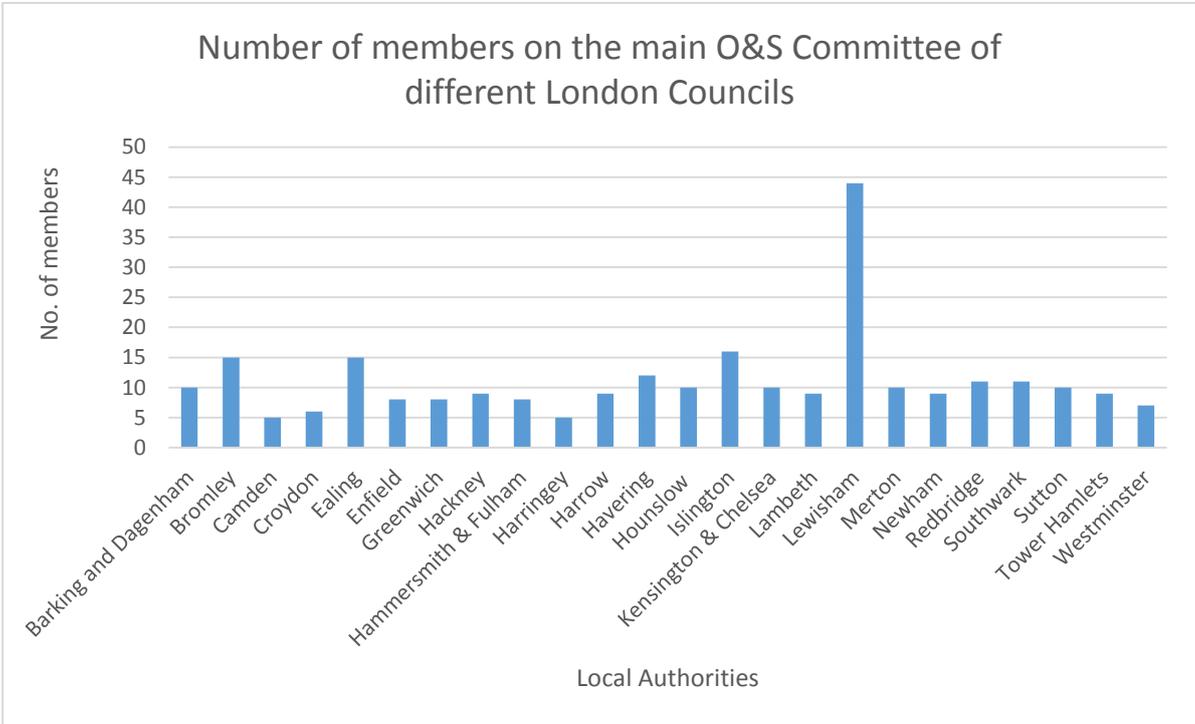


- 6.6. The steer from the administration is to ensure that the scrutiny arrangements for Lewisham are efficient in their use of member and officer time, avoid confusion and duplication, are simple to understand and allow scrutiny to really add value to the Council and wider community.

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- 6.7. In informal conversations with councillors, both in relation to scrutiny and wider committee structures, there has been a real appetite for change and simplification of the Council’s scrutiny arrangements. The following paragraphs deal with structure, number of councillors, project work, SRAs, and call-ins.
- 6.8. There has been significant support for the removal of the current three-tier scrutiny structure with a simpler two-tier structure instead, i.e., a “parent” Overview & Scrutiny Committee with a number of sub-committees under it. This simplification will remove the need for both business panels and in effect merge the current committee and two business panels into one committee.
- 6.9. As can be seen above, the current Overview & Scrutiny Committee contains all non-executive councillors. This is highly unusual. The table below demonstrates how far removed from other London Boroughs Lewisham is regarding the number of councillors that sit on Overview & Scrutiny Committee.



- 6.10. The preferred number of councillors on the committee in other London Boroughs that responded is 10 and that is what is recommended for Lewisham.
- 6.11. There had been a suggestion that the Council prohibits councillors that sit on a regulatory committee from sitting on the Overview & Scrutiny Committee or any sub-committee but our benchmarking has shown that no other London Borough that responded has that restriction so that is not recommended here.

Overview & Scrutiny Arrangements Recommendations: -

1. The current three-tier scrutiny structure is replaced with a simplified two-tier structure made up of an Overview & Scrutiny Committee and the current select committees;
2. That the number of councillors on Overview & Scrutiny Committee be 10;

3. That the Chair of each Select Committee must be a member of Overview & Scrutiny Committee but cannot be the Chair or Vice-Chair of Overview & Scrutiny Committee;
4. That councillors who sit on any of the Council's regulatory committees are able to also sit on Overview & Scrutiny Committee or any of its Select Committees;
5. That the Special Responsibility Allowance payable to the Chair of Overview & Scrutiny Committee is £13,281;
6. That the Special Responsibility Allowance payable to the chairs of each of the Select Committees is £7,151;
7. That the Chair of any Task & Finish Group does not receive a Special Responsibility Allowance;
8. That the work programmes for the Select Committees are approved by the Overview & Scrutiny Committee;
9. The current Task & Finish Groups are recommended to remain provided the following provisions are put in place: -
 - a. The remit, scope, duration and membership of Task & Finish Groups can only be agreed by the Overview & Scrutiny Committee;
 - b. Any non-Executive councillor can be selected to sit on a Task & Finish Group;
 - c. The maximum number of councillors that can sit on a Task & Finish Group is five (5);
 - d. No more than three (3) Task & Finish Groups can be undertaken in any single municipal year.
10. That any post decision call-ins are dealt with by the Overview & Scrutiny Committee;
11. That any pre-decision scrutiny which has taken place is brought to the attention of the decision-maker (ordinarily Mayor & Cabinet) to ensure they are fully informed of the views of scrutiny as appropriate;
12. That, in circumstances where pre-decision scrutiny has taken place and the decision-maker has been made aware of the outcome of the pre-decision scrutiny, there is no requirement for the decision-maker to formally respond to the pre-decision scrutiny;
13. To note that the Head of Overview, Scrutiny & Policy, as the Council's statutory scrutiny officer, will be issuing further detailed guidance following the Annual General Meeting of the Council.

7. Financial implications

7.1. Not Applicable

8. Legal implications

8.1. The report has been prepared by the Council's Monitoring Officer and all legal matters have been addressed in the body of the report.

9. Background papers

9.1. A copy of the Council's constitution is available at the following link: -

[Lewisham Council - Our constitution](https://www.lewisham.gov.uk/our-constitution)

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