

Part 3 - Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the “Functions Regulations”) give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Cabinet, which may (but need not) be the responsibility of the Cabinet (the ‘local choice functions’) and which are to some extent the responsibility of the Cabinet. All other functions not so specified are to be the responsibility of the Cabinet. The Cabinet arrangements contained in the Constitution show how these distinctions are given effect.

Section 1 - Council and Committees

This section sets out functions which are not the responsibility of the Cabinet. The functions which must be discharged by the full Council are set out in Article 4.

A. Functions relating to town and country planning and development control.

This section covers all the functions set out in Part A, Schedule 1 to the Functions Regulations.

Functions to be undertaken by the Planning Applications Committees are set out below. Please see officer delegated powers for functions to be undertaken by officers set out later in this Part of the Constitution.

Planning Applications Committee

Terms of reference

To exercise the functions, powers and duties of the Council in relation to planning and development control matters.

Applications to be determined by the Planning Applications Committee:

- 1 Applications which are recommended for approval where the application falls within one of the following:
 - (i) The provision of dwelling houses where -
 - (a) The number of dwelling houses to be provided is 10 or more; or
 - (b) The development is to be carried out on a site having an area of 0.5 hectare or more.
 - (ii) The provision of a building or buildings where the floor space to be created including changes of use, by the development is 1,000 square metres or more; or

- (iii) Development carried out on a site having an area of 1 hectare or more.
2. Applications which are recommended for approval where an objection to the current proposal has been received which is based on material planning grounds, other than those applications where, in the opinion of the Divisional Director Planning or the Head of Development Control:
 - (i) The objection can be overcome by the imposition of an appropriate condition, and/or
 - (ii) Where the application clearly complies with the relevant planning policiesin which case the decision may be taken by officers.
 3. Applications which the Divisional Director Planning or the Head of Development Control wishes to refer to the committee.
 4. Any application where a specific written request is made by any Member of the Council for the case to be reported to the Committee.
 5. Applications made by the Council for development of land in its ownership that the Council intends to dispose to a third party.
 6. Applications which have been submitted by or on behalf of a Member of the Council (or by their spouse or partner) or by a member of the Council's staff (or by their spouse or partner).
 7. Applications for the total or substantial demolition of a listed building.
 8. Applications recommended for approval where it is proposed to grant permission for a change of use to Class A3 as defined by the Town and Country Planning (Use Classes) Order 1987.
 9. Applications which are recommended for approval where it is proposed to grant permission for a proposal which is a significant departure from the policies of the Council's UDP.
 10. To authorise, release or modify agreements and undertakings under Section 106 of the Town and Country Planning Act 1990, Section 16 of the GLC (General Powers) Act 1974, Section 278 of the Highways Act 1980 and Section 33 of the Local Government Act 1972 which in the opinion of the Divisional Director (Planning) or the Head of Development Control relate to developments which come within paragraph 1 above.

Constitution

Five members.

B. Licensing and registration functions

This section covers all the functions set out in Part B, Schedule 1 to the Functions Regulations.

Functions to be undertaken by the Licensing Committee are set out below. Please see officer delegated powers for functions to be undertaken by officers set out later in this Part of the Constitution.

The Licensing Sub-Committee of the Licensing Committee will determine and review applications made under the Licensing Act 2003. The Council's Licensing Policy (to which the Council must have regard when discharging its licensing functions) was published in January 2011. The Council's Gambling Policy (to which the Council must have regard when discharging its gambling functions) was published in January 2010.

Licensing Committee

Terms of reference

- (1) To establish a sub committee(s) to determine and review applications as required by the Licensing Act 2003, the Gambling Act 2005 and any other licensing functions as required.
- (2) To exercise the functions, powers and duties of the Council in relation to all licensing matters, as required by statute.
- (3) Applications to be determined by the Licensing Committee, unless otherwise determined by a licensing sub committee or by an officer acting under delegated powers ("applications" includes new applications, renewals, transfers, variations, or reviews):
 - (a) Applications that in the opinion of an officer, who has been given delegated authority, should be referred to the Committee.
 - (b) Applications made by or on behalf of officers or elected members of the Council or their spouse/partner or relative.

Constitution

10 members.

Licensing Sub-Committee

- (1) As established under the Licensing Act 2003 Section 9 and accompanying regulations to consider and review any applications.
- (2) To consider representations from street traders against the refusal or revocation of a licence in cases where the licensee/applicant has rejected the alternative option of referral to an officer panel.

(3) To consider any other licensing functions as delegated by the Licensing Committee.

Constitution

Three members drawn from Licensing Committee; party allocation to be determined on each occasion.

C. Functions relating to health & safety at work, elections, staff and pensions

This section covers all the functions set out in Parts C, D, H & I Schedule 1 to the Functions Regulations.

Functions which the Council has determined should be undertaken by the Corporate Committee are set out below. Please see officer delegated powers for functions undertaken by officers set out later in this Part of the Constitution. All other functions listed in Part I of schedule I to the Functions Regulations are reserved to full Council and are set out in Article 4.

Corporate Committee

Terms of reference

1. Subject to the exclusion of any non-executive matter which is required by statute to be considered by the full Council, to determine any matter which has been specifically referred to the Committee for consideration.
2. To approve the Council Tax base on behalf of the Council.
3. To consider and subsequently approve the Council's statement of accounts and to consider any reports produced by the Executive Director of Finance & Resources in accordance with the duty to make arrangements for the proper administration of the Council's financial affairs, but not in respect of the formulation of a plan or strategy which is a function of the Cabinet (and subject to final approval by the Council) or detailed operational matters which are within the purview of the Cabinet.
4. Subject to the Council's Scheme of Delegation to officers, to discharge the Council's functions in relation to the Local Government Pension Scheme including, but not limited, to the management of the Council's superannuation fund investments and the establishment of a Pension Fund Investment Panel, and consideration of a report from the Executive Director of Finance and Resources at least yearly on the administration of the scheme. The report must be considered in advance of the budget setting for the year in which any prospective aspects of the report (such as revised contribution rates) would take effect.

5. Subject to the Council's Scheme of Delegation to officers, to discharge the Council's functions in relation to health and safety at work, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
6. Subject to the Council's Scheme of Delegation to officers, to discharge the Council's functions in relation to elections.
7. Subject to the Council's Scheme of Delegation to officers, to consider all personnel-related issues which are not within the terms of reference of any other committee or otherwise reserved to Council including the appointment of an independent person to undertake investigations as required into allegations of misconduct against the Chief Executive, Monitoring Officer or Executive Director of Finance & Resources.
8. To consider any adverse report issued by the Local Government Ombudsman pursuant to section 31A, Local Government Act 1974, which includes a finding that injustice has been caused to a person aggrieved in consequence of maladministration, together with the action taken by the Council in response (including any compensation payments made). (**Note:** if it proposed **not** to take one or more of the actions recommended by the Local Government Ombudsman in an adverse report, consideration of the report is reserved to full Council by law).
9. To exercise the functions, powers and duties of the Council as Trustee of Trusts including the Beaufoy Trust. To exercise the functions, powers and duties of the Council as Trustee of all other trusts for which the Council is corporate trustee except insofar as those functions have been delegated to Executive Directors of the Council.
10. To consider nominations for Freedom of the Borough, these in accordance with the agreed criteria, and make recommendation to the Council if it is considered that the honour should be made.
11. The functions of the Council under the Rush Common Act 1806, and the determination of applications for consent under the Rush Common Act 1806 other than applications for which no objections have been received that the Divisional Director (Planning) considers should be approved.
12. To consider and approve the naming of local streets and buildings in all cases where there are unresolved objections.
13. To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (under Section 13(2) of the Criminal Justice and Police Act 2001).
14. To maintain an overview of the Council's Constitution (insofar as it relates to the discharge of non-executive functions) and Financial Regulations and to consider related reports from the Monitoring Officer and/or Executive

Director of Finance & Resources and to make appropriate recommendations to Council in relation thereto.

15. Any issue which in the professional opinion of the Chief Executive, or Executive Directors should be referred to the Committee.
16. Any matter which has been referred by the Council or from another committee for determination.
17. The setting up of sub-committees and panels and the setting of their terms of reference.
18. All other matters which are non-Cabinet functions and which are not otherwise reserved to Council are not within the terms of reference of any other committee and which are not delegated to officers.

Audit Functions

19. To oversee and/or discharge on behalf of the Council the requirements of the updated Accounts and Audit Regulations 2011, which require the Council to 'undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control'. These audit functions include the following (terms of reference items 21 – 34).
20. To consider the Chief Internal Auditor's annual report and opinion, and a summary of internal audit and counter fraud activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
21. To consider summaries of specific reports of internal audit, investigations and external audit reports, in particular those with an "inadequate" audit assurance assessment.
22. To consider reports dealing with the management and performance of the providers of internal audit services.
23. To consider a report from the internal audit on agreed recommendations not implemented within a reasonable timescale.
24. To consider the external auditor's annual letter (in conjunction with the Cabinet), related reports and such other reports as may be agreed with the external auditor.
25. To comment on the scope and depth of external audit work and to ensure that it provides value for money.
26. Following such liaison with the Audit Commission as necessary, to approve the appointment of the Council's external auditor.

27. To consider and receive reports from the Finance Strategy Board and to commission such work from both internal and external audit as may be required.
28. To monitor the effective development and operation of risk management and corporate governance in the Council.
29. To monitor Council policies on 'Raising Concerns at Work'/Whistle-blowing' (in conjunction with Standards Committee), the anti-fraud and anti-corruption strategy and the Council's complaints process.
30. To consider and approve the Council's Annual Governance Statement, including the review of the effectiveness of the assurance framework and, in particular, internal audit.
31. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice and with the Council's own and other published standards and protocols.
32. To review the draft annual statement of accounts prior to its audit. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. Later to consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts, and then to formally approve the audited annual statement of accounts.
33. To approve, for submission to Council, an annual report of the activities of the Committee in discharging its various audit functions.
34. Pursuant to its audit and anti-fraud responsibilities, to maintain an overview of the Council's compliance with the requirements of the Regulation of Investigatory Powers Act 2000 and the Bribery Act 2011.

Constitution

Five members, plus up to two non-voting co-opted members. The Committee Chair must not be a Cabinet Member.

Pension Fund Investment Panel

Terms of reference

- 1.1 Determining the overall investment strategy in accordance with the Local Government Pension Scheme Regulations and subject to approval by the Corporate Committee, ensuring that the Fund is invested in suitable types of investments and sufficiently diversified having regard to its investment objectives.

- 1.2 Determining the Statement of Investment Principles, subject to approval by the Corporate Committee and modification as appropriate.
- 1.3 Ensuring adequate monitoring and compliance with the overall investment strategy and the Statement of Investment Principles.
- 1.4 To make recommendations to Corporate Committee with regard to the appointment of investment managers and any external service providers and advisors felt to be necessary.

Maintaining effective arrangements for reviewing on a regular basis investment manager performance against established benchmarks and being satisfied as to manager expertise and the quality of their internal systems

Constitution

Five elected members (plus three substitutes), plus co-opted Members:
Representatives from the following groups will be co-opted onto the Panel;

- One Trades Union Representative;
- Two representatives of Pensioners of the Fund;
- Two representatives from members of Staff of the London Borough of Lambeth, who are members of the Fund.

Appointments Committee

Terms of Reference

- (1) To recommend to Council the appointment of the Chief Executive.
- (2) To make the appointment of other Chief Officers set out in Article 12.01(b) of this Constitution.
- (3) Should the Chief Executive (in consultation with such members as s/he deems necessary) so determine in any individual case, to make the appointment of the Deputy Chief Officers set out in Paragraph 4 of the Officer Employment Procedure Rules (which are set out in Part 4 of this Constitution).
- (4) To appoint a standing Appointments Sub-Committee to normally undertake the above tasks.

Note

With the exception of arrangements for the appointment of an Interim Chief Executive, all other interim appointments are to be conducted in accordance with the Council's policy on Acting Arrangements.

The usual practice of the Appointments Committee is to establish a standing Sub-Committee to deal with all appointments on its behalf (see below).

Constitution

Five members which must include at least one member of the Cabinet. For the avoidance of doubt, a meeting of the Appointments Committee shall not be regarded as inquorate solely because of the absence of the nominated Cabinet member.

Appointments Sub-Committee

Terms of Reference

- (1) To recommend to Council the appointment of the Chief Executive.
- (2) To make the appointment of other Chief Officers set out in Article 12.01(b) of this Constitution.
- (3) Should the Chief Executive (in consultation with such members as s/he deems necessary) so determines in any individual case, to make the appointment of the Deputy Chief Officers set out in Paragraph 4 of the Officer Employment Procedure Rules (which are set out in Part 4 of this Constitution).

Note

With the exception of arrangements for the appointment of an Interim Chief Executive, all other interim appointments are to be conducted in accordance with the Council's policy on Acting Arrangements.

The appointment activity to be carried out by the Sub-Committee will be to shortlist, interview, and appoint candidates (subject to the above terms of reference).

On occasions, more than one standing sub-committee may be in operation at any one time.

Constitution

Five members which must include at least one member of the Cabinet. For the avoidance of doubt, a meeting of the Appointments Sub-Committee shall not be regarded as inquorate solely because of the absence of the nominated Cabinet member.

Investigating Committee

Terms of Reference

1. To hear disciplinary cases involving charges of misconduct or incapability against Chief Officers, other than the Chief Executive, Director of

Governance and Democracy (Monitoring Officer) and the Executive Director of Finance & Resources.

2. To make recommendations to Council regarding the dismissal or other appropriate sanction to be taken against Chief Officers other than the Chief Executive, Director of Governance and Democracy (Monitoring Officer) and the Executive Director of Finance & Resources following a disciplinary or capability hearing in accordance with the terms and conditions of employment for Chief Officers of Local Authorities.
3. To conduct a preliminary investigation into allegations of misconduct in order to determine whether disciplinary charges should be brought against the Chief Executive, Director of Governance and Democracy (Monitoring Officer) or the Executive Director of Finance & Resources.
4. To conduct a preliminary investigation into allegations of incapability against the Chief Executive, Director of Governance and Democracy (Monitoring Officer) and the Executive Director of Finance & Resources.
5. To appoint a designated independent person to investigate any charges brought under (iii) or to investigate any unresolved capability issues following an investigation under (iv) above.

Note

All investigations to be conducted in accordance with the relevant Chief Officer's terms and conditions of employment.

This Committee will be formally appointed by the Council if and when required.

Constitution

Three members which must include at least one member of the Cabinet.

D. Standards Committee

Terms of Reference

1. To promote and maintain high standards of conduct by Councillors, co-opted members and church and parent governor representatives.
2. To assist the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct and associated local protocols.
3. To advise the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols.
4. To monitor and review the operation of the Members' Code of Conduct and associated local protocols.

5. To develop for recommendation to the Council local protocols to supplement the Members' Code of Conduct.
6. To enforce local protocols and applying sanctions in respect of breaches as appropriate.
7. To advise, train or arrange to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct and associated local protocols.
8. To grant dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct and associated local protocols.
9. To deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is either referred by an Ethical Standards Officer to the Monitoring Officer or referred directly by the Monitoring Officer;
10. To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.
11. To monitor the officers' Code of Conduct to ensure consistent application and enforcement Council-wide.
12. To monitor Council policies on 'Raising Concerns at Work'/Whistle-blowing' in conjunction with Corporate Committee.
13. The general overview of probity matters arising from Ombudsman reports, Monitoring Officer reports and Audit Commission reports.
14. To approve, for submission to Council, an annual report of the activities of the Committee in discharging its various functions.
15. To discharge all of the functions in the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007 and all regulations made thereunder that are required to be discharged by standards committees and to appoint such sub-committees as may be required to discharge such functions as may be delegated by the Standards Committee.
16. To consider any application received from any officer of the Council for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and, where appropriate, to direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act.

17. To consider, upon the application of any person or otherwise, whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act and, where appropriate, may direct the Council to include a post in that list.

18. To discharge all functions relating to the local assessment and determination of allegations that a member has failed, or may have failed, to comply with the Council's Code of Conduct for Members including, but not limited to, the appointment of sub-committees to discharge such functions on its behalf.

19. To be responsible for the overview of the Members Allowance Scheme and review the potential scheme at least once annually before the scheme for the following year is approved by Council.

Constitution

Up to six independent representatives (none of whom will be councillors or officers of the Council or from any other body having a Standards Committee), one of whom will serve as Chair to the Standards Committee, together with three councillors (one of whom may be a member of the Cabinet, but not the Leader of the Council) (Nine in total).

Standards (Assessment) Sub-Committee

Constitution

Three members, chosen, in consultation with the Chair of Standards Committee, from members of the Standards Committee and to include at least one elected member and one independent member. One of the independent members must be either the Chair or Vice-Chair of Standards Committee, one of whom will serve as Chair of the Sub-Committee.

Terms of reference

1. To receive allegations that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members.

2. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, to make an initial assessment of the allegation and do one of the following:

(a) Decide that no action should be taken in respect of the allegation;

(b) Ask for additional information from the complainant on the allegation before concluding the initial assessment;

(c) If the allegation is likely to be reasonably substantiated and it is in the public interest to warrant Council funds being spent on a local investigation, refer the allegation to the Council's Monitoring Officer, with an instruction that s/he arranges for an investigation of the allegation or directs that s/he arranges training, conciliation or such other appropriate action as might be permitted by the relevant legislation;

(d) If the matter is of a serious nature (for example, there is a potential conflict of interest with the Standards Committee or the potential sanction(s) available to the Standards Committee might not be sufficient for the Standards Committee to deal with), refer the allegation to the Standards Board for England for investigation; or

(e) Where the allegation is in respect of a person who is no longer a member of the Council, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other authority,

and shall instruct the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the member concerned of that decision.

3. Upon completion of an investigation by the Monitoring Officer, to determine, with reasons, whether:

(a) It accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;

(b) The matter should be referred for consideration at a hearing before the Standards (Hearings) Sub-Committee; or

(c) The matter should be referred to the General Regulatory Chamber (formerly known as the Adjudication Panel for England) for determination.

Standards (Review) Sub-Committee

Constitution

Three members, chosen, in consultation with the Chair of Standards Committee, from members of the Standards Committee and to include at least one elected member and one independent member. One of the independent members must be either the Chair or Vice-Chair of Standards Committee, one of whom will serve as Chair of the Sub-Committee. No member who took part in the initial assessment of the misconduct allegation by the Standards (Assessment) Sub-Committee can be a member of, or present at, a meeting of a Sub-Committee that reviews a decision by that Sub-Committee to take no further action.

Terms of reference

1. To review, upon the request of a person who has made an allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct, a decision of the Standards (Assessment) Sub-Committee that no action be taken in respect of that allegation.

2. Upon receipt of each such request and any accompanying report by the Monitoring Officer, to review the decision of the Standards (Assessment) Sub-Committee and do one of the following:

(a) Decide that no action should be taken in respect of the allegation;

(b) Ask for additional information from the complainant on the allegation before concluding the review;

(c) If the allegation is likely to be reasonably substantiated and it is in the public interest to warrant Council funds being spent on a local investigation, refer the allegation to the Council's Monitoring Officer, with an instruction that s/he arranges for an investigation of the allegation or directs that s/he arranges training, conciliation or such other appropriate action as might be permitted by the relevant legislation;

(d) If the matter is of a serious nature (for example, there is a potential conflict of interest with the Standards Committee or the potential sanction(s) available to the Standards Committee might not be sufficient for the Standards Committee to deal with), refer the allegation to the Standards Board for England for investigation; or

(e) Where the allegation is in respect of a person who is no longer a member of the Council, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other authority,

and shall instruct the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the member concerned of that decision.

Standards (Hearings) Sub-Committee

Constitution

Three members, chosen, in consultation with the Chair of Standards Committee, from members of the Standards Committee and to include at least one elected member and one independent member. One of the independent members must be either the Chair or Vice-Chair of Standards Committee, one of whom will serve as Chair of the Sub-Committee.

(NB: The same members who took part in the initial assessment of the misconduct allegation or in any review of a decision to take no action can also

be members of the Sub-Committee that conducts the local determination hearing).

Terms of reference

In the event that a hearing of the Standards Committee is required, to hear and determine any allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct in accordance with The Standards Committee (England) Regulations 2008 and approved local procedure.

Section 2 – Executive Functions

The Council has decided that individual Cabinet Members will not hold individual decision-making powers; the individual portfolios of Cabinet Members are listed in the Cabinet Procedure Rules. If any powers are subsequently delegated to individual Cabinet Members, these will be listed here.

The following bodies are established to deal with specific Cabinet functions:

Cabinet

Terms of reference:

1. To discharge all the functions of the authority except:
 - (a) those matters which are required by law to be discharged by the full Council, and
 - (b) all 'local choice' functions set out in Part 3 of the authority's Constitution which the Council decides should be undertaken by itself rather than the Cabinet.
2. To implement the Council's policies and spending in accordance with the policy framework and budget.
3. To make recommendations on major policy and resource matters to Council for decision, and ensure that full and proper consultation occurs on all such proposals.
4. To give political direction and guidance to and monitor the performance of the Cabinet part of the Council.
5. To provide political accountability for the Council's performance to the Council and the Overview & Scrutiny Committee.
6. To foster and improve the Council's performance as a partner with other stakeholders.

Constitution

The Leader of the Council, Deputy Leader of the Council and the eight other Cabinet portfolio holders.

Asset Management Cabinet Advisory Panel

Terms of Reference:

A Status

The Asset Management Cabinet Advisory Panel is constituted under Article 7.05(v) and Cabinet Procedure Rule 1.3 of the Constitution. The Asset Management Cabinet Advisory Panel will operate in accordance with the arrangements as set out in the Constitution, Part 3, Section 2. Operating as

any panel, the Panel does not need to be politically balanced or made up of only Cabinet members.

The Panel has no formal decision-making powers. It may include any member of the Council (such as Deputy Cabinet Members or Champions), officers, stakeholders, etc and may call on these individuals to give evidence as required by the Chair. Its core membership is set out below. However, there is no requirement for Panel meetings to be open to the public or for any related reports or minutes to be made available to other elected members or to the public. Further, and accordingly, the provisions of the Access to Information Procedure Rules and of the Cabinet Procedure Rules (Part 4 of the Council's Constitution) shall not apply unless expressly indicated to the contrary.

B Governance context

The Asset Management Cabinet Advisory Panel is accountable to Cabinet. The Panel operates within the Council's wider corporate governance framework.

C Purpose

The Asset Management Cabinet Advisory Panel will be advisory on the following issues, with recommendations being made to officers and/or Cabinet as necessary:

- The formulation and delivery of the Capital Investment Programme
- The formulation of the Capital Investment Pipeline
- Which projects should be prioritised for movement from the Capital Investment Pipeline to the Capital Investment Programme
- The formulation and delivery of the Disposals Programme
- Asset management policy

D Constitution

The constitution and membership is:

- Cabinet Member for Finance and Resources (Chair)
- Cabinet Member for Housing
- Cabinet Member for Regeneration, Planning & Strategic Transport

Other Cabinet members may attend from time to time. The Chair may invite other Councillors and individuals external to the Council to attend on occasion. The Executive Director of Finance and Resources will be the lead officer, and will determine which officers will attend each particular meeting and should prepare reports and respond to issues raised.

E Working arrangements

Meetings will be held about every two months in accordance with a timetable drawn up by the Executive Director of Finance and Resources and will not be

open to the press and public. The Panel will be serviced by support staff to the Executive Director of Finance and Resources. Reports will be commissioned by the Executive Director of Finance and Resources. In order to allow proper preparation for the meetings, three clear days notice will be given by the Executive Director of Finance and Resources of the agenda and supporting reports. All reports (including appendices) must reach the Executive Director of Finance and Resources not later than 5pm four clear days before the meeting. If this is not possible on any particular occasion, the Chair will determine whether the issue should be accepted for the agenda or deferred for the next meeting. Notice of the meeting will be sent to all Cabinet members.

The Executive Director of Finance and Resources will determine which officers need to attend each particular meeting, but this will normally be representatives of:

Executive Director of Housing, Regeneration & Environment
Executive Director of Finance & Resources

The above officers will be required to write and contribute to reports for the Panel. Standard agenda items are:

- Minutes of the previous meeting
- Declarations of interest
- Reports submitted by the Executive Director of Finance and Resources

The quorum will be three members. In the absence of the Chair, or at the request of the Chair if present, the meeting shall be chaired by another Cabinet member elected by the meeting. The Chair will decide all matters of order, competence, relevancy and interpretation of Procedure Rules, and their decision at the meeting is final.

The Asset Management Cabinet Advisory Panel will endeavour to give direction by consensus, but by a show of hands if necessary.

Housing Performance Cabinet Advisory Panel

Terms of Reference:

A Status

The Housing Performance Cabinet Advisory Panel is constituted under Article 7.05(v) and Cabinet Procedure Rule 1.3 of the Constitution. The Housing Performance Cabinet Advisory Panel will operate in accordance with the arrangements as set out in the constitution, Part 3, Section 2. Operating as any panel, the Panel does not need to be politically balanced or made up of only Cabinet members.

The Panel has no formal decision-making powers. It may include any member of the Council (such as Deputy Cabinet Members or Champions), officers, stakeholders, etc and may call on these individuals to give evidence as required by

the Chair. Its core membership is set out below. However, there is no requirement for Panel meetings to be open to the public or for any related reports or minutes to be made available to other elected members or to the public. Further, and accordingly, the provisions of the Access to Information Procedure Rules and of the Cabinet Procedure Rules (Part 4 of the Council's Constitution) shall not apply unless expressly indicated to the contrary.

The Housing Performance Cabinet Advisory Panel will be constituted until the end of the municipal year 2011-12. Should the Panel need to be extended beyond that date, it will need to be re-established in the normal way.

B Governance context

The Housing Performance Cabinet Advisory Panel is accountable to Cabinet. The Panel operates within the Council's wider corporate governance framework.

C Purpose

The Housing Performance Cabinet Advisory Panel will be advisory on the following issues, with recommendations being made to officers and/or Cabinet as necessary:

1. To constantly review housing management arrangements to ensure they are delivering improved value for money and tenant and leaseholder satisfaction.
2. Having identified an area that is not improving, the Panel will act as a forum for discussion of what else can be done to improve performance.
3. To constantly test and probe Lambeth's clienting processes to ensure contractors are being managed effectively (main contractors Lambeth Living and United Resident RH and other clienting arrangements, e.g. Lambeth Living Housing Procurement Programme)
4. To engage with other key stakeholders to ensure their experiences of the Council's housing management services inform the work of the panel.
5. To support the achievement of the Administration's wider priorities on Housing.

D Constitution

The constitution and membership is:

- Leader of the Council
- Cabinet Member for Housing (Chair)
- One other Cabinet Member
- Chair of Lambeth Tenants Council

Other Cabinet members may attend from time to time. The Chair may invite other Councillors and individuals external to the Council to attend on occasion. The

Chief Executive will be the lead officer, and will determine which officers will attend each particular meeting and should prepare reports and respond to issues raised.

E Working Arrangements

Meetings will be held about every two months in accordance with a timetable drawn up by Governance and Democracy, and will not be open to the press and public. The Panel will be serviced by Governance and Democracy. Reports will be commissioned by the Chief Executive or Governance and Democracy on behalf of the Chief Executive. In order to allow proper preparation for the meetings, three clear days notice will be given by Governance and Democracy of the agenda and supporting reports. All reports (including appendices) must reach Governance and Democracy not later than 5pm four clear days before the meeting. If this is not possible on any particular occasion, the Chair will determine whether the issue should be accepted for the agenda or deferred for the next meeting. Notice of the meeting will be sent to all Cabinet members.

The Chief Executive will determine which officers need to attend each particular meeting, but this will normally be representatives of:

Executive Director of Housing, Regeneration & Environment
Executive Director of Finance & Resources
Director of Governance and Democracy

The Chief Executive and/or Executive Director of Housing, Regeneration & Environment may invite representatives of Lambeth Living and United Resident Housing to attend as necessary.

The above officers will be required to write and contribute to reports for the Panel. Standard agenda items are:

- Minutes of the previous meeting
- Declarations of interest
- Reports submitted by the Executive Director, Housing, Regeneration and Environment and any other member of the Strategic Leadership Board.

The quorum will be any three members. In the absence of the Chair, or at the request of the Chair if present, the meeting shall be chaired by another Cabinet member elected by the meeting. The Chair will decide all matters of order, competence, relevancy and interpretation of Procedure Rules, and their decision at the meeting is final.

The Cabinet Advisory Panel will endeavour to give direction by consensus, but by a show of hands if necessary.

Local Development Framework Cabinet Advisory Panel

Terms of Reference:

1. Status

The Local Development Framework Cabinet Advisory Panel is constituted under Article 7.05(v) and Cabinet Procedure Rule 1.3 of the Constitution. Operating as any panel, the Panel does not need to be politically balanced or made up of only Cabinet members.

The Panel has no formal decision-making powers and may include any member of the Council (such as Deputy Cabinet Members or Champions), officers, stakeholders, etc. Its core membership is set out below. There is no requirement for Panel meetings to be open to the public or for any related reports or minutes to be made available to other elected members or to the public. Further, and accordingly, the provisions of the Access to Information Procedure Rules and of the Cabinet Procedure Rules (Part 4 of the Council's Constitution) shall not apply unless expressly indicated to the contrary.

Meetings of the Cabinet Advisory Panel will be held in private in order to enable early collective discussions on a wide range of options and issues (within the identified scope of responsibilities).

2. Governance context

The Local Development Framework Cabinet Advisory Panel is accountable to Cabinet. The Panel operates within the Council's wider corporate governance framework.

3. Purpose

The Local Development Framework Cabinet Advisory Panel will be advisory on issues and documents produced to steer officers' progression of the preparation of the Local Development Framework. It will not be open to the public so as to enable full and open discussion of issues and options.

4. Constitution

Seven members:

Cabinet Member for Regeneration, Planning, Employment and Enterprise
(Chair)

Chair Planning Applications Committee

Vice-Chair Planning Applications Committee

Two other administration councillors

One majority opposition councillor

One minority opposition councillor

Other Cabinet members will attend from time to time. The Chair may invite other Councillors and individuals external to the Council to attend on occasion. The Chief Executive will determine which officers will attend each particular meeting.

5. Working Arrangements

Meetings will be held monthly in accordance with a timetable drawn up by Governance and Democracy, and will not be open to the press and public. The Panel will be serviced by Governance and Democracy.

In order to allow proper preparation for the meetings, three clear days notice will be given by Governance and Democracy of the agenda and supporting reports. All reports (including appendices) must reach Governance and Democracy not later than 5pm four clear days before the meeting. If this is not possible on any particular occasion, the Chair will determine whether the issue should be accepted for the agenda or deferred for the next meeting. Notice of the meeting will be sent to all Cabinet members.

Standard agenda items are:

- Minutes of the previous meeting
- Declarations of interest
- Reports submitted by the Executive Director, Housing, Regeneration and Environment, any other member of the Strategic Leadership Board, or the nominated lead officer (Divisional Director, Planning).

The quorum will be any three members. In the absence of the Chair, or at the request of the Chair if present, the meeting shall be chaired by another Cabinet member elected by the meeting. The Chair will decide all matters of order, competence, relevancy and interpretation of Procedure Rules, and their decision at the meeting is final.

The Panel will endeavour to give direction by consensus, but by a show of hands if necessary.

Sustainability Cabinet Advisory Panel

Terms of Reference:

1. Status

The Sustainability Cabinet Advisory Panel is constituted under Article 7.05(v) and Cabinet Procedure Rule 1.3 of the Constitution. The Sustainability Cabinet Advisory Panel will operate in accordance with the arrangements as set out in the constitution, Part 3, Section 2. Operating as any panel, the Panel does not need to be politically balanced or made up of only Cabinet members.

The Panel has no formal decision-making powers. It may include any member of the Council (such as Deputy Cabinet Members or Champions), officers, stakeholders, etc and may call on these individuals to give evidence as required by the Co-Chairs. Its core membership is set out below. Its normal operating

arrangements will be to publish its agenda, meet in public and publish its minutes. However, there is no requirement for Panel meetings to be open to the public or for any related reports or minutes to be made available to other elected members or to the public, and accordingly, the provisions of the Access to Information Procedure Rules and of the Cabinet Procedure Rules (Part 4 of the Council's Constitution) shall not apply unless expressly indicated to the contrary.

2. Governance context

The Sustainability Cabinet Advisory Panel is accountable to Cabinet. The Panel operates within the Council's wider corporate governance framework.

3. Purpose

The Sustainability Cabinet Advisory Panel will be advisory on the following issues, with recommendations being made to officers and/or Cabinet as necessary:

1. To consider and recommend to Cabinet on Sustainability issues in Lambeth regarding themes such as (but not restricted to):
 - Climate change (adaptation and mitigation)
 - Waste
 - Water
 - Energy
 - Food
 - Local biodiversity, conservation and the natural environment
 - Planning, sustainable design and construction
 - Transport
2. To advise the Council on:
 - Setting challenging objectives and targets for the sustainability agenda within London Borough of Lambeth (including statutory targets and requirements)
 - Delivering the Sustainability Action Plan
 - Monitoring, reporting and achievement of performance of all indicators and targets related to sustainability (including those within the Sustainability Action Plan) to the Strategic Leadership Board.
 - Ensuring Lambeth senior managers and staff are aware of their responsibilities in relation to sustainability including training and awareness and embedding environmental sustainability into corporate policies, processes and culture.
 - To raise the understanding and profile of sustainability in the London Borough of Lambeth at all levels.
3. To advise and consult upon particular matters relating to sustainability policy and strategic transport policy within the borough, and make

recommendations to the executive (officers operating under delegated powers or the Cabinet itself).

4. To consider borough sustainability and transport issues involving liaison with strategic with environmental bodies, building and construction organisations, transport bodies (especially Transport for London), transport service providers, and refuse and recycling service providers, and make recommendations to the executive (officers operating under delegated powers or the Cabinet itself), operators within the field of sustainability, and transport operators and strategic operators as necessary.
5. To facilitate partnership working with all relevant organisations and act on their contributions to the discussions as appropriate.
6. To ensure participation of all relevant stakeholders and partners on the Panel to encourage sustainable practices within the Borough.
7. To promote sustainability by regular communication with all stakeholders and to ensure minutes, presentations, annual report and action log documentation are circulated in a timely fashion.
8. To consider and comment on an annual work programme produced by Public Realm on sustainability issues and to ensure the Council utilises the Panel.
9. To consider operational matters concerning bus, rail, tram and underground services, and on cycling and walking issues, and make recommendations to the executive (officers operating under delegated powers or the Cabinet itself) as necessary.
10. To submit an annual report to Council as prepared by the Department of Housing, Regeneration and Environment (Public Realm).

4. Constitution

The constitution and membership is:

- Cabinet Member for Environment & Sustainability (Co-Chair)
- Cabinet Member for Regeneration, Planning & Strategic Transport (Co-Chair)
- Seven other members

Other Cabinet members may attend from time to time. The Co-Chairs may invite other Councillors and individuals external to the Council to attend on occasion. The lead officer will be based in Housing, Regeneration and Environment (Public Realm), and will determine which officers will attend each particular meeting and prepare reports and respond to issues raised.

5. Working Arrangements

Meetings will be held about every two months in accordance with a timetable drawn up by Governance & Democracy, and will normally be open to the press and public. The Panel will be serviced by Governance & Democracy. Reports will be commissioned by Housing, Regeneration and Environment (Public Realm), or Governance & Democracy. In order to allow proper preparation for the meetings, five clear days notice will be given by Governance & Democracy of the agenda and supporting reports. All reports (including appendices) must reach Governance & Democracy not later than 5pm seven clear days before the meeting. If this is not possible on any particular occasion, the Co-Chairs will determine whether the issue should be accepted for the agenda or deferred for the next meeting. Notice of the meeting will be sent to all Cabinet members.

The quorum will be any three members. In the absence of either of the Co-Chairs, or at the request of the Co-Chairs if present, the meeting shall be chaired by another Member elected by the meeting. The Chair of the meeting will decide all matters of order, competence, relevancy and interpretation of Procedure Rules, and their decision at the meeting is final.

The Cabinet Advisory Panel will endeavour to give direction by consensus, but by a show of hands if necessary.

Corporate Parenting Board

1. Definition

The Corporate Parenting Board acts to assist the Council in continuing to fulfill its legal obligations and responsibilities towards children looked after (CLA) and leaving care, under the Children Act 1989 and Children (Leaving Care) Act 2000.

2. Scope

This forum has a responsibility to monitor and review the quality and effectiveness of services for children looked after delivered by Corporate Parents; the council, partner agencies and commissioned services; to ensure that every child and young person looked after is supported to be safe, happy, healthy and to achieve their full potential. In addition, it has a key role in listening to the voice of children and young people looked after and leaving care.

The membership and involvement of young people from Lambeth's Children in Care Council (CiCC) is a crucial element of the CPB to ensure young people looked after meet directly with key decision-makers and influence the priorities, decisions and service developments.

3. Objectives

- To oversee the implementation of the Lambeth Council Corporate Parenting Strategy and Action Plan and monitor the quality and effectiveness of services to ensure they fulfill the council's responsibilities and achieve good outcomes for CLA.
- To monitor and evaluate progress of relevant legislation and government guidance and its implementation in Lambeth to ensure services are responsive to the needs of CLA in line with the national *Every Child Matters* agenda.
- To monitor and review the quality and effectiveness of services across the council, partner agencies and commissioned services to achieve continuing improvements in outcomes for looked after children and care leavers.
- To ensure that the voice and opinions of as wide a range as possible of children looked after and care leavers are heard and that their views are used to shape policy and monitor performance.
- To directly receive the views of children and young people looked after and leaving care via the Children in Care Council mechanisms and annual consultation to ensure their views and experiences directly influence decisions made at this level.
- To receive reports on all aspects of children looked after and care leaver's welfare as required from the local authority and partner agencies in sufficient detail to enable it to undertake its strategic responsibilities for planning, monitoring and evaluation.
- To monitor the performance of the Council by receiving progress reports on the key performance indicators relating to children looked after and care leavers.
- To monitor Lambeth's whole authority commitment to joint-working arrangements between council departments and partner agencies and examine ways in which holistic, integrated and cross-cutting practice can be further embedded and priorities and objectives agreed.
- To maintain a strategic overview on the developmental of all new policies, procedures and initiatives to ensure these are in line with local and national priorities and objectives including the Corporate Parenting Strategy; and that they will effectively meet the needs of children looked after.
- To make recommendations to decision makers in Lambeth Council and its strategic partners as it deems appropriate to fulfill its Corporate Parenting duty.

- To consider recommendations from internal and external inspections and reviews, for example Ofsted inspection, to agree the actions needed to address any issues identified and to evaluate the implementation of any plan agreed.

4. Constitution:

The Board is chaired by the lead member for children and young people. Membership comprises elected members, service users and senior managers who hold responsibilities for the well-being of children looked after.

This body is serviced administratively by Governance and Democracy and supported by the Corporate Parenting Team. Detailed operating procedures are set out in Part 4, Section 7 of this Constitution.

Lambeth Safeguarding Children Board (LSCB)

1. Definition

Lambeth Safeguarding Children Board (LSCB) is the key statutory mechanism for agreeing how the relevant organisations in Lambeth will co-operate to safeguard and promote the welfare of children in the area and for ensuring the effectiveness of what they do.

The work of the LSCB fits within the wider context of children's trust arrangement to improve the overall wellbeing of children in the locality.

2. Objectives

The Board's core objectives are as set out in section 14(1) of the Children Act 2004 as follows:

- a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in Lambeth, and
- b) to ensure the effectiveness of what is done by each such person or body for that purpose

3. Scope

The LSCB has a broad scope which includes safeguarding and promoting the welfare of children in three broad areas of activity:

1. Responsive Safeguarding - responsive work, to protect children who are suffering, or at risk of suffering significant harm.
2. Targeted Safeguarding – targeting work, resources and policies on keeping particular groups of children who are more at risk of harm safe.

3. Universal safeguarding – working to keep all children safe and create a safe environment for children.

The focus of the Lambeth Safeguarding Children's Board is to focus on its core business responsive safeguarding until it is satisfied that the work of the responsive safeguarding is established.

4. Functions/Objectives

The following objectives (based on the government guidelines) are the responsibility of the Board and will be met through it or through the work of the sub-committees or the Executive Committee (The senior Leadership group of key Executive Directors across the Safeguarding agencies):

- London Child Protection Procedures
To ensure that all agencies that work with children and young people work together effectively in compliance with government guidance, the London Child Protection Procedures and local protocols
- Local Protocols
To develop and agree local protocols on key issues of concern, eg child prostitution, domestic violence, private fostering, joint investigation,
- Thresholds
Setting and promoting a common understanding of thresholds,
- Recruitment
Ensuring that all agencies adhere to national guidance on recruitment and supervision of persons working with children
- Training
Organise and deliver multi-agency training on safeguarding and promoting welfare to meet local need.
Audit the relevance and quality of single agencies training provision
- The Community
Promote the understanding and involvement of the local community in the safeguarding agenda: "Safeguarding is everyone's Business"
- Quality assurance
Monitor and evaluate what is done individually and collectively in terms of practice and in terms of whether agencies are fulfilling their statutory obligations under Section 11 of the Children Act; e.g. through single agency self-evaluation, joint audits of case files to evaluate joint working etc

- Planning & Commissioning
Participate in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account
- Serious Case Reviews
Undertaking reviews of cases where a child has died or has been seriously harmed in circumstances where abuse or neglect is known or suspected and advising on lessons that can be learned
- Child Death Review Panels
Ensuring a co-ordinated response to and collecting and analysing information from local unexpected deaths via the setting up of a child death review panel
- Annual work Plan
To develop and agree annual measurable objectives to be set out in the three year work plan in the Strategic Plan. These will fit with the Children & Young Person's Plan.
- Annual report (LSCB Office)
Produce an annual report to include the work plan, relevant management information on safeguarding activity in the previous year and progress against objectives the previous year.
- Budget
To agree an annual pooled budget and spending plans
- Equality and Diversity.
Ensure that constituent agencies adhere to practice standards with regard to safeguarding black and ethnic minority and disabled children in Lambeth in line with current legislative requirements

5. Structure

The Lambeth Safeguarding Children Board is independently chaired in accordance with the Laming Review recommendations 2009.

To ensure that LSCB exercises its unique statutory role effectively it must have a clear and distinct identity within local children's trust governance arrangements. It is not an operational sub-committee of the children's trust board and has a scrutiny role of the work of the Children's Trust around safeguarding.

The LSCB consists of an Executive Board and eight sub-committees:

6. Membership

Nature of members

Members will need to be people with a strategic role in relation to safeguarding and promoting the welfare of children within their organisation. They should be able to:

- Speak for their organisation with authority
- Commit their organisation on policy and practice matters
- Hold their organisation to account

Role of members

- Have a duty to contribute to the effective work of LSCB
- Must be objective and be able to recommend changes to improve effectiveness
- Must be “members” of the Board not “representatives” of their agency
- Should adhere to their written statement of roles and responsibilities

Core membership of safeguarding boards is prescribed in “Working Together” and there is local discretion for additional members to join either the Board or sub-committees.

7. LSCB Board

The LSCB Board meets six times a year and determines the strategic direction and key priorities based on national objectives and performance related local objectives. It will also agree matters related to the Board staff, the annual budget and spending plans. The Board will link with and scrutinise other key strategic fora in relation to safeguarding children (including the CYPSP, DV Forum, Corporate Parenting Board, Safer Lambeth Partnership , MAPPA etc)

8. LSCB Sub-committees

The following eight sub-committees have been established to carry out the Board’s objectives:

- Policy, and Procedures Sub-committee
- Promotion of Safeguarding Sub-committee
- Training Sub-committee
- Performance Sub-committee
- Electronic Safety Sub-committee
- Adults Sub-committee
- Serious Case Review Sub-committee
- Safer Recruitment Sub-committee

In addition a Child Death Review Panel has been established with Southwark Safeguarding Children Board.

Each sub-committee has a broad membership, including front line practitioners and representation from the community and voluntary sector, to encourage wider involvement in the safeguarding agenda and to ensure that the Board's aims are achieved. Additional members can be co-opted for time-limited periods if required for specific projects. Each sub-committee has its own work plan and terms of reference, and is chaired by a member of the LSCB at Divisional Director or Assistant Director level who reports progress back to the Board.

Other Children and Young People's Service Panels:

Adoption and Permanence Panel

The Adoption and Permanence Panel considers permanency plans for all Lambeth Looked After Children.

The statutory role of the Panel is to consider (i) whether a child should be placed for adoption, (ii) whether a prospective adopter is suitable to be an adoptive parent, and (iii) whether a child should be placed with a specific prospective and (iv) whether a child/children should be fostered long term.

As the Panel is intended to have a considerable element of independence from the agency they cannot make the decisions. The Panel makes a recommendation to the Adoption Agency and a senior officer currently the Divisional Director Social Care, makes the decision as the representative of the Adoption Agency taking into account the recommendation (either affirmative or negative) of the Panel.

From 1 April 2011 when setting up an Adoption panel the Agency must draw the members from a list of persons ('the Central List') whom it considers have the appropriate qualifications and/or experience to consider the cases submitted to the Panel for its consideration.

The members of the Central List must include in addition to an independent chair and up to two Vice Chairs (who may not be independent):

- adoption social workers with at least three years' relevant post qualifying experience in child care social work, including direct experience in adoption work. The adoption social workers do not need to be employed by the agency.
- the medical adviser to the adoption agency. Where the agency has more than one medical adviser then all of them may be members of the panel
- other persons. These will be persons whom the agency consider suitable, including those not employed by the agency to reflect the independent nature of the panel. As the Panel is a multi-disciplinary body suitable members could include specialists in education, child and

adolescent mental health, race and culture; and those who have personal experience of adoption.

Since the 1 April 2011 there is no mandatory requirement for an elected Member to sit on the Panel. If a Member is appointed where possible, and in accordance with good practice, this Member should be either a member of the Corporate Parenting Board, the Cabinet Member with responsibility for Children's Services or a Member with knowledge of issues relating to looked after children.

The Panel meets twice per month, with occasional emergency meetings.

Fostering Panel

The Fostering Panel considers applications for approval of prospective foster carers (including the detailed arrangements), to be approved as foster carers for children looked after by Lambeth. The Panel also considers the annual reviews of approved foster carers, changes in approval criteria of foster carers and can be consulted over various fostering matters, including the termination of approvals of foster carers.

The Panel makes a recommendation to the Divisional Director Social Care who formally takes the decision as the representative of the Fostering Agency. The Panel contributes to the development and effectiveness of our foster care services as it provides a forum for overseeing the activity of the Fostering Service.

From 1 April 2011 the Fostering Services (England) Regulations 2011 make provision for the establishment of a Central List of people who are considered suitable to sit on a fostering Panel, from which fostering panel members may be drawn by the agency.

The Panel consists of officers, users and representatives of the authority and independent persons. It is a diverse panel that includes representatives from the Children and Young People's Service and independent members who have a range of experience and/or expertise in child care matters.

The Panel meets once per month.

Secure Accommodation Panel

All children and young people placed in Secure Accommodation under the Children Act 1989 Section 25 and the Children (Secure Accommodation) Regulations 1991, are required to have a formal Review after one month and after three months. The Review is required to review the placement and ensure that the criteria for keeping the young person in secure accommodation continues to apply.

The Review Panel consists of an elected Member, an Independent Social Work Manager (who does not hold case responsibility) and an independent person (someone who is neither a Member nor an officer of the Council).

The Panel is held in the Secure Unit where the child or young person is placed and the child and their parents attend the Panel, along with the child's social worker and other relevant people.

The Panel meets as and when necessary.

The Independent Education Admission Appeals Panels

Terms of Reference

To consider:

- (a) Appeals by parents against a decision as to the community school at which education is to be provided for their child.
- (b) Appeals by governing bodies or community schools against a decision by the Local Authority, as their admission authority, to admit to the school a child who has previously been permanently excluded from two or more schools.

Constitution

The membership shall comprise three members to consist of:

- (a) One lay member nominated by the Council (from a pool of such persons maintained by the Council for this purpose);
- (b) One person who has experience in the provision of education in Lambeth, or who is the parent of a pupil at one of the borough's schools;
- (c) One person to be taken from either of these two groups.

Note: Members of the Council and officers from the Children & Young People's department cannot sit on any of these Panels.

Rules of Procedure

In accordance with section 94(1)(b) of the 1998 Schools Standards and Framework Act 1998 ("the 1998 Act") and the Education (Admissions Appeals Arrangements) (England) Regulations 2002 (2899) as amended by the Education (Admissions Appeals Arrangements) (England) (Amendment) Regulations 2008 (save where a child has been permanently excluded from two or more schools and at least one of those exclusions took place after 1 September 1997, the parents' right of appeal against a decision not to offer their child a school place is effectively suspended for two years after the second or any subsequent exclusion (see sections 87(2) and 95(1) of the 1998 Act)), and section 1A of the 1998 Act in relation to appeals against the decisions made by or on behalf of governing bodies refusing admission of a child to a sixth form and as otherwise in accordance with procedures set out in Part 4 (Rules of Procedure) of this constitution.

The Independent Education Exclusion Appeals Panels

Terms of Reference

To consider:

- (a) Appeals by parents where the Governing Body of the school in question upheld the Headteacher's decision to permanently exclude a pupil from a maintained school.
- (b) Appeals by parents where a pupil has been permanently excluded from a Pupil Referral Unit.

Constitution

The membership shall comprise three members to consist of:

- (a) The Chair who must be a lay member, defined as someone who has not worked in a school in a paid capacity, although they may have been a school governor or worked as a volunteer.
- (b) One member must be, or have been, a governor of a maintained school provided they have served in this capacity for at least 12 consecutive months in the last 6 years (but must not be or have been a teacher or head teacher).
- (c) One member must be, or have been within the last 5 years, a head teacher of a maintained school (if the exclusion is from a Pupil Referral Unit (PRU) then this representative can be either a head teacher of a maintained school, or a teacher in charge of a PRU).

Note: Members or officers of the Council cannot sit on any of these Panels.

Rules of Procedure

In accordance with Section 52 of the Education Act 2002 and the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 no. 3178 and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) 2002 no 3179, and as otherwise in accordance with procedures set out in Part 4 (Rules of Procedure) of this constitution.

Section 3 – Local Choice Functions

All executive functions are the responsibility of the Cabinet or officers – see delegated powers to officers set out later in this Part for further information. No functions are to be exercised by Cabinet Members acting individually, unless the Leader decides otherwise, and following notification to full Council.

The Council resolved on 21 October 2009 to adopt the “new-style” leader and cabinet executive to take effect immediately after the local elections in May 2010. As part of this resolution, the Council decided that the local choice functions listed below will continue to be discharged by the Cabinet, noting that this decision will be reviewed by the Council’s new administration following the elections in May 2010.

Subject to the outcome of such review, the following local choice functions (Schedule 2 to the Functions Regulations) will be exercised by the Cabinet collectively or by officers under delegated powers. **Those which will be exercised by the Cabinet collectively are numbered 6, 9 and 15 below (and are emboldened):**

1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.
2. The determination of an appeal against any decision made by or on behalf of the authority.
3. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the School Standards & Framework Act 1998 (appeals against exclusion of pupils).
4. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards & Framework Act 1998 (admission appeals).
5. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards & Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).
- 6. Any function relating to contaminated land.**
7. The discharge of any function relating to the control of pollution or the management of air quality.
8. The service of an abatement notice in respect of a statutory nuisance.
- 9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.**
10. The inspection of the authority's area to detect any statutory nuisance.

11. The investigation of any complaint as to the existence of a statutory nuisance.
12. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
13. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
14. The making of agreements for the execution of highways works.
- 15. The appointment of any individual -**
 - (a) to any office other than an office in which he is employed by the authority;**
 - (b) to any body other than -**
 - (i) the authority;**
 - (ii) a joint committee of two or more authorities; or**
 - (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.**