

Part 1 – Introduction to the Constitution

The Council's Constitution

The London Borough of Lambeth's constitution sets out how the Council operates, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What is covered in the Constitution?

Article 1 of the Constitution commits the Council to: deliver effective community leadership, democratic renewal and continuous improvements in service delivery. Furthermore, the constitution provides for visible and accountable leadership, clarity of decision making processes, greater public involvement, and high standards of conduct. Articles 2 - 16 explain the rights of the people of Lambeth and how the key parts of the Council operate. These are:-

- Members of the Council ([Article 2](#))
- The People of Lambeth and the Council ([Article 3](#))
- The Council meeting ([Article 4](#))
- Chairing the Council ([Article 5](#))
- Overview and scrutiny of decisions ([Article 6](#))
- The Cabinet ([Article 7](#))
- Regulatory and other committees ([Article 8](#))
- The Standards Committee ([Article 9](#))
- Councillor Call for Action, neighbourhood partnership arrangements and principal consultative and partnership bodies ([Article 10](#))
- Joint arrangements ([Article 11](#))
- Officers ([Article 12](#))
- Decision making ([Article 13](#))
- Finance, contracts and legal matters ([Article 14](#))
- Review and revision of the Constitution ([Article 15](#))
- Suspension, interpretation and publication of the Constitution ([Article 16](#))

Throughout the Constitution, references to "in writing" include by Email.

THE COUNCIL

Lambeth Council is composed of 63 Councillors who are elected every four years. Councillors are democratically accountable to residents of their respective ward. There are 21 wards in Lambeth and each one is represented by three Councillors.

The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. The Council is the supreme body and has powers to decide the Council's overall policies and set the budget each year. The Council sets the Policy Framework under which the Cabinet will operate.

HOW DECISIONS ARE MADE

The executive (both elected Members and officers) is the part of the Council which is responsible for policy implementation, operational decisions, performance, and formulating new policies. The Cabinet (elected Members) is made up of the Leader, Deputy Leader and eight other Cabinet Members with portfolio responsibilities. The Council also delegates many of the day to day operational and service decisions to officers. This delegation is governed by the Scheme of Delegation approved by the Council. When key decisions are to be discussed or made, these are published in the executive's Forward Plan insofar as they can be anticipated. If these key decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

OVERVIEW AND SCRUTINY

There is one overarching Overview & Scrutiny Committee with Scrutiny Sub-Committees to scrutinise the various functions of the executive and to support the work of the Council as a whole. They allow stakeholders and non-Cabinet councillors to have a greater say in Council matters by holding inquiries into matters of local concern. These inquiries lead to reports and recommendations which advise our partners, our partnerships, the executive and the Council on its policies, budget and service delivery. The Overview & Scrutiny Committee and its Sub-Committees also monitor and scrutinise the individual decisions of the executive, including those decisions delegated to officers. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. Again, decisions taken by officers come into this category. This enables them to consider whether the decision is appropriate.

They may recommend that the Cabinet reconsider the decision. They may also be consulted by the executive or the Council on forthcoming decisions and in the development of policy. The Overview & Scrutiny Committee and its Sub-Committees have no direct decision making powers but can have significant powers over its business and influence on the executive through the full Council.

The Overview & Scrutiny Committee and its Sub-Committees may also request information from, make reports and recommendations to and hold local NHS bodies and members of the Crime and Disorder Reduction Partnership (the Safer Lambeth Partnership) to account in relation to the discharge of their functions in the borough. In addition Scrutiny committees may request information from and make recommendations to partners in accordance with the External protocol and expect them to have regard to those recommendations in discharging their functions.

The Chair of the Overview & Scrutiny Committee shall be a member from the main opposition party on the Council.

COUNCILLOR CALL FOR ACTION, NEIGHBOURHOOD PARTNERSHIP ARRANGEMENTS AND PRINCIPLE CONSULTATIVE AND PARTNERSHIP BODIES

The Council is committed to transparent decision making and maximising public participation, volunteering and active citizenship in Lambeth. The principle adopted by the Council is to strengthen the role of the ward Councillor by securing participation in the shaping and delivery of local services and decision-making down to its lowest possible level within a neighbourhood setting. The Council seeks to achieve this through the following:

Local issues of concern that have proved difficult to resolve elsewhere can be raised by Councillors by the submission of a Councillor Call for Action.

People First Expo's bring together the key stakeholders within a defined locality, to provide opportunities for citizens to meet service providers and councillors to discuss priorities for the area and influence the commissioning of services.

Safer Neighbourhood Panel brings together local policing resources, local community representatives and ward councillors who work together to reduce crime and disorder and improve people's quality of life through safe and strong communities.

Neighbourhood working exists to improve the co-ordination of services between the statutory, 3rd Sector (e.g. voluntary), private sectors, local community representatives within the defined neighbourhood.

LOCAL STRATEGIC PARTNERSHIP BOARD (LAMBETH FIRST)

The Council has a duty to establish the Local Strategic Partnership Board (LSP) involving all key agencies, businesses and the community to promote the economic, social and environmental well-being of the borough's residents, particularly through the development and delivery of the Community Strategy. The LSP will support regeneration and social inclusion initiatives funded through the Neighbourhood Renewal Funds and by bending mainstream resources to meet community needs in areas of greatest need within the borough.

COUNCIL, AREA HOUSING FORUMS, HOUSING CONSULTATION PANELS, TENANT MANAGEMENT ORGANISATIONS

Resident involvement forms an intrinsic part of Lambeth's approach to delivering a quality housing management service. The Council has set up a number of new housing consultation forums including - Local Repair Panels, Housing Finance and Monitoring Group, and the Tenants Strategy Group. Tenants from Registered Residents Associations are elected annually to the Tenants Council and the six Area Housing Forums. These groups are chaired by residents enabling their direct influence on the delivery and management of the housing service.

The increasing numbers of Leaseholders in the Borough are given a voice through the Leaseholders Council whose membership comprises leaseholders elected via Area Leasehold Forums. There are currently 14 Tenant Management Organisations which collectively manage 6,000 homes in the Borough.

ARMS LENGTH MANAGEMENT ORGANISATIONS (HOUSING)

The Council has established two ALMOs to manage its council housing. The first, United Residents Housing, was created in 2006 and is responsible for four tenant managed estates, Loughborough, Waltham, Roupell Park and Blenheim Gardens. The second is Lambeth Living which is responsible for managing and maintaining the balance of the council housing stock (22,000 tenanted dwellings and 9,000 leasehold dwellings).

YOUTH COUNCIL

Lambeth Youth Council will involve young people in the borough and empower them to influence the Council. Young people will be consulted through the Youth Council by decision-makers. Young people will determine the issues they wish to campaign on and how they want to work with other bodies to improve services and meet the aspirations of young people.

LAMBETH PRIMARY CARE TRUST

The Council works in partnership with the Lambeth Primary Care Trust which is responsible for health service provision in the borough. Partnerships take a

variety of forms, and include formal agreements under section 31 of the Health Act 1999, jointly-located teams, joint planning arrangements, joint appointments to some posts, etc. Choosing Health, the Government's White Paper on Public Health which was published in November 2004, raises the likelihood of closer joint working between local authorities and health bodies around prevention and health promotion. This is likely to be reflected in more emphasis on these areas of work in the plans of both bodies over the coming years.

OTHER FORUMS

The other main forums the Council regularly consults with are the Pensioners Forum, the Head Teachers Forum, the Governors Forum, Parks Management Advisory Committees and Trade Unions. The key consultative and partnership bodies are set out in Article 10. Many of these bodies have subsidiary consultative bodies and so the list is indicative and not exhaustive.

REGULATORY AND OTHER COMMITTEES

The Planning Applications and Licensing Committees are quasi-judicial bodies of the Council which operate independently of the executive and will be guided by the Council's overall policies on development control and licensing.

In addition, the Council has established a Corporate Committee which discharges various non-executive functions as detailed in Article 8.

HIGH STANDARDS OF CONDUCT

The Standards Committee advises the Council on the Members' Code of Conduct, assesses and determines complaints about Members' conduct, and ensures that training is provided to all Councillors.

THE COUNCIL'S STAFF

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. The Chief Executive is the Head of Paid Service and is responsible for all staff in the authority. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Monitoring Officer ensures that the Council acts within its legal powers and the Chief Finance Officer (usually the Executive Director of Finance & Resources) ensures the proper management of Council funds. A code of practice governs the relationships between officers and Members of the Council.

RIGHTS OF THE PEOPLE OF LAMBETH

The people of Lambeth have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The following

local advice agencies, funded by the Council, advise on individuals' legal rights:

- (i) North Lambeth Law Centre
- (ii) Lambeth Citizens Advice Bureau;
- (iii) Brixton Advice Centre;
- (iv) Clapham Community Project;
- (v) Centre 70 Community Association; and
- (vi) Waterloo Action Centre

The Lambeth Advice and Legal Services handbook contains details of these and other organisations to assist and advise citizens. This handbook is available on the Council's website and from libraries and all public offices.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution. Details can be obtained from local advice agencies or from the relevant Council department and Council website: www.lambeth.gov.uk.

The people of Lambeth have the right to:-

- register and vote at local elections;
- contact their local Councillors about any matters of concern to them.
- inspect the Constitution via the website, or in printed copy format at Lambeth Town Hall;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- petition to request that a Community Governance Review be undertaken in accordance with Part 4 of the Local Government and Public Involvement in Health Act 2007.
- petition the Council (including via e-petitions) on any matters of concern to local people; (petitions are received by the Mayor, Chief Executive, Councillor or at Council meetings), or be part of a deputation on a particular issue;
- contribute to the debate at meetings where invited to do so

- ask public questions at Council Committees and Sub-Committees;
- contribute to investigations by scrutiny committees and may be co-opted on specific service reviews commissioned by the sub-committees;
- find out, from the executive's Forward Plan, what key decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- inspect reports and background papers, and any record of decisions made by the Council and executive in printed copy format at Lambeth Town Hall (public reports and minutes are published on the website);
- complain to the Council about its services to the public;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the independent Chair of the Council's Standards Committee and/or Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by the borough's residents and businesses in its work. For further information on your rights as a resident, please contact Democratic Services and Scrutiny (Committee Services) at the Town Hall. Telephone 020 7926 2170 or e-mail tstephens@lambeth.gov.uk

Part 4 of the Constitution: Rules of Procedure includes a section on Access to Information which details further rights to information on the Council's business.