

Part 2 - Articles of the Constitution

Article 1 - The Constitution

Contents of the Article

Article 1 sets out the fundamental provisions of the Constitution. It confirms that the Council will act within the law and the provisions of this Constitution. The Article describes the purpose of the Constitution and mechanisms for reviewing the Constitution.

1.01 The Constitution

This Constitution, and all its appendices, is the Constitution of the Council of the London Borough of Lambeth.

1.02 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:-

- (i) establish a comprehensive framework for how the Council makes decisions on behalf of local residents;
- (ii) enable the Council to provide clear leadership to the community in partnership with local residents, businesses and other organisations;
- (iii) support the active involvement of citizens in the process of local authority decision-making;
- (iv) help Councillors represent their constituents more effectively;
- (v) enable decisions to be taken efficiently and effectively;
- (vi) create a powerful and effective means of holding decision-makers to public account; in particular by the establishment of a Overview & Scrutiny Committee and Scrutiny Sub-Committees containing non-executive Councillors
- (vii) ensure that no one will review or scrutinise a decision in which they were directly involved;

- (viii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- (ix) provide a means of improving the delivery of services to the community;
- (x) promote high standards of conduct and
- (xi) ensure that the rights and duties of individual Councillors are codified.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Reference:

Section 37, LGA 2000

Chapter 10, DETR Guidance,

The Local Government Act 2000 (Constitutions) (England) Direction 2000

Article 2 - Members of the Council

Contents of the article

Article 2 sets out the composition of the Council, eligibility to stand for election as a Member of the Council and the form of election to be used. Article 2 also contains a statement of the roles and functions of Members of the Council. This reinforces the fact that all Members, whatever their formal position in the Council and party political system, share common roles and responsibilities.

The Article also deals with the rights and duties of Members, especially as they affect access to land, buildings, documents and information and any confidentiality requirements surrounding the latter.

2.01 Composition and eligibility

Composition

- (a) The Council has 63 Members, otherwise called Councillors. Three Councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

Eligibility

- (b) Only registered voters of the London Borough of Lambeth, living or working within the area, will be eligible to hold the office of Councillor. A person must be a British subject or citizen of the Republic of Ireland or the Commonwealth or a relevant citizen of the European Union, and be at least 18 years old and:
 - (i) is and continues to be a local government elector for the London Borough of Lambeth; or
 - (ii) has for the whole of the twelve months preceding occupied as owner or tenant any land or other premises in that area; or
 - (iii) whose principal or only place of work during that twelve months has been in that area; or
 - (iv) has during the whole of that twelve months resided in that area.

2.02 Election and terms of office of Councillors

Election and terms of office

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2002. The terms of office for Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all Councillors

(a) Key roles

All Councillors will:-

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and resident involvement in decision making;
- (iii) effectively represent the interests of their constituents and bring their views into the Council's decision-making process;
- (iv) balance different interests identified within the ward and represent the ward as a whole;
- (v) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (vi) In particular, to consider and advise constituents on the best course of action to progress issues raised, giving the necessary personal support including attending relevant meetings:
 - Petition: present a petition (including an e-petition) to the Council via Democratic Services and Scrutiny, the Chief Executive or the Mayor, advising either whether the petition should be best considered by a particular officer or considered at a scrutiny committee (see Constitution, Part 4, Section 1, procedure rule 10). A response will be sent within 10 clear days of receipt.
 - Deputation: present a request to the Council via Democratic Services and Scrutiny for the Council or a committee to receive a deputation (see Constitution, Part 4, Section 1, procedure rule 10).
 - Public question: submit a public notice question to the Council via Democratic Services and Scrutiny for an ordinary meeting of Council (see Constitution, Part 4, Section 1, procedure rule 10). The questioner may attend the meeting and ask a further oral supplementary question in response to the initial written response.
 - Public Notice question: Advise on process or submit on constituents behalf. Once a question has been submitted, a response will be sent within 10 clear days of receipt. The question may be referred to a scrutiny committee (this will be decided administratively), and if so, the questioner will be invited to the meeting and may ask a further oral

supplementary question in response to the initial written response.

- Council question (Members): submit a Council question on behalf of a constituent (see Constitution, Part 4, Section 1, procedure rule 12).
- Council motion (Members): submit a motion on notice to an ordinary Council meeting on behalf of a constituent (see Constitution, Part 4, Section 1, procedure rule 14).
- Officers: Arrange a meeting with the appropriate officer.
- Cabinet member: Arrange a meeting with the appropriate Cabinet Member.
- Service request: submit a request for information to the appropriate officer.
- Members Enquiry: Submit on constituents behalf.
- Key decisions: if the matter concerns a forthcoming key decision as set out in the Forward Plan, make representations direct to the notified contact officer.
- Safer Neighbourhood Panel: Attend the relevant Safer Neighbourhood Panel to raise and resolve the issue.
- Councillor Call for Action meeting: Advise on the Councillor Call for Action process including for crime and disorder matters.
- Cabinet meeting: If the issue relates to a published report to be considered at an imminent Cabinet meeting, to advise Democratic Services and Scrutiny of the wish to speak at the meeting (see Constitution, Part 4, Section 4, Cabinet procedure rule 2.2.2).
- Planning and Licensing meetings: If the issue relates to a published report to be considered at an imminent meeting of Planning Applications or Licensing Committees, to advise Democratic Services and Scrutiny of the wish to speak at the meeting.
- Scrutiny and other public meetings: attend and observe and contribute

- (vii) respond to constituents' enquiries and representations, fairly and impartially;
- (viii) participate in the governance and management of the Council as a whole;
- (ix) be available to represent the Council on other bodies; and
- (x) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) The Cabinet Members and designated Opposition Members including the Leader(s) of the Opposition Group(s) shall have the right to receive oral briefings from the Chief Executive and Executive Directors in accordance with their statutory and common law rights.
- (iii) Subject to paragraph 4. of the Members' Code of Conduct, Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iv) For these purposes, "confidential" and "exempt" information is defined in the Access to Information Rules in Part 4 of this Constitution.
- (v) To submit reports to committees and sub-committees of the Council to which they have been appointed.
- (vi) Other rights of Councillors are set out in Part 5 of this Constitution in the protocol on Officer/Member Relations.
- (vii) Councillors cannot vote on the budget, council tax base or council tax levels if they are in Council tax arrears of two or more months (Section 106, Local Government Finance Act 1992).

2.04 Membership of Committees

Members of the Council shall have the right of attending a meeting of any committee or sub-committee except the Appointments Committee and its standing sub-committee when the press and public have been excluded, and the Standards (Assessment) Sub-Committee and Standards (Review) Sub-Committee.

Any Councillor attending under this provision shall not be allowed to vote but shall be allowed to speak when matters which clearly and specifically concern the ward they represent are under discussion. Such a Councillor may speak on other items only with the consent of the meeting or where the Chair feels that the meeting should hear from them. However, Councillors can attend any part of these meetings where they are representing a constituent, unless they have a prejudicial interest in the matter within paragraph 10 of the Members Code of Conduct (Part 5, Section 1 of the Constitution).

2.05 Vacation of office by failure to attend meetings

If a Member fails to attend any meeting of:

- The Council;
- Council Committees and Sub-Committees;
- Any joint committee or joint board discharging the Council's functions;
- Any other body discharging the Council's functions;
- Any other body appointed to advise the Council on any matter relating to the discharge of the Council's functions;
- Any body where the member has been appointed as the Council's representative;

for more than six consecutive months, unless the failure to attend was due to some reason approved beforehand by the Council, s/he shall cease to be a member of the London Borough of Lambeth.

2.06 Conduct

Councillors will at all times observe the Members' Code of Conduct set out in Part 5 of this Constitution and the protocol for the Planning Applications and Licensing Committees as set out in Part 5 of this Constitution.

2.07 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

Reference:

Part 1, Part VA and Section 79, Local Government Act 1972

Chapter 2, DETR Guidance

Section 18, Local Government and Housing Act 1989 and regulations thereunder

Section 7, Superannuation Act 1972 and regulations thereunder

Article 3 - The People of Lambeth and the Council

Contents of the article

Article 3 summarises the rights and responsibilities of local people under the constitution.

3.01 The rights of the people of Lambeth

The people of Lambeth have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:-

Voting and petitions

- (i) residents on the electoral roll for the area have the right to vote.
- (ii) residents have the right to sign a petition to request a referendum for an elected mayor form of constitution (5% of the electorate of the London Borough of Lambeth must sign such a petition for it to take effect).
- (iii) residents have the right to sign a 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.
- (iv) all residents have the right to sign a petition (and e-petition) on any matter within the Council's purview (excluding certain issues including Licensing and Planning matters) and for any such petition to be considered by the Council.

Information

The people of Lambeth have the right to:-

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet (subject to the provisions of the Cabinet Procedure Rules in Part 4 of this Constitution);
- (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
- (iv) inspect reports and background papers, and any public records of decisions made by the Council and the executive in printed

copy format at Lambeth Town Hall (public reports and minutes are published on the website);

- (v) The register of member interests, and
- (vi) inspect the Council's accounts and make their views known to the external auditor.
- (vi) make a request under the Freedom of Information Act 2000 to see information held by the Council.

Participation

The people of Lambeth have the right to and are encouraged to:

- (i) participate in the Council's meetings in accordance with the relevant rules of procedures for the meetings;
- (ii) ask public questions at Council Committees (normally Overview & Scrutiny committee and its sub-committees) on any aspect of the Council's functions;
- (iii) be co-opted on any of the scrutiny sub-committee commissions and reviews; and
- (iv) take part in the Council's consultation activities.

Complaints

The people of Lambeth have the right to complain to:-

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme; and
- (iii) the independent Chair of the Council's Standards Committee and/or Monitoring Officer about a breach of the Councillor's Code of Conduct.

3.02 Responsibilities of the People of Lambeth

The People of Lambeth:

- (i) must not be violent, abusing or threatening to Councillors or officers and must not wilfully harm things owned by the council, Councillors or officers.
- (ii) must not unlawfully discriminate against any other citizens involved in the Council's business, Councillors or officers; and

- (iii) have the responsibility to ensure that their behaviour does not disrupt the conduct of meetings and that the business being discussed can be carried out.

Article 4 - The Full Council

Contents of the article

Article 4 describes the composition and key responsibilities of the full Council.

Membership

All 63 Councillors are Members of the Council.

4.01 Council Meetings

There are three types of Council meetings:

- (i) the annual meeting
- (ii) ordinary meetings, and
- (iii) extraordinary meetings

The meetings will be conducted in accordance with the Council's Procedure Rules in Part 4 of the constitution.

4.02 The Role of the Full Council

The Council is the supreme body of the London Borough of Lambeth. The Council meets on a regular basis to decide on the policies and plans which will constitute the Policy Framework for the authority, will set the budget for the proceeding year, undertake all other non-executive functions (unless undertaken by Corporate Committee on its behalf), and approve any Housing Land Transfers.

4.03 Functions of the Council

- (i) To approve and adopt the following policies, plans and strategies which together will make up the Council's budgetary and policy framework:

Policy Framework

Plan or Strategy

Existing status / Date to Council

Department of Adults' and Community Services:

Safer Lambeth Partnership Plan 2009-10

Approved: July 2009 with annual reports to Council

Department of Children and Young People's Service:

Children and Young People's Plan (CYPP)
(including the Youth Justice Strategic Plan)

Approved July 2007

Capacity and Capability Assessment

Approved November 2006

Department of Finance and Resources

Budget

Annual – each February

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and its virements.

Department of Housing, Regeneration and Environment:

Local Development Framework
(i.e. Plans and Strategies which together comprise the LDF)

Approved October 2009

Development Plan Documents as and when required by section 15 of the Planning and Compulsory Purchase Act 2004. The approval and adoption of all other Local Development Documents, within the meaning of section 17 of the 2004 Act, is to be discharged by the Cabinet.

Statement of Licensing Policy required by section 5 of the Licensing Act 2003

Approved January 2008

Statement of Gambling Policy required by section 349 of the Gambling Act 2005 (including a resolution not to issue Casino Premises Licenses under Section 166 of the Gambling Act 2005)

Approved October 2009

Office of the Chief Executive:

Sustainable Community Strategy

Approved July 2008

Further Plans and strategies will continue to be developed by the Cabinet to meet the borough's priorities. These are listed in Article 7.05 below.

Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Summary of functions

The Council will also have the following functions:

- (i) To adopt and change the Constitution;
- (ii) To approve or adopt the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (iii) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, to make decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker or body is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (iv) To appoint the Leader;
- (v) To appoint the Mayor, as Chair of the authority, and Deputy Mayor;
- (vi) To appoint a Chair for the meeting in the absence of the Mayor.
- (vii) To agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them;
- (viii) To appoint representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (ix) To adopt the Members Allowance Scheme set out in Part 6 of the Constitution;
- (x) To change the name of the area, conferring the title of honorary alderman or freedom of the borough;

- (xi) To confirm the appointment of the head of paid service;
- (xii) To consider the matters referred to it by the Overview & Scrutiny Committee and scrutiny sub-committees;
- (xiii) To make, amend, revoke, re-enact or adopt by-laws and promote or oppose the making of local legislation or personal Bills;
- (xiv) To agree all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- (xv) To approve or adopt a plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the Council's minimum revenue provision;
- (xvi) To discharge prescribed functions relating to community governance reviews under Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007;
- (xvii) To discharge prescribed functions relating to changing governance arrangements under section 64 of and Schedule 4 to the Local Government and Public Involvement in Health Act 2007; and
- (xviii) To decide all other matters which, by law, must be reserved to the Council.

4.04 Responsibility for functions

The Council will maintain and keep up to date the information and the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

References:

Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
Chapters 2 and 9, DETR Guidance

Article 5 - Chairing the Council

Contents of the article

Article 5 describes the role of the Mayor in chairing the Council meeting.

5.01 The Mayor

The Council will appoint the Mayor at the annual meeting from amongst the Councillors. The Mayor shall, unless s/he resigns or becomes disqualified, continue in office until her / his successor becomes entitled to act as Mayor.

5.02 The Deputy Mayor

- (i) The Deputy Mayor is appointed by the Council at the annual meeting.
- (ii) The Deputy Mayor may, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge all roles and functions of the Mayor set out below.

5.03 Role and function of the Mayor

The Mayor, and in their absence the Deputy Mayor, will have the following roles and functions with the exception of automatically chairing the Council meeting:-

Ceremonial Role

The Mayor is a symbol of the authority of the Council and an expression of social cohesion. The Mayor is the first citizen of the Borough. The Mayor will attend such civic and ceremonial functions as s/he or the Council decides are appropriate. The Mayor represents the Council and gives recognition, appreciation and encouragement to all groups and individuals who contribute to the well-being of the Borough's residents and to building social cohesion.

The Mayor may be required to act in place of the Overview & Scrutiny Committee Chair, if absent, to progress special urgency matters in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4 of this Constitution.

The Mayor will act in a non-partisan manner and in the interests of the whole Council.

Chairing the Council Meeting

In her/his capacity as the Chair of the Council, the Mayor will have the following responsibilities:

- (i) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not part of the Cabinet or hold committee Chairs are able to hold the Cabinet and committee Chairs (other than Chairs of regulatory committees) to account);
- (iv) To promote public involvement in the Council's activities.

References:

Section 3, 5, 245; schedule 2, 12; Local Government Act 1972
Schedule 3, Local Government Act 2000
Chapters 2, 4 and 9, DETR Guidance

Article 6 – Scrutiny Committees

Contents of the article

Article 6 sets out the role and function of scrutiny, including its terms of reference.

Provisions in the Localism and Health and Social Care Bills (currently before Parliament) may necessitate further amendment to this part of the council's constitution to ensure that the council's accountability processes are clear, do not duplicate each other and reflect legislative requirements.

SCRUTINY - GENERAL COMMENTS

Introduction

An effective scrutiny function is essential to achieve enhanced accountability in the borough area and ensure transparency of the decision making process. The role of scrutiny committees is therefore:

- To develop and review policy;
- In public, hold the Cabinet and officers taking delegated decisions to account; and
- Scrutinise the work and impact of our partners on the local community

Scrutiny should be a key mechanism for enabling Councillors to represent the views of their constituents and other organisations to the Council.

CO-ORDINATING SCRUTINY

The Overview & Scrutiny Committee is the strategic scrutiny committee of the Council. It co-ordinates the operation of scrutiny committees and ensures that proper procedures and protocols are in place to facilitate the effectiveness of scrutiny. The Overview & Scrutiny Committee also ensures that there is proper and effective liaison between scrutiny and the Cabinet.

6.01 Terms of reference

The Overview & Scrutiny Committee will appoint the scrutiny sub-committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000, Chapter 2 of Part 5 of the Local Government and Public Improvement in Health Act 2007 and sections 19-22 of the Police and Justice Act 2006 in relation to the matters set out in the right hand column of the same table. With regard to the Health Scrutiny function, these powers are conferred by the Health and Social Care Act 2001, Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 and Directions on Joint Health Scrutiny Committees, issued by Department Health on 17 July 2003.

Sub-Committee	Scope
Children and Young People's Service Scrutiny Sub-Committee	The provision, planning and management of education. The provision, planning and management of children's & youth services in social services.
Environment and Community Safety Scrutiny Sub-Committee	The provision, planning and management of borough wide and strategic environmental services, including parks, streets, transport and waste disposal. Also arts and culture, along with community safety. Local crime and disorder matters, within the meaning of section 19 of the Police & Justice Act 2006.
Finance Scrutiny Sub-Committee	
Health and Adult Services Scrutiny Sub-Committee	The provision and management of healthcare services in Lambeth. Scrutiny of health and well being issues affecting the residents and those working in the borough. The provision, planning and management of adult social care e.g elderly persons and mental welfare services in Lambeth.
Housing Scrutiny Sub-Committee	The provision, planning and management of its housing and non-council properties and the built environment.

6.02 General role

The following statutory terms of reference apply to the Overview & Scrutiny Committee and to all Scrutiny Sub-Committees:

1. To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any of the authority's functions;
2. To consider any local government matter affecting the area or its inhabitants;
3. To make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions affecting the area or its inhabitants;
4. To review, scrutinise, and make reports and recommendations to the council's partners where those partner's functions relate to a local improvement target; and
5. To exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet including those key decisions delegated to officers.

Within the statutory terms of reference set out above, Overview & Scrutiny Committee and its sub-committees will also have the following terms of reference in order to facilitate their scrutiny functions. The application of these terms of reference to each sub-committee is limited to the specific functions of

the Children and Young People's Service/Environment and Community Safety/Health and Adult Services/Housing/Finance Scrutiny Sub-Committees which they are individually responsible for scrutinising.

6. To monitor, question and investigate the performance of the Cabinet and the Council services for which it is responsible, identifying any shortfalls in performance; by calling for relevant persons and papers and undertaking in depth investigations; and to make appropriate recommendations to the Cabinet or Council on matters relating to the discharge of the functions of the authority, or which affect the borough or its inhabitants in respect of the discharge of such functions.
7. Having regard to the instructions of Overview and Scrutiny Committee, to assist the Council in the setting of the budget by:
 - Considering and commenting on the strategic priorities for the forthcoming financial year.
 - Monitoring the setting of the budget to ensure that it reflects those priorities, once they are agreed.
8. Should the Committee or sub-committee deem it necessary, for the better performance and discharge of its scrutiny functions, it may require the attendance at any of its meetings of any member of the Cabinet, and relevant officers, who are thereby under an obligation to attend the meeting in question. For further details please refer to paragraph 14 of the Scrutiny Procedure Rules, in part 4 of the Constitution. In any event, when making a request for officer attendance, Members should have regard to the Members Code of Conduct and the protocol on Officer/Member relations set out in Part 5 of the Constitution.
9. To consider all public notice questions received, holding the responsible members and officers to account and ensuring that appropriate answers are supplied.
10. Where appropriate, to receive copies of reports from internal audit, the District Auditor and the Local Government Ombudsman and, following such consultation with the Cabinet as may be appropriate, to make any such recommendations as may be deemed necessary to Council.
11. [For Finance Scrutiny Sub Committee] To oversee the Council's resource management, both revenue and capital, the management of its budget, capital, revenue, borrowing and assets, and its audit arrangements.
12. To comply with such protocols on the discharge of the Committee's or Sub-Committee's scrutiny functions as may be agreed by the Council.
13. To exercise the right to require information from and make reports and recommendations to relevant partner authorities and expect those partner authorities to have regard to those reports and recommendations in exercising their functions.

14. Pursuant to s.32 Local Democracy, Economic Development and Construction Act 2009 joint overview and scrutiny committees may be set up by any two or more local authorities. Such committees may make reports and recommendations on any matter (other than excluded matters) and associated authorities may be required to provide any information to joint overview and scrutiny committees (other than that relating to crime and disorder matters).
15. To conduct scrutiny (request information, question and make reports and recommendations) of the council's partners or partnerships in accordance with the principles set out in the External Scrutiny Protocol (appended to the Scrutiny Procedure Rules in Part 4 Section 5 of this constitution).
16. [For Environment and Community Safety Scrutiny Sub-Committee] To meet at least once a year to review or scrutinise decisions made, or other actions taken, in connection with the discharge by the members of the Safer Lambeth Partnership of their crime and disorder functions and to make reports or recommendations to the Safer Lambeth Partnership or its constituent partners (the responsible authorities') in respect of those functions. The 'responsible authorities' in terms of the Police and Justice Act 2006 are as follows:
 - the Council;
 - the chief officer of police for the area;
 - the police authority for the area;
 - the fire authority for the area;
 - the Primary Care Trust for the area;
 - the Probation Board for the area.
17. To review and scrutinise the planning, provision and operation of health and related services in Lambeth and consideration of the health and well being of the local population. This will be undertaken in accordance with the relevant legislation, regulations and guidance including the Health and Social Care Act, 2001; Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions Regulations 2002; Directions on Joint Health Scrutiny Committees, July 2003; National Health Service Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 (which includes provision for the establishment of a Local Involvement Network (LINK) in each local authority area). The LINK has the power to refer matters to the Health and Social Care Overview and Scrutiny Committee (HOSC). HOSCs will have a duty to acknowledge and keep LINKs informed about any referrals received; and s8-10 of the Health Act 2009 and accompanying regulations and guidance.
18. Pursuant to regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, the Council and one or more local authorities may, from time to time, decide to appoint a joint Health Scrutiny Committee and arrange for it to review and scrutinise, in accordance with the Regulations, matters relating to the health service

in the authorities' area and to make reports and recommendations on such matters.

19. Where a local NHS body has under consideration any proposal for a substantial development of the health service in the authority's area, or for a substantial variation in the provision of such service, the Health Scrutiny Sub-Committee must consider and make comments on the proposal by such date as may be specified by the local NHS body. Where the proposal relates to more than one local authority area, it must be considered by a Joint Health Scrutiny Committee appointed by each of the local authorities in question.
20. Further details of the joint arrangements referred to in paragraphs 17 and 18 above are set out in Part 3, Section 5 of this Constitution. In view of the potential need to establish a Joint Health Scrutiny Committee at short notice or for reasons of urgency, and which may involve one or more other local authorities, the Executive Director of Finance and Resources is authorised to make arrangements for establishing Joint Health Scrutiny Committees, as appropriate and in consultation with the Chair and Vice Chair of Overview and Scrutiny Committee and Health Scrutiny Sub-Committee.
21. To suggest subjects to be scrutinised by the Commissions for approval by Overview and Scrutiny Committee.

The following additional terms of reference apply solely to the Overview & Scrutiny Committee in order to facilitate its role as the strategic scrutiny committee of the Council:

22. To oversee and co-ordinate the scrutiny function, including agreement of the overall training development and support provided to Scrutiny Members and the conduct of the Scrutiny Sub-Committees and Commissions.
23. To approve an annual scrutiny work programme, including the programme of the sub-committees it appoints, to ensure that there is efficient use of the committee's and sub-committees' time, and that the potential for duplication of effort is minimised. To approve all scrutiny commissions for the year.
24. To oversee the policies and strategies of the Council and other bodies which affect the economic, social and political resources available to individuals to enable them to participate fully in society, especially in the context of the national strategy for neighbourhood renewal. The provision, planning, management and performance of Council services, including support services, the community plan and any other Council function not otherwise addressed by any other committee.
25. Where matters fall within the remit of more than one scrutiny sub-committee, to determine which of them will assume responsibility for any

particular issue, and to resolve any issues of dispute between scrutiny sub-committees.

26. To receive requests from the Cabinet and/or the full Council for reports from scrutiny sub-committees and to allocate them if appropriate to one or more scrutiny sub-committees.
27. To put in place and maintain a system to ensure that referrals from scrutiny sub-committees to the Cabinet, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution.
28. At the request of the Cabinet, to make decisions about the priority of referrals made in the event of reports to the Cabinet and/or the Council exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.
29. To make decisions about the organisation and operation of scrutiny sub-committees.
30. To co-ordinate the operation of the scrutiny sub-committees to ensure that they perform in the most efficient, economic and effective manner.
31. To ensure proper and effective liaison between scrutiny and the Cabinet.
32. To advise the Chief Executive about scrutiny matters at Council meetings in accordance with Council Procedure Rule 2(xii).
33. To be the "relevant scrutiny committee" for the purposes of The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) and in respect of urgent key decisions.
34. To monitor performance management in the Council on the basis of clear evidence to demonstrate an improvement in culture, planning process, using the right performance indicators and record against the agreed priorities of the Council.
35. To monitor the implementation of the Corporate Plan, the Sustainable Community Strategy and other key corporate strategic documents, including work around the Council's Comprehensive Area Assessment, and to assign responsibility for the monitoring of other cross-departmental plans to the relevant scrutiny sub-committee or commission.
36. To monitor the physical, social and economic environment, regeneration and enterprise of Lambeth.

6.03 Specific functions

- (a) **Policy development and review.** The Overview & Scrutiny Committee and its sub-committees may:
- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) question members of the Cabinet and/or committees and chief officers about their views on issues and proposals affecting the area; and
 - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** The Overview & Scrutiny Committee and its sub-committees may:
- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or committees and Council officers, both in relation to individual decisions and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) question members of the Cabinet and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (iv) make recommendations to the Cabinet and/or partner authorities and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
 - (v) review and scrutinise the performance of other public bodies in the area, request reports and information from them and request them to address the committee and local people about their activities and performance where these relate to a local improvement target; and
 - (vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview & Scrutiny Committee and its sub-committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Overview & Scrutiny Committee and its sub-committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview & Scrutiny Committee and its sub-committees may exercise overall responsibility for the work programme of the officers

employed to support their work.

6.04 Proceedings of Overview & Scrutiny Committee and sub-committees

Overview & Scrutiny Committee and sub-committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

References:

Section 21 and schedule 1 (Paragraphs 7,8,10 and 11), Local Government Act 2000

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)
Chapters 3 and 9, DETR Guidance

Sections 119-128 of Local Government and Public Involvement in Health Act 2007

Article 7 – The Cabinet

Contents of the article

Article 7 describes the Cabinet (Leader and Cabinet Members) which is responsible for running the Council, making key decisions and being the focus for the policy and budget development process. The Cabinet has decision making powers in its own right whilst implementing the Council's overall policy framework and budget decisions.

Following the enactment of the Local Government and Public Involvement in Health Act 2007 (the Act), which received Royal Assent in November 2007, it has been necessary to amend the Constitution to reflect these new statutory provisions. These include Part 3: Executive arrangements. 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

7.01 The Cabinet

The Cabinet will comprise the Leader of the Council, the Deputy Leader and eight other Cabinet Members appointed by the Leader. The Leader will allocate the portfolio responsibilities of the Cabinet Members. The Leader will have the power to remove and/or replace any Cabinet Member.

7.02 The Leader

The Leader will be a Councillor elected annually by the Council to the position of Leader of the Council. The Leader holds office until:

- (a) s/he resigns from office; or
- (b) s/he is suspended from being a Councillor; or
- (c) s/he is no longer a Councillor; or
- (d) on the expiry date of his/her fixed term of office as Leader which is the date of the post-election annual meeting which follows his/her election as Leader (i.e. in May 2014).

7.03 Deputy Leader

The Leader must appoint one of the Cabinet Members as Deputy Leader, who will hold office until the end of the Leader's term of office, unless s/he resigns as Deputy Leader, ceases to be a Councillor or is removed from office by the Leader. Where a vacancy occurs, the Leader must appoint another Deputy Leader. The Deputy Leader must, if for any reason the Leader is unable to act or the office of Leader becomes vacant (and pending the election of a new Leader by the Council), discharge all roles and functions of the Leader. If, for any reason, both the Leader and Deputy Leader are unable to act or both offices become vacant, the Cabinet must act in the Leader's place or must arrange for another Cabinet Member to act in his/her place.

7.04 Other Cabinet Members

The Leader appoints the Cabinet Members. Cabinet Members hold office until:

- (a) s/he resigns from office; or
- (b) s/he is suspended from being a Councillor; or
- (c) s/he is no longer a Councillor; or
- (d) on the expiry date of his/her fixed term of office (i.e. at the date of the Annual Meeting of the Council in any year) save that the Leader may remove the Cabinet Member from office at an earlier date if he/she so decides.

7.05 Role and Function

The Cabinet will have the following responsibilities:

- (i) The Cabinet is responsible for undertaking all of the Council's functions except for those functions (including regulatory functions) that are reserved to the Council and that are undertaken by the full Council or delegated by the Council to committees, sub-committees or officers.
- (ii) The Cabinet will make decisions collectively, other than decisions which are delegated to officers.
- (iii) The Cabinet is responsible for proposing the overall policy and budget framework to the Council.
- (iv) The Cabinet will publish a Forward Plan of all the key decisions to be made by the Cabinet, including those that are delegated by the Cabinet and /or the Council to individual officers. The Scheme of Delegation will determine the decision-making powers delegated to respective officers and will be set out in Part 3 of this Constitution.
- (v) The Cabinet may establish one or more committees, working groups or panels and any exercise of this power must be reported to the next scheduled Council meeting. Unlike a committee, a working group or panel cannot discharge any executive functions. The terms of reference of any committee, working group or panel established by the Cabinet are set out in Part 3, Section 2 ("Executive functions") of this Constitution.

If, in the opinion of the Leader, it is necessary to establish a committee, working group or panel before the next scheduled meeting of the Cabinet, the Chief Executive is authorised to make, in consultation with and pursuant to the agreement of the Leader, all necessary arrangements, including but not limited to

the appointment of the membership and terms of reference thereof. All actions taken pursuant to this delegated authority must be reported to the next scheduled meeting of the Cabinet and Council.

(vi) To approve and adopt the following core plans and strategies which do not form part of the Council's budgetary and policy framework as set out in Article 4.04 above:

- Corporate Plan
- Corporate Parenting Strategy
- Culture Commissioning Strategy
- Economic Development Strategy
- Housing Strategy
- Integrated Property Asset Management and Financial Planning Framework
- Local Development Documents within the meaning of section 17 of the Planning and Compulsory Purchase Act 2004
- Organisational Development Strategy
- Single Equalities Scheme
- Strategic Plan for the Lambeth Safeguarding Children Board 2008-2011
- Transport Local Implementation Plan
- Waste Management Action Plan

Accordingly, these core plans and strategies do not require the approval of full Council and are not subject to the Budget and Policy Framework Procedure Rules.

The core plans and strategies which do form part of the Council's budgetary and policy framework (See Article 4.04) will usually be recommended to Council following debate by the Cabinet.

7.06 Deputy Cabinet Members, Champions or other Lead Members

Other Members of the Council may, from time to time, be designated by the Leader (subject to the approval of the Council) as a Deputy Cabinet Member, Champion or Lead Member for a particular activity or range of activities. Such a Member will not be a Cabinet Member and will not participate in decision making but may work closely with the relevant Cabinet Member. Whilst a Deputy Cabinet Member shall not be a Member of any scrutiny committee or sub-committee, this is permissible for Champions.

In addition, the Leader of the Council may appoint Community Champions to assist Cabinet with particular issues. These positions will be entirely voluntary with no allowances or expenses attached.

7.07 Proceedings of the Cabinet

The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of the Constitution.

7.08 Responsibility for functions

The Leader will maintain and publish a list setting out the responsibilities of individual Cabinet Members (see part 4, Section 4). The list of responsibilities for executive functions as amended from time to time will be added to Part 3 of this Constitution and will also be published on the Council's website.

References:

Section 11 and schedule 1, paragraphs 1, 2, 3, Local Government Act 2000
Chapters 4, 14 and 15, DETR Guidance

Article 8 – Regulatory and Other Committees

Contents of the article

Article 8 describes the quasi-judicial committees and other committees set up by the Council to discharge its functions.

8.01 Planning Applications Committee

The Council will appoint a Planning Applications Committee to discharge the functions, powers and duties of the Council in relation to planning and development control matters.

The protocol for the Planning Applications Committee, as approved by the Council, is set out in Part 5 of the Constitution.

8.02 Licensing Committee

The Council will appoint the Licensing Committee to discharge the functions, powers and duties of the Council in relation to all licensing and gambling matters as required by statute. Political proportionality is not legally required, but the Council will appoint in proportion to the overall proportion on full council. The protocol for the Licensing Committee (and its sub-committees) is set out in Part 5 of the Constitution.

Also, from January 2007 the Committee became responsible for the provisions of the Gambling Act 2005.

8.03 Corporate Committee

The Council will appoint a Corporate Committee to deal with other non-executive functions on behalf of the Council. This Committee will determine matters on behalf of the Council which are not required by statute to be considered by the full Council.

The Committee's main functions will include non-delegated aspects of, audit, statement of accounts, health and safety, Local Government Pension Scheme, elections, personnel issues, the reporting of payments in excess of £1,000 relating to maladministration, various Trusts and will also maintain an overview of the Council's Constitution. The terms of reference are included in Part 3 of this Constitution.

8.04 Appointments Committee

The Council will establish an Appointments Committee, which in turn will establish a standing Appointments Sub-Committee which will normally make recommendations to full Council regarding the appointment of the Chief Executive, and make appointments of chief officers (and (on occasions) deputy chief officers) as set out in part 3, section 1 of this Constitution.

Article 9 – The Standards Committee

Contents of the article

Article 9 describes the Council's arrangements for promoting and maintaining high standards of conduct by Councillors and co-opted members.

9.01 Standards Committee

The Committee is responsible for promoting and maintaining high standards of conduct by elected Councillors, and by non-elected representatives serving on the Council's committees and sub-committees (i.e. co-opted and independent representatives).

9.02 Membership

Political proportionality is not legally required. The Committee is non-political and elected Members are not subject to their party whip. The Council will appoint up to six independent representatives (none of whom will be Councillors or officers of the Council or any other body having a Standards Committee) to the Standards Committee together with 3 Councillors, (one of whom may be a member of the Cabinet, but not the Leader). The independent representatives will advise the Council on the parties representation on the committee and how many Councillors should be appointed to the committee.

9.03 Independent representatives

Independent representatives will be sought by advertisement in the press. Prospective candidates will be required to go through a recruitment process led by the Chief Executive, who will recommend the appointment/s to the Council.

An independent representative must be impartial and will not be appointed if:

- (a) s/he is related to, or is maintaining or has maintained a friendship or personal relationship with a Councillor, co-opted member or officer of the London Borough of Lambeth: or
- (b) s/he has been appointed to a committee or sub-committee (other than the Standards Committee).

Independent representatives will be entitled to vote at the Standards Committee meetings.

9.04 Chair and Vice Chair

The Committee will be chaired by one of the independent representatives. The Committee shall elect the Chair and Vice Chair

annually. In the event of a vote being tied, the Chair will have a second and casting vote.

9.05 Role and Function

The Standards Committee will have the following roles and functions:

- (i) Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;
- (ii) Assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct and associated local protocols;
- (iii) Advising the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols;
- (iv) Monitoring and reviewing the operation of the Members' Code of Conduct and associated local protocols;
- (v) Developing for recommendation to the Council local protocols to supplement the Members' Code of Conduct;
- (vi) Enforcing local protocols and applying sanctions in respect of breaches as appropriate;
- (vii) Advising, training or arranging 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;
- (viii) Granting 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;
- (ix) Dealing 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;
- (x) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations;
- (xi) To monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide;
- (xii) To monitor Council policies on 'Raising Concerns at Work'/Whistleblowing' in conjunction with Corporate Committee.

- (xiii) General overview of probity matters arising from Ombudsman reports, Monitoring Officer reports and Audit Commission reports.
- (xiv) To submit an annual report to the Council.
- (xv) 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.
- (xvi) 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.
- (xvii) 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.
- (xviii) 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.

9.06 Additional Roles

The Standards Committee may in the future develop its role as it reviews and revises the Members' Code of Conduct and considers any other responsibilities to oversee any matters that relate to maintaining and promoting high standards within the Council.

References

Sections 53-55 and Sections 81(5), Local Government Act 2000.

Article 10 - Councillor Call for Action, Neighbourhood Partnership Arrangements and Principle Consultative and Partnership Bodies

Contents of the article

Article 10 sets out information on the Council's Councillor Call for Action and meetings of principal consultative and partnership bodies.

The Council is committed to transparent decision making and maximising public participation, volunteering and active citizenship in Lambeth. There are two developing strands to this activity: the democratic processes (Councillor Call for Action in particular), community and neighbourhood partnership arrangements (e.g. Area Conferences, Safer Neighbourhood Panels or Area Forums).

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 embraces the diversity of Lambeth and understands that a 'one size' fits all approach is not appropriate and flexibility will be required to enable these concepts to evolve within neighbourhoods. The Local Government and Public Involvement in Health Act 2007 (the Act) introduced a number of new provisions with the aim of enhancing community empowerment at a local level. The following extracts are reproduced from "*Guidance on Community Governance Reviews*" issued in April 2008 by the DCLG and Electoral Commission:

From 13 February 2008, principal councils (including London boroughs) have had responsibility for undertaking Community Governance Reviews (CGR's) and have been able to decide whether to give effect to recommendations made in those reviews. In making that decision, they will need to take account of the views of local people. CGR's may also be triggered by local people presenting public petitions to the council.

The Act allows councils to determine the terms of reference under which a CGR is to be undertaken. Terms of reference will need to be drawn up or modified where a valid Community Governance Petition (CGP) has been received by the council. A council is under a duty to carry out a CGR if it receives a valid CGP for the whole or part of the council's area.

Otherwise, the Act provides for a council to conduct a CGR at any time. Councils will want to keep their community governance arrangements under review, and they should ensure that they consider on a regular basis whether a review is needed. Councils should exercise their discretion, but it would be good practice for a council to consider conducting a review every 10-15 years.

Councils must consider the wider picture of community governance in carrying out their reviews.

Councils are required to complete the review within 12 months of the start of the CGR or on receipt of a valid CGP. Local electors can petition their council for a CGR to be undertaken. The petition must set out at least one recommendation that the petitioners want the review to consider making. These recommendations can be about a variety of matters, including the creation of a parish.

For a petition to be valid it must meet certain conditions. The first of these conditions is that a petition must be signed by the requisite number of local electors. The three thresholds are:

- a) for an area with less than 500 local electors, the petition must be signed by at least 50% of them;
- b) for an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them;
- c) for an area with more than 2,500 local electors, the petition must be signed by at least 10% of them.

Central to the concept of sustainable communities is community cohesion.

The impact of community governance on cohesion is an issue to be taken into account when taking decisions about community governance arrangements. The Act requires councils to ensure that community governance within the area under review will be reflective of the identities and interests of the community in that area and is effective and convenient. When considering the criteria identified in the Act, councils should take into account a number of influential factors, including the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

The Act requires councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it. Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. Councils should be able to decline to set up such community governance arrangements where they judged that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.

CGR's will make recommendations on those matters they have considered, as defined by the terms of reference set at the start of the review. A council must make recommendations as to whether a new parish or parishes should

be constituted and what the electoral arrangements for new parishes, which are to have parish councils, should be.

In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The Act provides that it must also take into account any other arrangements that have already been made, or that could be made, for the purposes of community representation or community engagement.

The recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the Act. Where a council has conducted a review following the receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.

In conducting a CGR, councils must consider other forms of community governance as alternatives or stages towards establishing parish councils. There is sometimes evidence locally of an existing community governance infrastructure and of good practice which are successfully creating opportunities for engagement, empowerment and co-ordination in local communities. [Examples include: area committees, neighbourhood management, tenant management organisations, area/community forums, residents' and tenants' associations and community associations.]

In undertaking a CGR, a council is also required to have regard to the need for community governance within the area under review to reflect the identities and interests of the community in that area, and to ensure that the governance is effective and convenient. Councils may wish to consider whether to request the Electoral Commission to make changes to the boundaries of borough wards to reflect the changes made at parish level.

Councillor Calls for Action (CCfA): The principal purpose of this process is to provide the opportunity for a scrutiny committee to resolve issues of local concern, for those living and working within the borough and where resolution has not been achieved through other means.

People First Expo's bring together the key stakeholders within a defined locality, including businesses, voluntary and community groups, statutory service providers, social enterprises, Safer Neighbourhood Panels, tenant and residents groups, etc. The purpose of Expos is to provide opportunities for citizens to meet service providers and councillors to discuss priorities for the area and influence the commissioning of services. The Council has held three People's First Expos on a trial basis.

Safer Neighbourhood Panels bring 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.

10.01 Councillor Call for Action (CCfA)

The Councillor Call for Action (CCfA)) is a mechanism that can be used by councillors to resolve issues of local (ward level) concern. CCfAs are a last resort mechanism and in submitting a CCfA a councillor must demonstrate that he or she has exhausted other means of resolving the issue.

Although not an exclusive list ways of resolving an issue available to a councillor could include:

- Service request
- Members' Enquiry
- Met with relevant officers
- Public notice question
- Council question
- Motion to Council
- Raised issue with Cabinet member or other relevant member
- Raised issue with partner or at suitable partnership forum
- Raised at Safer Neighbourhood Panel
- Raised (orally or in writing) at Cabinet (if item on agenda)
- Raised (orally or in writing) at scrutiny or other relevant committee (if item on agenda)

10.02 Purpose of a CCfA

The purpose of a CCfA is to empower local councillors to resolve issues of local (ward level) concern. Overview and scrutiny committees are well placed to obtain all the information that is required to identify any shortcomings in the discharge of functions by the council or its partners and to make reports and recommendations about such matters as are brought to their attention.

If a councillor believes that they have a valid issue to raise as a CCfA they will be requested to complete a proforma setting out:

- The nature of the issue;
- The attempts the councillor and/or resident has made to have the matter resolved and the outcomes of these;
- The purpose of the CCfA and what resolution of the issue looks like;
- Any amendment to the default timescale for responding to the CCfA that the councillor would like to request;
- The committee or sub-committee that should consider the CCfA; and
- The name of the councillor submitting the CCfA (the 'lead councillor').

The completed proforma should be submitted to the Head of Democratic Services and Scrutiny. Guidance on the completion of the proforma will be available from the Scrutiny Team.

Upon receipt of the proforma the Head of Democratic Services and Scrutiny, in consultation with the Chair of Overview & Scrutiny Committee and the Chair of the sub-committee that would consider the CCfA (if not O&S) , will decide within three clear days whether the CCfA is valid and either confirm this to the lead councillor, or give advice on an appropriate way forward.

The following are excluded matters for the purpose of a CCfA:

- (a) any matter relating to a planning decision;
- (b) any matter relating to a licensing decision;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal;
- (d) any matter which, in the opinion of the Proper Officer, is vexatious, discriminatory, or not reasonable to be included in the agenda for, or to be discussed at, a meeting of an overview and scrutiny committee or sub-committee.

A matter described in (a)-(c) above is not excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis.

If the CCfA is valid the lead councillor, Chief Whip, and relevant Cabinet Member(s), Officer(s) and Partner(s) will be advised accordingly.

The detailed arrangements (such as attendees, evidence needed etc.) will be determined in liaison with the Chair and Vice-Chair of the scrutiny committee concerned.

10.03 Role of Cabinet members, officers and partners

Once a CCfA has been verified and accepted, officers of the Council, and/or partner authorities may be requested to prepare and finalise a committee report within the necessary timescales, and provide other technical and background information to enable the scrutiny committee to respond effectively to the CCfA. Advice and support will be provided by the Head of Democratic Services and Scrutiny to the relevant Cabinet Member(s), officers, or partner authority representative who will be invited to attend the scrutiny committee meeting to respond to and participate in the discussion.

10.04 Summoning of meetings

Following receipt of a valid CCfA the proper officer shall call a meeting of the committee on such date as he/she may determine, after consultation with the lead councillor and the Chair (or in his/her absence, the Vice-Chair) of the

scrutiny committee, and in any case within 5 clear days of validation of the CCfA. The meeting to consider the CCfA will not normally be held in excess of 20 working days from validation of the CCfA. If a meeting of the scrutiny committee is already scheduled to take place during that period of 20 clear days, and the Proper Officer determines that those responsible for responding to the CCfA are able to do so within such a time period, then the CCfA will be added to the agenda for that meeting, together with the special urgent circumstances which are applicable if 5 clear days notice cannot be given within these time-scales (see paragraph 4 of the Access to Information Procedure Rules at Part 4, Section 2).

An agenda and information on the arrangements of the meeting will be sent to the lead Councillor, Chair of Overview & Scrutiny Committee, relevant Cabinet Member, relevant ward members and relevant Executive Director and be made available for inspection in all libraries and collection at the Town Hall.

10.05 At the scrutiny meeting

The lead Councillor will present the CCfA. Relevant officers will attend the meeting to support the responsible Cabinet member or partner authority representative who will respond to the CCfA by reference to the report on the issue concerned and respond to questions. The scrutiny committee shall decide:

EITHER:

- (i) To submit a report and/or recommendations to an officer, Cabinet, Lambeth First or partner authority for resolution;
- (ii) To establish a commission to investigate the issue further; or
- (iii) No further action is needed.

10.06 After a CCfA Scrutiny meeting

The lead councillor and relevant Cabinet Member and Executive Director will be informed in writing of the decisions made and of any arrangements for the further consideration of the matter. Where a report or recommendations are made to the responsible authority a response will be provided within two months and that response will be provided to the scrutiny committee that considered the matter and the lead councillor.

If the committee decides not to exercise any of its powers in relation to the matter it must notify the lead councillor of its decision and the reasons for it.

Area Conferences

10.07 Area Conferences bring together the key stakeholders within a locality, including businesses, voluntary and community groups, statutory service providers, social enterprises, Safer Neighbourhood Panels, tenant and residents groups, etc. The purpose of the Area Conference is to assess the overall priorities within the locality, contribute to the place shaping agenda and influence the strategic commissioning of services within the locality.

10.08 Area Conferences will meet once a year and will be facilitated by the Council and co-ordinated by an Executive Director from the Council's Strategic Leadership Board. There will be Area Conferences located in Brixton, Clapham, North Lambeth, Norwood, Stockwell and Streatham.

10.09 The outcomes from Area Conferences meetings will be reported to the Cabinet or Lambeth First as appropriate.

Safer Neighbourhood Panels

10.10 The Safer Neighbourhood Panel will bring together local policing, ward Councillors and local community representatives, alongside a range of other partners to work together to reduce crime and disorder and deal with local issues that most affect people's quality of life.

10.11 The Safer Neighbourhood Panels will be facilitated jointly by Lambeth Police and Lambeth Council. Resources will be sought to support the ward Councillor to deliver a quick response to address small issues within the ward, such as a minor piece of remedy work, or small contribution towards a local community festival/event, etc.

Communities First

10.12 The Council will engage, collaborate and work in partnership with any neighbourhood partnerships and existing area forums, which are not directly governed by this Constitution but play an important role in enabling the Council to engage active citizens, residents and key stakeholders in shaping and delivering local community services and contribute to democratic renewal in Lambeth.

10.13 These bodies may have their own constitutions, which govern their activities and relationship with the Council, which can be obtained from the list of contacts at the foot of this Article. The Council will work with these bodies to support them to reach out and engage with the widest possible range of people from Lambeth's diverse communities to ensure they are representative and inclusive. Neighbourhood partnerships and area forums will exist to undertake one, or more of the following:

- i. Promote the social, economic and environmental well being of the neighbourhood.
- ii. Increase the level of active citizenship, participation and engagement within the neighbourhood.
- iii. Encourage the take up of services at the point of need.
- iv. Tap into new resources, whilst improving the co-ordination of existing resources within the neighbourhood.
- v. Encourage new ways of working and explore innovative approaches to tackle local priorities.
- vi. Build confidence within the local neighbourhood and across partners to develop a 'can do' culture.

vii. Participating in the shaping and delivery of local services.

The Role of Ward Councillors in neighbourhood partnerships and area forums

10.14 As a member of a neighbourhood partnership, the ward Councillor will be called upon to check progress against priorities identified through the partnership and report back progress, especially where priorities and performance relate to public service providers. It is likely that ward Councillors will increasingly be called upon to:

- Act as the local convenor.
- Promote involvement in civic life.
- Bring together service providers from the public, community and private sectors.
- Influence service providers, strategies and resource allocation to tackle local priorities.
- Lead the local reinvigoration of participation in the democratic process.

*A neighbourhood partnership includes an existing community group, forum, "Friends of" group, development trust, etc.

10.15 Local Strategic Partnership Board (Lambeth First)

The Cabinet and the Council will work in partnership with the Local Strategic Partnership Board. The role of the LSP is to bring together the key agencies in the borough and to:

- (i) promote the social, economic and environmental well-being of the borough's residents, particularly through the development and delivery of the Sustainable Community Strategy;
- (ii) enable and co-ordinate the engagement of residents in all partnership activity;
- (iii) ensure delivery of the Sustainable Community Strategy; and
- (iv) Facilitate all agencies involved in the partnership (and its Theme Partnerships) to bend their resources to achieve better service outcomes across the Borough and, specifically, meet the needs of the most disadvantaged residents in the borough.

10.16 Tenants Council

The Tenants Council represents the views of tenants in the borough. The Tenants Council meets regularly to consider issues that concern tenants. The Tenants Council is a key consultative group for the Council on housing related matters.

10.17 Leaseholders Council, Area Housing Forums, Housing Consultation Panels and Tenant Management Organisations

These bodies provide the mechanisms for greater tenant and leaseholder participation and involvement in decision-making. Management agreements and the Tenants' Compact are in place to govern their relationship with the Council.

10.18 Parks, Commons and Greenspaces – Management Advisory Committees

The Council works in partnership with Management Advisory Committees (MACs) and Friends of Groups on developments in parks, commons and greenspaces in the borough. The MACs are consultative bodies involving users who will work with the Council to protect and enhance Lambeth's parks, commons and greenspaces.

10.19 Lambeth Primary Care Trust

The Council works in partnership with the Lambeth Primary Care Trust, which is responsible for:

- (i) The provision of all family doctor and community health services in the borough; and
- (ii) Purchasing and commissioning hospital services for the borough's residents.

10.20 Lambeth Youth Council

Lambeth Youth Council supports young people aged 11-25 to find their voice and influence policies that affect them. The Council continues to support the Youth Council to develop meaningful ways of involving young people in the democratic process.

10.21 The Local Involvement Network (LINK)

The LINK has the power to refer matters to the Health and Social Care Overview and Scrutiny Committee (HOSC). HOSCs will have a duty to acknowledge and keep LINKs informed about any referrals received.

10.22 Pensioners Forum

The Pensioners' Forum is regularly consulted by members of the Cabinet to identify the issues of concern to older people in the borough.

10.23 Head Teachers Council

The Head Teachers Council is consulted on education matters.

10.24 Governors Forum

The Governor's Forum is consulted on education matters.

10.25 Schools Admissions Forum

The Schools Admissions Forum has been established in accordance with section 85A of the School Standards and Framework Act 1998. The School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008 set out the constitution of the committee and its voting arrangements. The role of the forum is to consider and advise on the fairness of admission arrangements for schools in the relevant area.

10.26 Schools Forum

The Schools Forum has been established in accordance with the Education Act 2002. The Schools Forum (England) Regulations 2010 set out the constitution and voting arrangements of the Committee. The role of the Forum is to consult on schools funding, certain large contracts paid out of school budgets and a range of specified financial issues including arrangements for special needs and early years education.

10.27 Education Business Partnership

The Education Business Partnership (EBP) works with the Education Business Partnership Advisory Body which involves schools, higher and further education institutions, business partners and other stakeholders in the private, health and art sectors to support the aspirations and achievements of young people in the borough. The EBP also works in partnership with the Single Regeneration Budget Raising our Sights Board to similar ends.

10.28 Voluntary Sector

The Council seeks to consult with the voluntary sector and to work in partnership for the benefit of local residents. The Council has an agreed Voluntary Sector Compact to formalise the partnership.

10.29 Trades Unions

The Council recognises and regularly consults with the two Trade Unions, Unison and GMB, representing the interests of staff employed by the authority.

Contacts:

Town Centre Forums	John Kerridge Charlotte Evans	jkerridge@lambeth.gov.uk cevans@lambeth.gov.uk
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Local Strategic Partnership	Ian Jackson	ijackson@lambeth.gov.uk
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(Lambeth First)

Tenants Council, Area Housing Forums, Tenant Management Organisations and Leaseholders Forum	Tom Tyson	TTyson@lambeth.gov.uk
Lambeth Living Ltd	Neil Litherland	Nlitherland@lambethliving.org.uk
United Residents Housing	Damian Roche	droche@urg.org.uk
Parks Management Advisory Committees	Shaun Kiddell	skiddell@lambeth.gov.uk
Lambeth Primary Care Trust	Maria Burton	mfburton@lambeth.gov.uk
Lambeth Youth Council	Dave Burn	dburn@lambeth.gov.uk
Pensioners Forum	Richard Farnos	r.farnos@aclambeth.org.uk
Head Teachers Council	Rosemary Newlove	rnewlove@streathamwells.lambeth.sch.uk
Governors Forum	David Jones	dgjones@lambeth.gov.uk
Voluntary Sector	Grace Gbadamosi	ggbadamosi@lambeth.gov.uk
Trades Unions:		
Unison	Jon Rogers	jrogers@lambeth.gov.uk
GMB	Bill Modlock	bmodlock@lambeth.gov.uk

Article 11– Joint Arrangements

11.01 Arrangements to promote well-being

In order to promote the economic, social or environmental well-being of its area, the cabinet may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

Under the new Corporate Performance Assessment introduced in 2005, Local Authorities will be assessed on their achievements in delivering improved health and wellbeing. This is likely to have implications for joint working arrangements with health bodies.

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) Appointments to such joint committees (ie those discharging functions which are not executive functions) may only be made by the Council and the political balance requirements apply to such appointments whenever the council makes appointments to three or more seats on joint committees.
- (c) Appointments to joint committees which are discharging functions, some of which are executive functions and some of which are not, may only be made by the Council with the agreement of the Leader or the Cabinet. When only one Member is to be appointed to the joint committee that Member may be, but need not be, a member of the Cabinet. Where more than one Member is to be appointed to the joint committee, at least one appointee must be a member of the Cabinet. The political balance requirements apply to such appointments whenever the council makes appointments to three or more seats on joint committees.
- (d) The arrangements for establishing Joint Health Scrutiny Committees, under the Directions issued by the Secretary of State for Health on 17 July 2003 in exercise of the powers conferred on him under the Health and Social Care Act 2001 and the Local Authorities (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002, are delegated to Overview and Scrutiny Committee (OSC). In the event of a special meeting needing to be called, the decision to establish a Joint Health Scrutiny Committee is delegated to the Executive Director of Finance and Resources in consultation with the Chair and Vice-

Chair of OSC and Health Scrutiny Sub-Committee to decide appropriate Terms of Reference and operating procedures for the Joint Committee.

- (e) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (f) Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political composition of the local authority as a whole.
- (g) The Cabinet may appoint Members to a joint committee from outside the Cabinet in the following circumstances:
 - (i) the joint committee involves more than five or more local authorities;
 - (ii) the function being discharged by the joint committee is required by statute to be discharged by a joint committee;
 - (iii) the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a Member for a ward which is wholly or partly contained within the area.
- (h) In the case of (i) and (ii) above, the Cabinet may appoint any Member to the joint committee. The political balance requirements do not apply to appointments in any of these cases.
- (i) Where the Council enters into partnership arrangements with one or more NHS bodies (pursuant to section 31 of the Health Act 1999) any joint committee formed to take responsibility for the management of such partnership arrangements may include any Member of the Council. The political balance requirements apply to such appointments whenever the council makes appointments to three or more seats on joint committees.
- (j) Where the Council enters into joint arrangements with one or more local authorities (pursuant to regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002) and the Directions to Local Authorities (Overview and Scrutiny Committees, Health Scrutiny Functions) 2003 to consider a health scrutiny matter, any joint committee so appointed may include all Councillors except members of the Cabinet, Deputy Cabinet members and Administration Whips. The political balance requirements shall apply to such appointments whenever the council makes appointments to three or more seats on joint committees.
- (k) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 Section 5 of this Constitution.

11.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a joint committee are Members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains Members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- (b) The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 Contracting out

The Council or the Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

References:

Sections 2, 19, 20 LGA 2000

Chapters 6 and 9, DETR Guidance,

The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (as amended)

Section 31, health Act 1999

The NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000

Health and Social Care Act 2001

Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

Directions on Joint Health Scrutiny Committees, Department of Health, 17 July 2003

Article 12 – Officers

12.01 Management structure

(a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

Post	Summary of Functions and Areas of Responsibility
Chief Executive (and Head of Paid Service) (CE)	<p>The Chief Executive holds the statutory designation of Head of Paid Service and, in addition to those functions listed below, is also responsible for discharging the functions set out in Article 12.02</p> <ul style="list-style-type: none">• Returning Officer for the election of councillors (section 35, Representation of the People Act 1983)• Electoral Registration Officer (section 8, Representation of the People Act 1983)• Overall corporate management and operational responsibility (including overall management responsibility for all officers)• Provision of professional advice to all parties in the decision making process• Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions• Representing the Council on partnership and external bodies (as required by statute or the Council)• The following services:<ul style="list-style-type: none">• Campaigns and communications• Human resources• Policy, equalities and performance

Post	Summary of Functions and Areas of Responsibility
Executive Director of Adults' and Community Services (EDACS)	<p>The EDACS holds the statutory designations of Director of Adult Social Services, pursuant to section 6(A1) Local Authority Social Services Act 1970 and Medical Officer of Health, pursuant to section 47, National Assistance Act 1948 and section 1, National Assistance (Amendment) Act 1951</p> <ul style="list-style-type: none"> • Adult social care • Community safety • Cultural services (sports, leisure, registrars, libraries, arts & archives, parks & open spaces and cemeteries & crematoria) • Departmental resources • Personalising services • Strategy and commissioning
Executive Director of Children and Young People's Service (EDCYPS)	<p>The EDCYPS holds the statutory designations of Director of Children's Services, pursuant to section 18, Children Act 2004 and Chief Education Officer, pursuant to section 532, Education Act 1996.</p> <ul style="list-style-type: none"> • Education estates and capital planning • Early intervention and targeted support • Resources and strategy • Specialised services and commissioning
Executive Director of Finance & Resources (EDFR)	<p>The EDFR holds the statutory designation of Chief Finance Officer and, in addition to those functions listed below, is also responsible for discharging the functions set out in Article 12.04</p> <ul style="list-style-type: none"> • Officer responsible for the financial affairs of the Council (section 151, Local Government Act 1972) ("the Section 151 Officer") • Officer responsible for the administration of the financial affairs of the Council (section 6, Local Government and Housing Act 1989) • Chief Finance Officer (section 88(8) Environmental Protection Act 1990) • Corporate finance • Commissioning and Partnership Strategy • Departmental resources • Internal audit and anti-fraud • Governance and Democracy • Revenues, benefits and customer services • Information, communication and technology

Post	Summary of Functions and Areas of Responsibility
Executive Director of Housing, Regeneration and Environment (EDHRE)	<ul style="list-style-type: none"> • Departmental resources • Housing • Lambeth Living (housing management and property) • Planning • Public realm (building control, parking, environmental health, consumer protection, street care, transport & highways and waste and recycling) • Regeneration and enterprise • Asset strategy

Note: This above list summarises the main functions and responsibilities of the post. Reference should be made to the Scheme of Delegation in Part 3 of this Constitution for full details.

(c) Head of paid service, monitoring officer, scrutiny officer and chief financial officer.

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director of Governance and Democracy	Monitoring Officer
Executive Director of Finance & Resources	Chief Finance Officer
Scrutiny Manager	Scrutiny Officer

Such posts will have the functions described in Article 12.02–12.05 below.

The Monitoring Officer and Executive Director of Finance & Resources may nominate a deputy to carry out their functions in the event of absence or illness.

(d) **Structure.** The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at [Part 7](#) of this Constitution.

12.02 Functions of the Chief Executive (Head of Paid Service)

(a) **Discharge of functions by the Council.** The Chief Executive will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) **Freedom of Information:** In the absence of the Monitoring Officer, to discharge the functions of the “qualified person” for the purposes of Section

36(5) of the Freedom of Information Act 2000.

(c) **Restrictions on functions.** The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

The Director of Governance and Democracy holds the statutory designation of Monitoring Officer, pursuant to section 5, Local Government and Housing Act 1989 and discharges, inter alia, those functions listed below:

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Standards Committee, any of its Sub-Committees, ethical standards officers and decisions of the case tribunals.

(e) **Conducting investigations.** The Monitoring Officer will arrange for the conduct of investigations into matters referred by the Standards (Assessment) Sub-Committee or ethical standards officers and make reports or recommendations in respect of them to the Standards Committee or one of its Sub-Committees.

(f) **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues – to all

Councillors.

(i) **Politically restricted posts.** To sign a certificate of opinion on behalf of the Council, pursuant to Section 3(3) of the Local Government and Housing Act 1989, as to whether the duties of any particular post fall within Section 2(3) of that Act.

(j) **Freedom of Information:** The Monitoring Officer is the “qualified person” for the purposes of Section 36(5) of the Freedom of Information Act 2000. In his/her absence, responsibility for carrying out the functions of the qualified person will fall to the Chief Executive.

(k) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Members will comply with the Protocol on the Role of the Monitoring Officer set out in Part 5 of this Constitution.

12.04 Functions of the Executive Director of Finance & Resources (Chief Finance Officer)

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Chief Executive and the Monitoring Officer, the Executive Director of Finance & Resources will report to the full Council or to the Cabinet in relation to an executive function and the Council’s external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Executive Director of Finance & Resources will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Executive Director of Finance & Resources will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Executive Director of Finance & Resources will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

(e) **Give financial information.** The Executive Director of Finance & Resources will provide financial information to the media, members of the public and the community.

12.05 Functions of the Scrutiny Manager (Scrutiny Officer)

The Scrutiny Officer will promote the scrutiny function generally within the authority and local government partners more widely and provide advice and support to members of the authority's committee(s) in undertaking their work. This may include research, analysis of data and report preparation for example.

- (a) The Scrutiny Officer will promote the role of the authority's overview and scrutiny committees;
- (b) The Scrutiny Officer will provide support to the authority's overview and scrutiny committees and the members of those committees;
- (c) The Scrutiny Officer will provide support and guidance to—
 - (i) members of the authority,
 - (ii) members of the executive of the authority and
 - (iii) officers of the authority, in relation to the functions of the authority's overview and scrutiny committee or committees.

12.06 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.07 Conduct

Officers will comply with the [Officers' Code of Conduct](#) set out in Part 5 of this Constitution.

12.08 Employment

The recruitment, selection and dismissal of officers will comply with the [Officer Employment Procedure Rules](#) set out in Part 4 of this Constitution.

References:

(Sections 4 & 5), Local Government and Housing Act 1989 Sections 60, 64-66, Local Government Act 2000
Chapters 8 & 9, DETR Guidance

Article 13 – Decision Making

Contents of the article

Article 13 sets out the arrangements for decision-making established under the Local Government Act 2000. The article sets out the responsibilities for decisions and the requirement to keep records detailing the decisions, which are made available to the public.

Some decisions are for the Council to make or to delegate and some are for the Cabinet to make or to delegate.

13.01 Responsibility for decision-making

The Council will issue and keep up-to-date a record of what part of the Council or individual has responsibility for particular types of decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of decision-making

All decisions in the Council will be made in accordance with the following principles:-

- (i) proportionality (i.e. the action must be proportionate to the desired outcome);
- (ii) due consultation and the taking of professional advice from officers;
- (iii) respect for human rights and diversity;
- (iv) a presumption in favour of openness;
- (v) clarity of aims and desired outcomes;

A statement of all options considered, and a statement of the reasons for the decision will be provided.

13.03 Types of decisions

(i) Decisions reserved to the full Council

Decisions relating to the functions listed in Article 4.04 will be made by the full Council and will not be delegated.

(ii) Key decisions

A key decision means an executive decision made by the Cabinet or delegated to officers by the Cabinet which is likely to:-

- (a) be significant in terms of its effect on communities living or working in an area comprising two or more wards in the borough; or
- (b) result in the Council incurring expenditure which is, or the making of savings which are, equal to or greater than £500,000.

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution (i.e. in compliance of the Access to Information and Forward Plan requirements).

13.04 Decision-making by the full Council

Subject to Article 13.09, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision-making by the Cabinet

Subject to Article 13.09, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter. The Cabinet will make decisions collectively, unless the Leader decides that individual Cabinet Members can make decisions and reports this to the Council, and all key decisions of the Cabinet will be made in public.

13.06 Decision-making by officers

Subject to Article 13.09, officers who take decisions pursuant to the powers delegated to them by or on behalf of the Cabinet and or the Council will do so in accordance with the Scheme of Delegation set out in Part 3 of this Constitution.

13.07 Decision-making by Overview & Scrutiny Committee and Sub-Committees

Subject to Article 13.09, the Overview & Scrutiny Committee and Sub-Committees will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.08 Decision-making by other Committees and Sub-Committees established by the Council

Subject to Article 13.09, other Council Committees will follow the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.09 Decision-making by Council Bodies acting as tribunals

The Council, a Councillor or officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention of Human Rights.

13.10 Power for all councillors to make ward-based decisions

Following the coming into force of section 236 of the Local Government and Public Involvement In Health Act 2007 on 1 April 2009, the Council resolved on 21 October 2010 that the decision as to whether individual ward members should be given any delegated powers to discharge in their wards will be taken by the Council's new administration following the elections in May 2010. Any such decision must be approved by full Council.

References:

Chapter 7 DETR Guidance

Regulations made under Section 22, Local Government Act 2000

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

14.02 Financial Procedures & Lambeth Procurement Guide

Every contract made by the Council will comply with the Financial Procedures & Lambeth Procurement Guide, which form part of, but are not included in, the Financial Regulations set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Director of Governance and Democracy is authorised to institute, defend, participate in and settle any legal proceedings (including the compromise of matters where proceedings are contemplated) in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Governance and Democracy considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed or authenticated by the Chief Executive, Executive Director of Finance and Resources, Director of Governance and Democracy or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract entered into on behalf of the authority in the course of the discharge of any of its functions shall be made in writing and must be signed by at least two officers of the authority. Subject to certain exceptions specified in the Financial Procedures, contracts with a value in excess of £100,000 must be made under the Common Seal of the Council and attested to in accordance with paragraph 14.05 below.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Governance and Democracy. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Governance and Democracy should be sealed.

The affixing of the Common Seal will be attested to by the Chief Executive, Executive Director of Finance & Resources, Director of Governance and Democracy and Head of Legal Services or their duly authorised nominees and a record shall be kept of all documents so sealed. A summary of the record will be reported to each ordinary Council meeting and the register made available for inspection at the meeting.

References:

Sections 135, 151, 223 & 234, Local Government Act 1972

Part VIII, Local Government Finance Act 1988

The Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.

Article 15 – Review and Revision of the Constitution

Contents of the article

Article 15 describes the role of the Monitoring Officer in guarding the principles and aims of the Constitution. The article describes how changes may be made to the Constitution.

15.01 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the principles and aims of the Constitution are given full effect. The Corporate Committee and Standards Committee may make such recommendations to Council as they see fit in relation to proposed changes to the constitution.

15.02 Protocol for monitoring and reviewing the Constitution by the Monitoring Officer

A key role of the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (i) observe meetings of different parts of the Member and officer structure;
- (ii) undertake an audit trail of a sample of decisions;
- (iii) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- (iv) compare practices in this Council with those in other comparable authorities, or national examples of best practice.

15.03 Changes to the Constitution

Unless expressly provided for elsewhere in the Constitution, only the full Council will approve changes to the Constitution after consideration of the proposal by the Monitoring Officer and, if the Monitoring Officer deems it necessary, by the Corporate Committee and/or the Standards Committee.

Suspension and interpretation is dealt with in Article 16 below.

References:

Sections 30 and 37, Local Government Act 2000,
Chapters 10 and 15, Guidance

Article 16 - Suspension, Interpretation and Publication of the Constitution

Contents of the article

This article specifies that the Articles of the Constitution may not be suspended. However, it does provide for rules of procedure to be suspended provided this is to achieve an effect consistent with the purposes of the Constitution set out in Article 1.

16.01 Limit to suspension

The Articles of this Constitution may not be suspended. The rules specified below may be suspended by the full Council to the extent permitted within those rules and the law.

16.02 Procedure to suspend

All of those Council Procedure Rules (Standing Orders) set out in Part 4, Section 1 except Rule 17.4 and 18.2 may be suspended by motion on notice or without notice by a simple majority vote. Suspension can only be for the duration of the meeting. The extent and duration of the suspension will be proportionate to the result to be achieved, taking account the purposes of the Constitution as set out in Article 1.

16.03 Rules capable of suspension

The Council may suspend any rule, other than any rule which is prescribed by law and therefore cannot be suspended.

16.04 Interpretation

- (i) The person presiding at the meeting may exercise any power or duty of the Chair. The Chair will decide all matters of order, competence, relevancy and interpretation of Procedure Rules, and their decision at the meeting is final. Where these rules apply to committee and sub-committee meetings, references to the Chair also include the Chair of committees and sub-committees.
- (ii) The duty of the Mayor, when chairing a meeting of the Council is to preserve order and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with regard to any question which is properly before the meeting.

16.05 Publication

- (i) Upon delivery to her/him of that individual's Declaration of Acceptance of Office on the councillor first being elected to the Council, a councillor may request a printed copy of the Constitution;
 - (ii) The Chief Executive will ensure that the Constitution is available for inspection at Lambeth Town Hall. The document will also be published on the Council's website and therefore will be accessible via all Lambeth libraries;.
-