Constitution 2013-14 of the
London Borough of Lambeth

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Subject Index

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## Glossary

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<tr>
<th>Term</th>
<th>Simple explanation</th>
<th>Detailed explanation</th>
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<tbody>
<tr>
<td><strong>Budget and policy framework</strong></td>
<td>A list of policies, plans and strategies which Council itself approves on recommendation of Cabinet. There are detailed rules on its operation; e.g. to resolve disputes between the Cabinet and full Council when setting the framework, and on the role of scrutiny.</td>
<td>Refer to Part 3, Section 3 for the detailed rules.</td>
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<tr>
<td><strong>Clear days</strong></td>
<td>Where notice in excess of five clear days would elapse:</td>
<td>Where notice in excess of five clear days would elapse:</td>
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<td>Includes Saturdays, Sundays and Bank Holidays, but not the day of the notice or other event from which the calculation of time begins and the day of the meeting, deadline or other event to which the calculation of time relates.</td>
<td>Includes Saturdays, Sundays and Bank Holidays, but not the day of the notice or other event from which the calculation of time begins and the day of the meeting, deadline or other event to which the calculation of time relates.</td>
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<td>Does not include Saturdays, Sundays and Bank Holidays and also the day of the notice or other event from which the calculation of time begins and the day of the meeting, deadline or other event to which the calculation of time relates.</td>
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<tr>
<td><strong>Community governance review</strong></td>
<td>Essentially, a petition to council seeking to change the way an area of the borough is governed by establishing a parish council.</td>
<td>See the Local Government and Public Involvement in Health Act 2007 (Part 4) and Guidance on Community Governance Reviews issued on 31 March 2010 by the Local Government Boundary Commission.</td>
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<tr>
<td>Term</td>
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<tr>
<td>Petition</td>
<td>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. It is recommended that advice is sought in the first instance from the council’s Director of Governance and Democracy.</td>
<td></td>
</tr>
<tr>
<td>Cooperative Council</td>
<td>New relationship between the Council and local people so that they are able to take control of services and the places in which they live,</td>
<td>Refer to Part 1, Paragraph 2.</td>
</tr>
<tr>
<td>Decision-makers</td>
<td>Council or its committees, Cabinet or its committees, individual Cabinet Members or an officer (as specified in the scheme of delegation).</td>
<td>Refer to Part 2, Sections 1-5 for the detailed terms of reference of the council’s committees, Cabinet etc, and the scheme of delegation to officers.</td>
</tr>
<tr>
<td>Executive decisions</td>
<td>Most decisions; the exceptions are called non-executive decisions.</td>
<td></td>
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<tr>
<td>Term</td>
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<tr>
<td><strong>Non-executive decisions</strong></td>
<td>Decisions which are not executive decisions - such as planning and licensing applications, audit matters and human resource matters that cannot be taken by Cabinet itself or individual Cabinet Members.</td>
<td></td>
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<tr>
<td><strong>Forward plan</strong></td>
<td>A list of all the planned key decisions by Cabinet, individual Cabinet Member and officers for the next four months. The forward plan is published monthly on the council’s website.</td>
<td>Refer to Part 3, Section 2 for the detailed rules.</td>
</tr>
<tr>
<td><strong>Governance arrangements</strong></td>
<td>The political management model under which the Council operates. Lambeth operates under the strong leader and cabinet model. There are two other main options: directly-elected Mayor or the committee system. Legislation requires that a petition to the Council that meets a specified threshold would trigger a referendum.</td>
<td>Guidance is set out in Local Government and Public Involvement in Health Act 2007, and further detailed guidance under the Localism Act 2011 is awaited. It is recommended that advice is sought in the first instance from the council’s Director of Governance and Democracy.</td>
</tr>
</tbody>
</table>
| **Key decisions**           | The most important decisions – involve expenditure of £500,000 or more and/or have a significant community impact.                                                                                           | An executive decision, which will:  
1. Requires an amendment to the Community Plan Outcomes Framework or requires a recommendation to Council to amend the Budget and Policy Framework. |
<table>
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<tr>
<td>OR</td>
<td>2. <strong>Financial</strong>: Result in the local authority incurring expenditure, raising income or making of savings in excess of £500,000.</td>
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<td>OR</td>
<td>3. <strong>Community Impact</strong>:</td>
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<td></td>
<td>Has a significant impact on:</td>
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<td></td>
<td>• communities living or working in an area comprising two or more wards in Lambeth, or</td>
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<td>• the wellbeing of the community or the quality of service provided to a significant number of people living or working in an area, or</td>
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<tr>
<td></td>
<td>• Communities of interest</td>
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<tr>
<td><strong>Local choice</strong></td>
<td>A list of various functions which the Council has decided will be exercised by either Cabinet or officers.</td>
<td>Refer to Part 2, Section 3 for the detailed rules.</td>
</tr>
<tr>
<td><strong>Scheme of Delegation</strong></td>
<td>Decisions can be made by officers of the Council. The scheme of delegation lists those decisions and identifies the relevant</td>
<td>Refer to Part 2, Section 4 for the detailed rules.</td>
</tr>
<tr>
<td>Term</td>
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<td>officer.</td>
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<tr>
<td>Strategic Board</td>
<td>Internal senior officer board</td>
<td>Internal officer board consisting of: Chief Executive (Chair) Executive Director, Adults’ and Community Services Executive Director, Children &amp; Young People’s Service Executive Director, Finance and Resources Executive Director, Housing, Regeneration and Environment Strategic Director of Commissioning Purpose: To provide effective leadership and direction for the work of the Council ensuring that priorities as set out in the Community Plan Outcomes Framework are delivered.</td>
</tr>
</tbody>
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Part 1 – Introduction to the Cooperative Council Constitution

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1- The Constitution

The London Borough of Lambeth’s Constitution sets out how the Council operates and how decisions are made. This includes a great deal of detail which we are required to provide about committees, their powers and procedures, financial processes, rules of procedure and legal matters. It has been our aim to provide this detail in a clear way so that people can find out what they want to know.

Just as importantly, the Constitution reflects our ambition to become a Cooperative Council and shows how that ambition will come to affect the way the Council operates and the way decisions are made. This is outlined in section 2, below.

Against this background, the purpose of the Constitution is to:-

- establish a comprehensive and cooperative framework for how the Council makes decisions with and on behalf of local residents;
- enable the Council to provide strong community leadership in cooperation with local residents, businesses and other organisations;
- support the active involvement and empowerment of citizens in the process of local authority decision-making;
- help councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create an effective means of holding itself to public account through Overview & Scrutiny
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- provide a means of improving the delivery of both personalised and community services through the empowerment of citizens and communities in the delivery and design of services;
- promote high standards of conduct and ensure that the rights and duties of individual councillors are clearly set out.
2 - The Council’s Cooperative Ambition

Lambeth has stated its ambition to become a Cooperative Council. We need, over time, to develop a new relationship between the Council and local people and new ways of working for our councillors and officers. The Constitution therefore sets a framework within which these things can happen rather than a rigid set of rules for all time.

The Council believes that the challenges facing the borough can only be met by recasting the relationship between the Council, and the citizens and communities of Lambeth. Citizens are valuable sources of insight and expertise, and are often best placed to identify solutions to meet the needs of their local area. The Cooperative Council ambition is about putting the resources of the state at the disposal of citizens so that they can take control of both services and the places in which they live. It is about finding new ways in which citizens can participate in the decisions that affect their lives.

Lambeth is one of the most diverse places in the UK and Europe. In a very real sense it is “the world in one borough”. It is important that every community feels at home here, secure both in their separate identity and also as part of Lambeth as a whole. Lambeth Council must therefore work, in a cooperative fashion, with all its communities to ensure their ambitions are met because no single model of service provision will be sufficient.

We will measure and judge our progress towards becoming a Cooperative Council by the extent to which all the communities who live and work in Lambeth are constructively engaged in decisions that affect their lives. The Council established the Cooperative Commission in 2010 to work with Lambeth’s citizens to develop the vision of the Cooperative Council. The Commission made a series of recommendations and conclusions to guide the Council and its partners as they seek to turn the vision into a reality. The Commission agreed on five principles (known as the Cooperative Council Principles) that set out the type of local leader Lambeth Council should be, and the way in which services should be designed, delivered and made more accessible.

**Principle 1:** The Council as the local democratic leader and civil society partner: we have a unique position as Lambeth’s democratically elected political leader and working with other community groups to encourage and support a vibrant and strong civil society.

**Principle 2:** Public services planned together and delivered through a variety of organisations, which will improve outcomes, empower citizens and users, and strengthen civil society: staff will play a vital role in providing expertise and experience and we need to align this with citizens working as equal partners.
**Principle 3:** Citizens incentivised to take part in the provision of public services: the relationship of cooperation must be underpinned by reciprocity.

**Principle 4:** Public services enabling residents to engage in civil society through employment opportunities: if unemployed citizens help with the delivery of local public services, Lambeth Council should provide opportunities for these individuals to develop their skills in a way that expands their employment opportunities.

**Principle 5:** Public services accessible from a variety of locations: this is about enabling access to services through a variety of locations, both physical and web-based.

These Principles set out the ways in which our ambition to become a Cooperative Council will be realised. This is reflected in this Part of the Constitution and in what it says about the roles of people and the way decisions are made. It will also be reflected in a review, over time, of all our strategic plans and policies, starting with those we consider to be most important, to ensure that a proper basis is in place for informed decisions to be made which support and develop the Cooperative Council ambition. Our next steps will be to review and reform the way the Council’s officers, services and commissioning work to ensure they reflect our cooperative ambitions.

**Developing the Cooperative Council Constitution**

The Constitution is a work in progress. It reflects some new structures and ways of working, and empowers citizens to get involved, but there is much more to be done. It is anticipated that some of the governance structures and rules which currently apply, and which are set out in this Constitution, will need to be more fundamentally changed to enable us to truly become a Cooperative Council.
3 – Councillors

3.1 Composition
The Council has 63 councillors elected by the voting electorate every 4 years. Councillors are democratically accountable to residents of their respective wards. This means that councillors can play a key role in linking the Council and the decisions it makes to the needs of local communities and in engaging local communities in the decisions which affect them. There are 21 wards in Lambeth and each one is represented by three councillors. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Council is the supreme body and has powers to decide the Council’s overall policies and set the budget each year. Council also sets the policy framework under which the Cabinet will operate.

3.2 Eligibility
Only registered voters living or working within the borough for the previous 12 months prior to an election will be eligible to stand as a 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, be at least 18 years old, and:

1. be and continue to be an elector for the borough; or
2. have been, for the whole of the twelve months preceding, occupied as owner or tenant of any land or other premises in the borough; or
3. have a principal place of work during that twelve months in the Borough

3.3 Election and terms of office
The regular election of councillors will be held every four years, normally in May. The next Council election will be held in 2014. 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.

3.4 Key roles
All councillors will:

(a) support and promote the Cooperative Council Principles;
(b) work together with all communities to encourage and support a vibrant and strong civil society and help empower citizens to play a strengthened role in the coproduction of public services.
(c) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
(d) contribute to the good governance and strong community leadership of the area and actively encourage both citizen and community participation in decision making;

(e) effectively represent the interests of their constituents, bring their views into the Council’s decision-making process and advise constituents on the best course of action to progress issues raised, giving the necessary personal support including attending relevant meetings;

(f) balance different interests identified within the ward and represent the ward as a whole;

(g) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances fairly and impartially;

(h) 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. Support could include:
   • Advising on methods to get involved in Council and committee meetings or speak on behalf of the constituent at those meetings.
   • Arrange meetings with, or make representations to, appropriate officers or Cabinet Members.

(i) Submit service requests or Member Enquiries.

(j) Respond to constituents’ enquiries and representations, fairly and impartially;

(k) Participate in the governance and management of the Council as a whole;

(l) Be available to represent the Council on other bodies; and

(m) Comply with the Members Code of Conduct.
4 – The rights of the public

Members of the public who live, work or study in the borough have a number of rights in their dealings with the Council.

4.1 Voting and petitions
Residents on the electoral roll have the right to:

(i) Vote

(ii) Sign a petition requesting a referendum to replace the Council’s Leader and Cabinet political management model.

(iii) Sign a petition requesting the establishment of a parish council or similar Community Governance review.

Everyone who lives, works or studies in the borough has the right to create and sign petitions on any matter within the Council’s purview.

4.2 Information
The public have the right to:-

(i) contact their local councillors about any matters of concern to them

(ii) attend meetings of the Council and its committees and Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(iii) have access to the forward plan showing what key decisions will be taken by the Cabinet and officers 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) inspect the following documents:

(a) the Constitution

(b) the register of member interests

(c) the Council’s accounts (and make their views known to the external auditor)

(d) monthly expenditure data reports

(e) Pay and remuneration policies for chief and senior officers.

(iv) make a request under the Freedom of Information Act 2000 to see information held by the Council.

4.3 Participation
The public 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) contribute to or be co-opted on any of the scrutiny committees, commissions and reviews,

(iv) take part in the Council’s consultation activities,

(v) petition the Council (including via e-petitions) on any matters of concern to local people,

(vi) be part of a deputation to raise a particular issue at Council meetings,

(vii) initiate a Community Right to Buy, Community Right to Build, Community Right to Bid, Community Right to Challenge or participate in Neighbourhood Planning, as identified by the Localism Act 2011.

In addition to these more standard rights seen in all local authorities, in Lambeth the council has greater ambitions for the rights of local the public. The Council will actively encourage and support members of the public to engage in all that we do, by:

(i) continuing to develop a vibrant and strong civil society.

(ii) planning and delivering public services to improve outcomes, empower citizens and users, and strengthen society.

(iii) Incentivising citizens to take part in the provision of public services.

(iv) supporting employment opportunities and help unemployed residents developing their skills in a way that expands their employment opportunities.

(v) ensuring services are as accessible as possible.

4.4 Complaints
We acknowledge that things do not always go to plan and we are committed to working together with our residents and service users to address problems before they need to become escalated as formal complaints. However, we recognise that in some instances a complaint will be necessary. In this event, Lambeth residents and service users 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 Council's Monitoring Officer (Director of Governance and Democracy) about councillors’ conduct.
5 – Decision Making

5.1 How decisions are made
This section sets out the legal framework within which decisions are made by the Council and outlines how, over time, the approach to decision making may change to reflect the Cooperative Council ambition.

Decisions taken by the Council are divided, by law, into two types; executive and non-executive.

Executive Decisions
Executive decisions can be taken by Cabinet or by:

- individual councillors or officers; or
- committees of councillors or councillors and others

In each case, these decisions are taken under authority of Cabinet. When key decisions are to be discussed or made (see below for the definition), these are published in the executive’s forward plan. Executive decisions have to be taken in line with the Council’s overall Budget and Policy Framework.

Non-Executive Decisions
Non executive decisions cannot be taken by the Cabinet. Non executive decisions include setting the Council’s overall Budget and Policy Framework, planning applications and licensing applications. With the exception of the issues covered by the Budget and Policy Framework, these decisions can also be taken by officers under the authority of Council.

5.2 Responsibility for decision-making
The Council will maintain a record of what part of the Council, or which individual has responsibility for particular types of decisions. Where individuals or committees are given the right to take decisions under the authority of Cabinet, a record will be kept showing:

- who has the right to take the decision
- where a committee has the right to take the decision, how the committee is to be made up and what (if any) particular voting and quorum rules apply
- the scope of the authority granted and any limitations or conditions attached to it
• for any new grant of authority, and in particular any grant of authority to an individual, how the grant reflects and supports the Cooperative Council Principles and in particular how communities affected by decisions are to be actively involved

5.3 Principles of decision-making
All decisions in the Council will be made in accordance with the following principles:-

(i) Having regard to the Cooperative Council Principles and any relevant strategy or policy document;
(ii) Having regard to involving citizens in decision making;
(iii) Where decisions are taken by individual councillors or committees of councillors, they are taken in consultation with relevant officers and citizens so as to ensure that a proper basis for decision making is in place;
(iv) Proportionality (i.e. the action must be proportionate to the desired outcome);
(v) Due consultation and coproduction with citizens informed by professional advice from officers;
(vi) Respect for human rights and equalities;
(vii) A presumption in favour of transparency and openness;
(viii) Clarity of aims and desired outcomes;

5.4 Types of decisions
• Decisions reserved to the full Council
Certain decisions will be made by the full Council and will not be delegated to any other body or individual.

• Key decisions

“A key decision is an executive decision, which is likely -

(a) result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or

(b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.”

These decisions can be made the Cabinet collectively or individually, or by an officer.

At Lambeth, we have chosen to go beyond the legal requirement, as set out above, by defining a key decision as an executive decision that:

EITHER

1. Requires an amendment to the Community Plan Outcomes Framework or requires a recommendation to Council to amend the Budget and Policy Framework.
OR

2. **Financial**: Result in the local authority incurring expenditure, raising income or making of savings in excess of £500,000.

OR

3. **Community Impact**:

Has a significant impact on:

- communities living or working in an area comprising two or more wards in Lambeth, or
- the wellbeing of the community or the quality of service provided to a significant number of people living or working in an area, or
- Communities of interest

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules and the Access to Information Procedure Rules.

**5.5 Decision-making Procedures**

The Council, Cabinet, committees and individuals will follow their relevant procedure rules, the Scheme of Delegation and the principles set out in this section when taking decisions.

**5.6 Decision-making bodies**

A summary of Lambeth’s decision making bodies is set out below. The specific terms of reference are covered in more detail in section 2 of this Constitution.

Executive decision-making:

- Cabinet
- Health & Wellbeing Board

Non-executive decision-making:

- Council
- Corporate Committee
- Appointments Committee
- Licensing Committee
- Planning Applications Committee
- Standards Committee
6 – The Mayor

6.1 The Mayor
The Council will appoint the Mayor and Deputy Mayor at the annual meeting from amongst the councillors.

6.2 Role and function of the Mayor
The Mayor (and in their absence the Deputy Mayor) will have the following roles and functions:-

6.2.1 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 will act non-politically and in the interests of the whole Council.

6.2.2 Chairing the Council Meeting
As the Chair of the Council, the Mayor will have the following responsibilities:

(i) To uphold and promote 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;
(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 councillors can be held to account;
(iv) To promote the Cooperative Council Principles and public involvement in the Council’s cooperative activities.
7 - The Council’s Decision making structures

7.1 The Role of the Full Council
The Council is the supreme political body of the London Borough of Lambeth made up of all 63 elected councillors. The Council meets to decide on the policies and plans which will constitute the Budget and Policy Framework, will set the Council Tax and budget for the following year, undertake all other non-executive functions (unless undertaken by Corporate Committee on its behalf), and approve any Housing Land Transfers.

8 - The Cabinet

8.1 Introduction
There are 10 Cabinet Members. The Leader of the Council appoints and allocates portfolios to the Deputy Leader and eight other Cabinet Members. The Leader has the power to remove and/or replace any Cabinet Member.

The Cabinet has the following responsibilities:

(i) Undertaking all executive decision making except those decisions delegated under the arrangements described in Part 1, Section 5.
(ii) To make decisions collectively.
(iii) To propose the overall Budget and Policy Framework to the Council.
(iv) To publish a forward plan of all the key decisions to be made by the Cabinet, individual cabinet members and officers.
(v) If it so wishes, to establish one or more committees to discharge specific executive functions, or to establish working groups or panels to review or advise on specific issues.
(vi) To recommend to Council, or approve and adopt the relevant plans and strategies

8.2 Leader of the Council
The Leader is a councillor elected to the position of Leader of the Council at the annual meeting of Council held after the four-yearly local election. The Leader holds office until:

1) s/he resigns from office; or
2) s/he is no longer a councillor; or
3) 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); or
4) s/he is removed from office by Council resolution.

If the Council passes a resolution to remove the Leader, a new Leader is to be elected –
(a) at the meeting at which the Leader is removed from office; or
(b) at a subsequent meeting.

If a vacancy in the office of Leader of the Council arises for the reasons set out at (1) and (2) above (i.e. the former Leader resigns or is no longer a councillor), a new Leader is to be elected at the next scheduled meeting of the Council or at an Extraordinary Meeting of the Council, convened for this purpose in accordance with Council Procedure Rule 3.1.

8.3 Deputy Leader of the Council
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.

8.4 Other Cabinet Members
Cabinet Members hold office until:
(a) they resign from office; or
(b) they are no longer a councillor; or
(c) the expiry date of their 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.

8.5 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 report for information to 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. It is anticipated that as we involve citizens more in all aspects of the council’s work that Community Champions may act as a mechanism to acknowledge the work of particular citizens.
The Leader may also notify Council that the Cabinet are delegating some of their powers to individual officers, committees of Cabinet, or if Cabinet wish to appoint an advisory panel.

9 – Scrutiny

9.1 Introduction
Scrutiny is a key democratic mechanism for holding public-service decision makers and providers in Lambeth to account and facilitating the improvement of public services in the area.

Working with citizens and professionals, scrutiny councillors undertake the following roles:

(i) Monitor, question and investigate the performance of the council’s Cabinet, individual decision makers and council services taking into account the Cooperative Council Principles and;
(ii) Develop, review and make recommendations for the improvement of services and activities commissioned by the council;
(iii) Hold the Cabinet and officers making decisions on behalf of the council to account in public; and
(iv) Scrutinise other public service providers’ work and its impact on the local community

Effective scrutiny enhances accountability, ensures transparency of decision-making, contributes to service improvement and acts as a ‘check and balance’ on decision-makers.

10 – Regulatory Committees
Legislation excludes specific issues from being Executive decisions, including: the Council’s overall Budget and Policy Framework; quasi-judicial matters (such as planning and licensing applications); issues related to staffing, pensions, audit and standards, amongst others. The following table lists main committees that have been set up to deal with these types of issues.

Regulatory Committees do their work by reference to strategy and policy documents adopted by the Council and the Council is committed over time to ensuring that all these documents reflect and support the Cooperative Council ambition. Regulatory Committees are also required to consider the Cooperative Council Principles so far as they may lawfully do so when discharging their functions. The terms of reference for the following committees are set in part 2, section 1 of the constitution.

- Planning Applications Committee
- Licensing Committee
11 – The Standards Committee

11.1 Introduction
The Standards Committee is responsible for promoting and maintaining high standards of conduct by councillors and non-elected co-opted representatives. The Standards Committee is required to consider the Cooperative Council Principles so far as it may lawfully do so when discharging its functions.

11.2 Membership
Members of the Standards Committee are appointed by Council. Membership is cross-party. Non-voting co-opted members may also be appointed.

11.3 Independent person(s)
The Council must appoint at least one independent person, whose views are to be sought and taken into account before any decision is made on an allegation that the Members’ Code of Conduct may have been breached. Independent person(s) 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. The Chief Executive may take into account the extent to which prospective candidates understand the Cooperative Council Principles and their application to the work of the Council in making his/her recommendation.

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

(a) s/he is, or has been during the previous 5 years, a councillor, co-opted member or officer of the Council or is related to, or is a close friend of a councillor, co-opted member or officer of the Council. (Note that the reference to a ‘co-opted member’ does not include a former independent member of the Council’s Standards Committee).

Co-opted members will not be entitled to vote at the Standards Committee meetings.
12 – Health and Wellbeing Board

From April 2013, Local authorities, such as Lambeth Council, are required to establish Health & Wellbeing Boards. Their purpose is to build strong and effective partnerships, which improve the commissioning and delivery of services across the NHS and local government, leading to improved health and wellbeing for local people. The partnership arrangements underpinning the Board were established by following our cooperative principles through a co-production approach.

13 - Joint arrangements and principal consultative and partnership bodies

13.1 Introduction
The Council has a number of methods of establishing bodies for decision making or consultation with other local authorities, partners, residents and officer representatives. These bodies may be set up for a specific purpose or to more generally promote the economic, social, or environmental well-being of its area. In all arrangements of this kind the Council will inform other parties of the Cooperative Council Principles and their application to the work of the Council and will seek so far as possible to agree an approach to joint working which reflects the Cooperative Council Principles.

13.2 Joint arrangements
(i) Joint arrangements with other local authorities may be established to exercise executive and/or non-executive functions.
(ii) The Leader of the Council must agree to the establishment of joint committees that exercise Executive powers. Council must approve the establishment of joint committees that exercise non-executive powers.
(iii) Political balance rules apply to joint committees that exercise non-executive powers and where the Council appoints to three or more seats. If any executive functions are to be exercised then a Cabinet Member must be appointed if Council appoints to two or more seats on the committee.
(iv) Political balance rules do not apply to joint arrangements that only exercise executive powers. Only Cabinet Members may be appointed to these joint committees.
(v) Details of all joint arrangements are listed in Part 2 Section 5 of the Constitution. LINK
### 13.3 Principal Consultative and Partnership Bodies

The following list is likely to increase as we continue to develop our cooperative working.

<table>
<thead>
<tr>
<th>Name of body</th>
<th>Summary description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Strategic Partnership Board (Lambeth First)</td>
<td>The council works with key agencies, businesses and the community as part of a Local Strategic Partnership (LSP) to promote economic, social and environmental well-being of the borough’s residents. The LSP oversees a number of theme partnerships such as Safer Lambeth and the Children and Young People’s Strategic Partnership.</td>
</tr>
<tr>
<td>Young Lambeth Cooperative (YLC)</td>
<td>The YLC is a multi stakeholder Cooperative body which has been set up as a separate legal entity working to cooperative principles as an Industrial and Provident Society to improve the opportunities for children and young people in Lambeth to co-ordinate and support the early adopter services which are being provided by a range of provider organisations under the early adopter programme and to support the development of new cooperative and mutual</td>
</tr>
<tr>
<td>Housing Related Forums</td>
<td>Resident Involvement forms an intrinsic part of cooperative approach to delivering a quality housing management service. Key bodies to support this include Tenants’ Council, Leaseholders’ Council, Area Housing Forums and Tenant Management Organisations</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Housing Arms Length Management Organisation (ALMO)</td>
<td>An ALMO manages Lambeth’s council housing. It has its own constitution and Board to oversee its decision making. The board includes local residents, council nominees and independent members.</td>
</tr>
<tr>
<td>Other Forums</td>
<td>There are many other forums that are regularly consulted by the Council. These include bodies such as: Pensioners Forum, the Head Teachers Forum, the Governors Forum, Parks Management Advisory Committees and the Joint Strategy Forum comprising our Trade Unions</td>
</tr>
</tbody>
</table>
14 – Officers

14.1 The Council’s Staff
The Council has people working for it (called ‘officers’) to give advice, implement decisions and manage the day-to-day delivery of its services and activities. Where decisions are made by the Council, the Cabinet or under powers delegated under the arrangements set out in Part 2 Section 4, the role of officers is to provide information and professional advice so as to provide a proper basis for decision making. The Chief Executive is the Head of Paid Service and is responsible for all staff in the authority. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and councillors. LINK All the Council’s staff need to be aware of the Cooperative Council Principles and are required to act consistently with them in the functions they carry out, and in the advice they give.

A full list of Chief Officers is contained within the scheme of delegation.

(Link)

15 – Finance, Contracts and Legal Matters

15.1 Financial management
The management of the Council’s financial affairs will be conducted in accordance with the Financial Regulations. The Council’s detailed financial systems and processes, setting out how the regulations will be implemented, are contained in the Financial Procedures appended to the Financial Regulations in Part 2 Section 4 (Link).

15.2 Financial Procedures & Lambeth Procurement Guide
Every contract made by the Council will comply with the Financial Procedures and the Lambeth Procurement Guide.
15.3 Authentication of documents
Where a document is required to support any legal procedure or proceedings on behalf of the Council, it will be signed or authenticated by either the relevant officer, as set out in the scheme of delegation, or as required by law.

Any contract entered into on behalf of the Council 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 Council. Contracts in excess of £100,000 will usually be made under the Common Seal of the Council and attested to.

15.4 Common Seal of the Council
The Common Seal of the Council is the official seal used to authenticate official council documentation. It 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 either the Chief Executive, Chief Finance Officer, Director of Governance and Democracy, the Head of Legal Services or their duly authorised nominees and a record shall be kept of all documents sealed.

16 – Changing, interpreting and suspending the Constitution

16.1 Duty to monitor and review the Constitution (Director of Governance and Democracy (Monitoring Officer))
The Director of Governance and Democracy (the Monitoring Officer) will work with citizens and members to 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.
16.2 Protocol for monitoring and reviewing the Constitution by the Director of Governance and Democracy (Monitoring Officer)
A key role of the Director of Governance and Democracy is to be responsible for improvements and changes to the Constitution and to make recommendations for ways in which it could be amended. In undertaking this task the Monitoring Officer may:

- observe Member and officer meetings;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him/her by councillors, officers, the public and other relevant stakeholders; and
- compare practices in this Council with those in other comparable authorities, or national examples of best practice.
- work in partnership with a range of citizens and members.

16.3 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, Corporate Committee and/or the Standards Committee.
Part 2 – How the Council Makes Decisions

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Section 1 – Decision Making

This section sets out functions which are not the responsibility of the Cabinet. Sections 5 and 10 of the Introduction describe how decision making in these areas is to be carried out and how the Cooperative Council Principles apply.

1. Full Council

The following functions are reserved to full Council

- Adopt and change the Constitution;
- Ensure executive functions covered by the policy framework or the budget are taken in accordance with the same.
- Appoint the Leader of the Council, Mayor and Deputy Mayor.
- Appoint a Chair for the meeting in the absence of the Mayor.
- Agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them;
- Appoint representatives to outside bodies;
- Adopt the Members’ Allowance Scheme
- Change the name of the Borough,
- Confer the title of honorary alderman or freedom of the borough;
- Confirm the appointment of the Chief Executive;
- Consider matters referred to it by the Overview & Scrutiny Committee and Scrutiny sub-committees;
- Make, amend, revoke, re-enact or adopt by-laws and promote or oppose the making of local legislation such as the London Local Authorities Act;
- Undertake all local choice functions which the Council decides should be undertaken by itself rather than the Cabinet;
- 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;
- Consider community governance arrangements such as to create Parish Councils.
- Consider Council governance arrangements and changes to the decision making arrangements.
- Confirm on an agreed cycle the continuation of all policies adopted by the Council. On a change in political control of the Council all policies will be subject to review.
- Decide all other matters which, by law, must be reserved to the Council
2. Other Committees

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

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

Functions to be undertaken by the Planning Applications Committees are set out below. Details of delegated powers are set out in the Scheme of Delegation.

Planning Applications Committee

Terms of reference

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

Applications to be determined by the Planning Applications Committee:

(1) Applications which are recommended for approval where the application falls within one of the following:

   (i) The provision of dwelling houses where -

       (a) The number of dwelling houses to be provided is 10 or more; or
       (b) The development is to be carried out on a site having an area of 0.5 hectare or more.

   (ii) The provision of a building or buildings where the floor space to be created including changes of use, by the development is 1,000 square metres or more; or

   (iii) Development carried out on a site having an area of 1 hectare or more.

(2) Applications which are recommended for approval where an objection to the current proposal has been received which is based on material planning grounds, other than those applications where, in the opinion of the Director Planning or the Head of Development Control:

   (i) The objection can be overcome by the imposition of an appropriate condition, and/or

   (ii) Where the application clearly complies with the relevant planning policies in which case the decision may be taken by officers.

(3) Applications which the Director Planning or the Head of Development Control wishes to refer to the committee.

(4) Any application where a specific written request is made by any Member of the Council for the case to be reported to the Committee.
(5) Applications made by the Council for development of land in its ownership that the Council intends to dispose of to a third party.

(6) Applications which have been submitted by or on behalf of a Member of the Council (or by their spouse or partner) or by a member of the Council’s staff (or by their spouse or partner).

(7) Applications for the total or substantial demolition of a listed building.

(8) Applications recommended for approval where it is proposed to grant permission for a change of use to Class A3 (sale of food and drink for consumption on the premises e.g. restaurants, snack bars and cafes, set out in the Town and Country Planning (Use Classes) Order 1987).

(9) Applications which are recommended for approval where it is proposed to grant permission for a proposal which is a significant departure from the policies of the Council’s UDP.

(10) To authorise, release or modify agreements and undertakings under Section 106 of the Town and Country Planning Act 1990, Section 16 of the GLC (General Powers) Act 1974, Section 278 of the Highways Act 1980 and Section 33 of the Local Government Act 1972 which in the opinion of the Director (Planning) or the Head of Development Control relate to developments which come within paragraph 1 above.

Membership

Seven councillors

B. Licensing and registration functions

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

Functions to be undertaken by the Licensing Committee are set out below. Details of delegated powers are set out in the Scheme of Delegation.

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

Licensing Committee

Terms of reference

(1) To establish a sub committee(s) to determine and review applications as required by the Licensing Act 2003, the Gambling Act 2005 and any other licensing functions as required.
(2) To exercise the functions, powers and duties of the Council in relation to all licensing matters, as required by statute.

(3) Applications to be determined by the Licensing Committee, unless otherwise determined by a licensing sub-committee or by an officer acting under delegated powers (“applications” includes new applications, renewals, transfers, variations, or reviews):

(a) Applications that in the opinion of an officer, who has been given delegated authority, should be referred to the Committee.

(b) Applications made by or on behalf of officers or councillors of the Council or their spouse/partner or relative.

10 councillors

**Licensing Sub-Committee**

(1) As established under the Licensing Act 2003 Section 9 and accompanying regulations to consider and determine any applications.

(2) To consider representations from street traders against the refusal or revocation of a licence in cases where the licensee/applicant has rejected the alternative option of referral to an officer panel.

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

**Membership**

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

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

Functions which the Council has determined should be undertaken by the Corporate Committee are set out below. Details of delegated powers are set out in the Scheme of Delegation. All other functions listed in Part I of schedule I to the Functions Regulations are reserved to full Council and are set out in Section 1 above.

**Corporate Committee**

**Terms of reference**

(1) To approve the Council Tax base on behalf of the Council.

(2) To consider and subsequently approve the Council’s statement of accounts and to consider any reports produced by the Chief Finance Officer in accordance with the duty to make arrangements for the proper...
administration of the Council’s financial affairs, but not in respect of the formulation of a plan or strategy which is a function of the Cabinet (and subject to final approval by the Council) or detailed operational matters which are within the purview of the Cabinet.

(3) Subject to the Council’s Scheme of Delegation, to oversee the administration of the Council’s functions in relation to the Local Government Pension Scheme including, but not limited, to the oversight of the Council’s superannuation fund investments and the establishment of a Pension Fund Investment Panel, and consideration of a report from the Chief Finance Officer at least yearly on the administration of the scheme. The report must be considered in advance of the budget setting for the year in which any prospective aspects of the report (such as revised contribution rates) would take effect. The determination of contribution rates is a matter for Council.

(4) Subject to the Council’s Scheme of Delegation, to consider all personnel-related issues which are not within the terms of reference of any other committee or otherwise reserved to Council including the appointment of an independent person to undertake investigations as required into allegations of misconduct against the Chief Executive, Monitoring Officer or Chief Finance Officer.

(5) To consider any adverse report issued by the Local Government Ombudsman, which includes a finding that injustice has been caused to a person aggrieved in consequence of maladministration, together with the action to be taken by the Council in response (including any compensation payments made).

(6) To consider any adverse report issued by the Independent Housing Ombudsman, which includes a finding that injustice has been caused to a person aggrieved in consequence of maladministration, together with the action taken by the Council in response (including any compensation payments made).

(7) To exercise the functions, powers and duties of the Council as Trustee of Trusts. To exercise the functions, powers and duties of the Council as Trustee of all other trusts for which the Council is corporate trustee except insofar as those functions have been delegated to Executive Directors of the Council.

(8) To consider nominations for Freedom of the Borough and make recommendation to the Council.

(9) The functions of the Council under the Rush Common Act 1806, and the determination of applications for consent under the Rush Common Act 1806 other than applications for which no objections have been received that the Divisional Director (Planning) considers should be approved.
(10) To consider and approve the naming of local streets and buildings in all cases where there are unresolved objections.

(11) To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (under Section 13(2) of the Criminal Justice and Police Act 2001).

(12) Any issue which in the professional opinion of the Chief Executive, or Executive Directors should be referred to the Committee.

(13) Any matter which has been referred by the Council or from another committee for determination.

(14) The setting up of sub-committees and panels and the setting of their terms of reference.

(15) All other matters which are non-Cabinet functions and which are not otherwise reserved to Council are not within the terms of reference of any other committee and which are not delegated.

Specific Audit Functions

(16) To oversee and/or discharge on behalf of the Council the requirements of the updated Accounts and Audit Regulations 2011, which require the Council to ‘undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control’.

(17) To consider the Head of Internal Audit and Counter Fraud’s annual report and opinion, and a summary of internal audit and counter fraud activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements.

(18) To consider summaries of specific reports of internal audit, investigations and external audit reports, in particular those with an “inadequate” audit assurance assessment.

(19) To consider reports dealing with the management and performance of the providers of internal audit services.

(20) To consider a report from the internal audit on agreed recommendations not implemented within a reasonable timescale.

(21) To consider the external auditor’s annual letter (in conjunction with the Cabinet), related reports and such other reports as may be agreed with the external auditor.

(22) To comment on the scope and depth of external audit work and to ensure that it provides value for money.
(23) Following such liaison with the Audit Commission as necessary, to approve the appointment of the Council’s external auditor.

(24) To consider and receive reports from the Section 151 Officer as appropriate and to commission such work from both internal and external audit as may be required.

(25) To monitor the effective development and operation of risk management and corporate governance in the Council.

(26) To monitor Council policies on ‘Raising Concerns at Work’/Whistleblowing’, the anti-fraud and anti-corruption strategy and the Council’s complaints process.

(27) To consider and approve the Council’s Annual Governance Statement, including the review of the effectiveness of the assurance framework and, in particular, internal audit.

(28) To consider the Council’s arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice and with the Council’s own and other published standards and protocols.

(29) To review the draft annual statement of accounts prior to its audit. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. Later to consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts, and then to formally approve the audited annual statement of accounts.

(30) To approve, for submission to Council, an annual report of the activities of the Committee in discharging its various audit functions.


**Membership**

Part 2 – How the Council Makes Decisions – Section 1 Decision Making

Lambeth Council’s Constitution 2013-14
Five councillors, plus up to two non-voting co-opted members. The Committee Chair must not be a Cabinet Member.

**Pension Fund Investment Panel**

**Terms of reference**

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

(ii) Determining the Statement of Investment Principles, subject to approval by the Corporate Committee and modification as appropriate.

(iii) Ensuring adequate monitoring and compliance with the overall investment strategy and the Statement of Investment Principles.

(iv) To make recommendations to Corporate Committee with regard to the appointment of investment managers and any external service providers and advisors felt to be necessary.

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

**Membership**

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

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

The following Committees are established annually in the event of them being required. This is purely an administrative arrangement to save time.

**Appointments Committee**

**Terms of Reference**

(1) To recommend to Council the appointment of the Chief Executive.

(2) To make the appointment of other Chief Officers set out in the Scheme of Delegation at Section 2 Part 4.
(3) Should the Chief Executive (in consultation with such members as s/he deems necessary) so determine in any individual case, to make the appointment of the Deputy Chief Officers set out in Paragraph 4 of the Officer Employment Procedure Rules (which are set out in Part 3 of this Constitution).

(4) To appoint a standing Appointments Sub-Committee to normally undertake the above tasks.

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

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

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

Appointments Sub-Committee

Terms of Reference

(1) To recommend to Council the appointment of the Chief Executive.

(2) To make the appointment of other Chief Officers set out in the Scheme of Delegation.

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

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

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

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

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

Investigating Committee

Terms of Reference

(1) To hear disciplinary cases involving charges of misconduct or incapability against Chief Officers, other than the Chief Executive, Director of Governance and Democracy (Monitoring Officer) and the Chief Finance Officer.

(2) To make recommendations to Council regarding the dismissal or other appropriate sanction to be taken against Chief Officers other than the Chief Executive, Director of Governance and Democracy (Monitoring Officer) and the Chief Finance Officer following a disciplinary or capability hearing in accordance with the terms and conditions of employment for Chief Officers of Local Authorities.

(3) To conduct a preliminary investigation into allegations of misconduct in order to determine whether disciplinary charges should be brought against the Chief Executive, Director of Governance and Democracy (Monitoring Officer) or the Chief Finance Officer.

(4) To conduct a preliminary investigation into allegations of incapability against the Chief Executive, Director of Governance and Democracy (Monitoring Officer) and the Chief Finance Officer.

(5) To appoint a designated independent person to investigate any charges brought under (3) or to investigate any unresolved capability issues following an investigation under (4) above.

Note

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

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

Membership

Three councillors which must include at least one member of the Cabinet.
Standards Committee

The Standards Committee will have the following roles and functions:

(a) Establishing a cross-party Standards (Hearing) Sub-Committee with non-voting co-opted members, to consider the outcome of any investigation into an allegation that any member or co-opted member of the Council has failed or may have failed to comply with the Council’s code of conduct.
(b) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
(c) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members’ Code of Conduct and associated local protocols;
(d) Advising the Council on the adoption or revision of the Members’ Code of Conduct and associated local protocols;
(e) Monitoring and reviewing the operation of the Members’ Code of Conduct and associated local protocols;
(f) Enforcing the Code of Conduct and associated local protocols and applying sanctions in respect of breaches as appropriate;
(g) 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;
(h) Dealing with any reports referred by the Monitoring Officer;
(i) Keeping under review, amending and making additional provisions to the Council’s Protocols;
(j) Monitoring the Council’s policies on ‘Raising Concerns at Work’/Whistleblowing’ in conjunction with Corporate Committee.
(k) Maintaining a general overview of probity matters arising from Ombudsman reports, Monitoring Officer reports and Audit reports in conjunction with Corporate Committee.
(l) Submitting an annual report to the Council.
(m) Discharging all functions relating to the determination of allegations that a councillor or co-opted member has failed, or may have failed, to comply with the Council’s Code of Conduct for Members.

Terms of Reference

(1) To promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives. The Standards Committee is required to consider the Cooperative Council Principles so far as it may lawfully do so when discharging its functions.
(2) To advise the Council on the adoption or revision of the Members’ Code of Conduct and associated local protocols.

(3) To monitor and review the operation of the Members’ Code of Conduct and associated local protocols.

(4) To develop for recommendation to the Council local protocols to supplement the Members’ Code of Conduct.

(5) To enforce local protocols and applying sanctions in respect of breaches as appropriate.

(6) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.

(7) To discharge all of the functions in the Localism Act 2011 (Part 1, Chapter 7, Standards) and all regulations made there under that may 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. (To be reviewed to take account of the role of the Monitoring Officer and Independent Person)

(8) To discharge all functions relating to the 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. (To be reviewed to take account of the role of the Monitoring Officer and Independent Person)

Membership

Five councillors (three Labour, one Liberal Democrat and one Conservative), plus up to five non-voting co-opted members.

Notes:

• Co-optee attendance is not applied when calculating the quorum.
• Council resolved (20.06.12) that the rules on proportionality do not apply.

Standards (Hearings) Sub-Committee

In the event that a hearing of the Standards Committee is required, to hear and determine any allegation that a member or co-opted member of the Council has failed, or may have failed, to comply with the Council’s Code of Conduct and apply appropriate sanctions. (To be reviewed to take account of the role of the Monitoring Officer and Independent Person)
Membership

Three councillors (one from each political group).

Note:

- Standards Committee (15.05.12) agreed that the rules on proportionality do not apply.
Section 2 – Executive Functions

The following bodies are established to deal with Executive functions:

Cabinet

In accordance with the Co-operative Principles and the approach set out in Section 5 of Part 1, some executive functions as described in the Scheme of Delegation may be delegated, including the commissioning of services.

Terms of reference:

1. To discharge all the functions of the authority except:

   (a) those matters which are required by law to be discharged by the full Council, and
   (b) all 'local choice' functions set out in Part 2 of the authority's Constitution which the Council decides should be undertaken by itself rather than the Cabinet.

2. To implement the Council’s policies and spending in accordance with the policy framework and budget.

3. To make recommendations on major policy and resource matters to Council for decision, and ensure that full and proper consultation occurs on all such proposals.

4. To give political direction and guidance to and monitor the performance of the Council.

5. To provide political accountability for the Council’s performance to the Council and the Overview & Scrutiny Committee.

6. To foster and improve the Council’s performance as a partner with other stakeholders.

7. To support, promote and monitor the application of the Cooperative Council Principles.

Membership

The Leader of the Council, Deputy Leader of the Council and the eight other Cabinet portfolio holders.
Responsibility for functions
The Leader will maintain and publish a list setting out the portfolio responsibilities of the individual Cabinet Members:

The Leader of the Council
The Deputy Leader of the Council
Cabinet Member for Children and Families
Cabinet Member for Culture and Leisure
Cabinet Member for Equalities and Communities
Cabinet Member for Finance and Resources
Cabinet Member for Health and Wellbeing
Cabinet Member for Neighbourhood Services
Cabinet Member for Public Protection
Cabinet Member for Regeneration and Strategic Housing

Cabinet Members and Advisory Panels
Under the arrangements and following principles set out in Part 1, Section 5, the Cabinet may delegate some of its powers to:

- a Panel made up of a number of Cabinet Members or other councillors;
- a Panel made up of a number of Cabinet Members, other councillors with relevant skills and experience, or those who are able speak on behalf of communities affected by the powers the Panel is authorised to exercise;
- individual Cabinet Members designated by the Leader as having responsibility for specific executive functions;
- other councillors;
- officers

This would usually be for a particular subject area. The Cabinet may also set up Cabinet Advisory Panels to provide advice on particular issues. Advisory Panels may have a membership that extends beyond Cabinet Members to include other Councillors or interested parties.

Asset Management Cabinet Advisory Panel

Terms of Reference:

1. Status
The Asset Management Cabinet Advisory Panel is constituted under the Cabinet Procedure Rule 1.3 of the Constitution. The Asset Management Cabinet Advisory Panel will operate in accordance with the arrangements as
set out in the Constitution, Part 2, Section 2. Operating as any panel, the Panel does not need to be politically balanced or made up of only Cabinet members.

The Panel has no formal decision-making powers. It may include any member of the Council (such as Deputy Cabinet Members or Champions), officers, stakeholders, etc and may call on these individuals to give evidence as required by the Chair. Its core membership is set out below. However, there is no requirement for Panel meetings to be open to the public or for any related reports or minutes to be made available to other councillors or to the public. Further, and accordingly, the provisions of the Access to Information Procedure Rules and of the Cabinet Procedure Rules (Part 3 of the Council’s Constitution) shall not apply unless expressly indicated to the contrary.

2. Governance context
The Asset Management Cabinet Advisory Panel is accountable to Cabinet. The Panel operates within the Council’s wider corporate governance framework.

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

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

4. Membership
- Cabinet Member for Finance and Resources (Chair)
- Deputy Leader of the Council
- Cabinet Member for Neighbourhood Services
- Cabinet Member for Regeneration and Strategic Housing

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

5. Working arrangements
Meetings will be held about every two months in accordance with a timetable drawn up by the Chief Officer Finance and will not be open to the press and
The Panel in consultation with Chief Finance Officer will determine which officers need to attend each particular meeting, but this will normally be representatives of:

Executive Director of Housing, Regeneration & Environment

Chief Finance Officer

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

- Minutes of the previous meeting
- Declarations of interest
- Reports submitted by the Chief Finance Officer.

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

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

Growth Cabinet Advisory Panel

1. Status

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

The Panel has no formal decision-making powers. It may include any member of the Council (such as Deputy Cabinet Members or Champions), officers, stakeholders, etc and may call on these individuals to give evidence as required by the Chair. Its core membership is set out below. However, there is
no requirement for Panel meetings to be open to the public or for any related reports or minutes to be made available to other councillors or to the public. Further, and accordingly, the provisions of the Access to Information Procedure Rules and of the Cabinet Procedure Rules (Part 3 of the Council’s Constitution) shall not apply unless expressly indicated to the contrary.

2. Governance context

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

3. Purpose

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

To direct the four work streams to support the Strategy for Responding to Growth:

1. Access to employment

2. Inward investment and business resilience (local, national and international) – which includes access to finance for businesses, and the visitor economy

3. Physical infrastructure (e.g. transport, renewable energy, broadband)

4. Social infrastructure and well-being (supporting a growing and changing population)

Including around:

Development of strategies and policies to ensure that the investment and opportunities in growth areas are captured and result in benefits to the borough as a whole

Development of proposals that ensure funding is available to secure future growth and inward investment within the borough

Matching the investment and new infrastructure that comes from growth with the needs of the local community, together with the identification of priorities for spend.

Its role is complementary to the work of the Asset Management Cabinet Advisory Panel (AMCAP), which is to make recommendations to Cabinet on capital investment and its effective financial management.

4. Constitution
The constitution and membership is:

Leader of the Council (Chair)
Deputy Leader of the Council
Cabinet Member for Housing and Regeneration
Cabinet Member for Finance and Resources
Cabinet Member for Culture and Leisure

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

5. Working Arrangements

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

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

Chief Executive
Executive Director of Finance & Resources
Executive Director of Children and Young People’s Service
Executive Director of Adults’ and Community Services

The above officers will be required to write and contribute to reports for the Panel.

Standard agenda items are:

(i) Minutes of the previous meeting
(ii) Declaration of interests
(iii) Reports submitted by the Executive Director, Housing, Regeneration and Environment and any other member of the Strategic Leadership Board.
(iv) Forward Plan

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

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

Planning and Development Cabinet Advisory Panel

Terms of Reference:

1. **Status**

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

The Panel has no formal decision-making powers and may include any member of the Council (such as Deputy Cabinet Members or Champions), officers, stakeholders, etc. Its core membership is set out below. There is no requirement for Panel meetings to be open to the public or for any related reports or minutes to be made available to other councillors or to the public. Further, and accordingly, the provisions of the Access to Information Procedure Rules and of the Cabinet Procedure Rules (Part 3 of the Council’s Constitution) shall not apply unless expressly indicated to the contrary.

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

2. **Governance context**

The Planning and Development Cabinet Advisory Panel is accountable to Cabinet. The Panel operates within the Council’s wider corporate governance framework.

3. **Purpose**

The Planning and Development Cabinet Advisory Panel will be advisory on issues and documents produced in relation to development plan and other associated planning issues. It will not be open to the public so as to enable full and open discussion of issues and options. The Panel will do its work taking into account the Cooperative Council Principles.
4. Membership

Seven councillors:

Cabinet Member for Regeneration and Strategic Planning (Chair)
Chair Planning Applications Committee
Vice-Chair Planning Applications Committee
Two other administration councillors
One majority opposition councillor
One minority opposition councillor

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

5. Working Arrangements

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

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

Standard agenda items are:
- Minutes of the previous meeting
- Declarations of interest
- Reports submitted by the Executive Director, Housing, Regeneration and Environment, any other member of the Strategic Board, or the nominated lead officer (Director, Planning, Regeneration and Enterprise).

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

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

The Health and Wellbeing Board
1. Status

The Health & Wellbeing Board (HWB) is formally a section 102 committee established by Lambeth Council and the normal rules of governance apply. The HWB will however carry out executive functions.

2. Governance

2.1 Detailed operational arrangements are set out under the operational rules for the other bodies in Part 3, Section 7 of this Constitution.

3. Terms of reference

3.1 To establish a shared understanding of health and wellbeing outcomes for Lambeth’s population, including the variations in outcome for different groups within the borough. Including by ensuring Lambeth has in place an effective outcomes focused joint strategic needs assessment process that is actively informing decision making by all partners.

3.2 To set the strategic direction for action to improve and protect health and wellbeing and reduce inequalities. Including by agreeing a joint health and wellbeing strategy that clearly sets out the outcomes that the board and its partners will focus on improving and the intended beneficiaries of those improvements - to provide a strategic framework for local commissioning and delivery.

3.3 To ensure citizens, communities and other stakeholders in Lambeth are fully involved in understanding health and wellbeing outcomes, identifying priorities and taking action to deliver improvement, through the active and comprehensive adoption of co-production and co-design approaches.

3.4 To maximise the health and wellbeing outcomes achieved from the resources and assets available within the borough.

3.5 To provide leadership for the transformation of local services through culture change based in principles of coproduction, prevention, personalisation and integrated care.

3.6 To enhance the accountability of public services to the people of Lambeth for their contribution to improving health and wellbeing outcomes in the borough.

3.7 To engage, challenge and hold to account partner agencies in all of the above processes (but not to perform a formal scrutiny role which will remain the responsibility of the Council’s Overview and Scrutiny Committees).
3.8 To provide a united voice to take forward the health and wellbeing interest of Lambeth with outside agencies

4. Membership

4.1 The constitution of the Board is as follows:

Lambeth Council:
Cabinet Member for Health and Wellbeing (Chair of Board)
Cabinet Member for Children and Families (Vice-Chair of Board)
Majority Opposition member (Liberal Democrat Party Group)
Minority Opposition member (Conservative Party Group)
Executive Director of Adults’ and Community Services (i.e. the director of adult social services)
Executive Director of Children and Young People’s Service (i.e. the director of children’s services)
Director of Public Health

NHS Lambeth Clinical Commissioning Group (CCG):
CCG (Chair): (Vice-Chair of Board)
One additional clinical or lay CCG Governing Body member
CCG Chief Officer

National Commissioning Board representative

King’s Health Partners representative

Lambeth Healthwatch representative

Note: by law, membership must include:
• At least one councillor
• The director of adult social services
• The director of children’s services
• The director of public health
• A representative of Healthwatch
• A representative of CCG
Corporate Parenting Board

1. Definition

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

2. Scope

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

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

3. Objectives

- To oversee the implementation of the Lambeth Council Corporate Parenting Strategy and Action Plan and monitor the quality and effectiveness of services to ensure they fulfil the council’s responsibilities and achieve good outcomes for CLA.

- To monitor and evaluate progress of relevant legislation and government guidance and its implementation in Lambeth to ensure services are responsive to the needs of CLA in line with the national Every Child Matters’ agenda.

- To monitor and review the quality and effectiveness of services across the council, partner agencies and commissioned services to achieve continuing improvements in outcomes for looked after children and care leavers.

- To ensure that the voice and opinions of as wide a range as possible of children looked after and care leavers are heard and that their views are used to shape policy and monitor performance.

- To directly receive the views of children and young people looked after and leaving care via the Children in Care Council mechanisms and annual consultation to ensure their views and experiences directly influence decisions made at this level.
• To receive reports on all aspects of children looked after and care leaver’s welfare as required from the local authority and partner agencies in sufficient detail to enable it to undertake its strategic responsibilities for planning, monitoring and evaluation.

• To monitor the performance of the Council by receiving progress reports on the key performance indicators relating to children looked after and care leavers.

• To monitor Lambeth’s whole authority commitment to joint-working arrangements between council departments and partner agencies and examine ways in which holistic, integrated and cross-cutting practice can be further embedded and priorities and objectives agreed.

• To maintain a strategic overview on the developmental of all new policies, procedures and initiatives to ensure these are in line with local and national priorities and objectives including the Corporate Parenting Strategy; and that they will effectively meet the needs of children looked after.

• To make recommendations to decision makers in Lambeth Council and its strategic partners as it deems appropriate to fulfil its Corporate Parenting duty.

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

4. Membership

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

This body is serviced administratively by Governance and Democracy and supported by the Corporate Parenting Team. Detailed operating procedures are set out in Part 3, Section 7 of this Constitution.

Lambeth Safeguarding Children Board (LSCB)

1. Definition

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

The work of the LSCB fits within the wider context of children’s trust arrangement to improve the overall wellbeing of children in the locality. The Board will do its work taking into account the Cooperative Council Principles.

2. Objectives

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

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

b) to ensure the effectiveness of what is done by each such person or body for that purpose

3. Scope

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

1. Responsive Safeguarding - responsive work, to protect children who are suffering, or at risk of suffering significant harm.

2. Targeted Safeguarding – targeting work, resources and policies on keeping particular groups of children who are more at risk of harm safe.

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

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

4. Functions/Objectives

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

- **London Child Protection Procedures**
  To ensure that all agencies that work with children and young people work together effectively in compliance with government guidance, the London Child Protection Procedures and local protocols

- **Local Protocols**
To develop and agree local protocols on key issues of concern, e.g. child prostitution, domestic violence, private fostering, joint investigation,

- **Thresholds**
  Setting and promoting a common understanding of thresholds,

- **Recruitment**
  Ensuring that all agencies adhere to national guidance on recruitment and supervision of persons working with children

- **Training**
  Organise and deliver multi-agency training on safeguarding and promoting welfare to meet local need.
  Audit the relevance and quality of single agencies training provision

- **The Community**
  Promote the understanding and involvement of the local community in the safeguarding agenda: “Safeguarding is everyone’s Business”

- **Quality assurance**
  Monitor and evaluate what is done individually and collectively in terms of practice and in terms of whether agencies are fulfilling their statutory obligations under Section 11 of the Children Act; e.g. through single agency self-evaluation, joint audits of case files to evaluate joint working etc

- **Planning & Commissioning**
  Participate in the local planning and commissioning of children’s services to ensure that they take safeguarding and promoting the welfare of children into account

- **Serious Case Reviews**
  Undertaking reviews of cases where a child has died or has been seriously harmed in circumstances where abuse or neglect is known or suspected and advising on lessons that can be learned

- **Child Death Review Panels**
  Ensuring a co-ordinated response to and collecting and analysing information from local unexpected deaths via the setting up of a child death review panel

- **Annual work Plan**
  To develop and agree annual measurable objectives to be set out in the three year work plan in the Strategic Plan. These will fit with the Children & Young Person’s Plan.

- **Annual report (LSCB Office)**
Produce an annual report to include the work plan, relevant management information on safeguarding activity in the previous year and progress against objectives the previous year.

- **Budget**
  To agree an annual pooled budget and spending plans

- **Equality and Diversity.**
  Ensure that constituent agencies adhere to practice standards with regard to safeguarding black and ethnic minority and disabled children in Lambeth in line with current legislative requirements

5. **Structure**

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

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

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

6. **Membership**

**Nature of members**

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

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

**Role of members**

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

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

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

8. **LSCB Sub-committees**

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

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

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

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

**Other Children and Young People’s Service Panels:**

**Adoption and Permanence Panel**

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

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

From 1 September 2012, the function of Adoption Panel to consider and make a recommendation as to whether a child should be placed for adoption will be limited to those cases, where if the Agency Decision Maker decides a child...
should be placed for adoption, the courts will not be involved in scrutinising
the adoption plan.

The Adoption and Permanence Panel will be retained to deal with cases:

- where parents agree for the child to be placed for adoption
- to approve prospective adopters
- to approve matches between adopters and children
- to review cases where child is not matched 6 months after making of a
  Placement Order.

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

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

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

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

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

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

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

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

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

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

The Panel meets once per month.

Secure Accommodation Panel

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

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

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

The Panel meets as and when necessary.
The Independent Education Admission Appeals Panels

Terms of Reference

To consider:

(a) Appeals by parents against a decision as to the community school at which education is to be provided for their child.

(b) Appeals by governing bodies or community schools against a decision by the Local Authority, as their admission authority, to admit to the school a child who has previously been permanently excluded from two or more schools.

Membership

Three members to consist of:

(a) One lay member nominated by the Council (from a pool of such persons maintained by the Council for this purpose, i.e. without personal experience in the management of a school or provision of education in any school, except as a school governor or in another voluntary capacity);

(b) One person who has experience in the provision of education in Lambeth, or who is the parent of a pupil at one of the borough's schools;

(c) One person to be taken from either of these two groups.

Note: Councillors and officers from the Council cannot sit on any of these Panels.

Rules of Procedure

In accordance with section 94(1)(b) of the 1998 Schools Standards and Framework Act 1998 ("the 1998 Act") and the School Admissions (Appeal Arrangements) (England) Regulations 2012, the School Admissions Code and relevant human rights and equalities legislation, including the Equality Act 2010 (save where a child has been permanently excluded from two or more schools and at least one of those exclusions took place after 1 September 1997, the parents’ right of appeal against a decision not to offer their child a school place is effectively suspended for two years after the second or any subsequent exclusion (see sections 87(2) and 95(1) of the 1998 Act)), and section 1A of the 1998 Act in relation to appeals against the decisions made by or on behalf of governing bodies refusing admission of a child to a sixth form and as otherwise in accordance with procedures set out in Part 3 (Rules of Procedure) of this constitution.
The Independent Education Exclusion Review Panels

Terms of Reference

To review:

(a) The decision of the Governing Body of the school in question not to reinstate a permanently excluded pupil from a maintained school.
(b) The decision of the management committee not to reinstate a permanently excluded pupil from a Pupil Referral Unit.

Membership

Three members to consist of:

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

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

Rules of Procedure

In accordance with Section 51(A) of the Education Act 2002 and The School Discipline (Pupil Exclusions and Reviews) (England) and otherwise in accordance with procedures set out in Part 3 (Rules of Procedure) of this constitution.
Section 3 – Local Choice Functions

There are some functions ("the Local Choice Functions") which are set out in the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 (the “Functions Regulations”) giving effect to section 9E of the Local Government Act 2000 which the Local Authority can decide may be the responsibility of the Cabinet, individual Cabinet Members or Officers under delegated powers rather than being reserved to Full Council.

The Council has decided that the following list of Local Choice Functions will be delegated to officers:

1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.
2. The determination of an appeal against any decision made by or on behalf of the authority.
3. The making of arrangements pursuant to Section 51A Education Act 2002 and The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (Pupil Exclusion Reviews)
4. The making of arrangements pursuant to section 94(1) and (4) of, the School Standards & Framework Act 1998 and Section 50 Education Act 2002 (admission appeals).
5. The making of arrangements pursuant to section 95(2) of, and Schedule 4 to, the Education Act 2002 (children to whom section 87 of School Standard and Framework Act 1998 applies: appeals by governing bodies).
6. The discharge of any function relating to the control of pollution or the management of air quality.
7. The service of an abatement notice in respect of a statutory nuisance.
8. The inspection of the authority's area to detect any statutory nuisance.
9. The investigation of any complaint as to the existence of a statutory nuisance.


12. The making of agreements for the execution of highways works.

The Council has decided that the following list of Local Choice Functions will be undertaken by the Cabinet collectively:

13. Any function relating to contaminated land.

14. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority’s area.

15. The appointment of any individual -
   (a) to any office other than an office in which he is employed by the authority;
   (b) to any body other than -
      (i) the authority;
      (ii) a joint committee of two or more authorities; or
   (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.
Section 4 – Scheme of Delegation and Financial Regulations

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<td>Delegation of Powers to Cabinet and Individual Cabinet Members</td>
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<td>(B) Financial Regulations</td>
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Section 4, Part A: Scheme of Delegation

(A) Introduction, General Principles and Interpretation-

1. The Council is required under Section 100G of the Local Government Act 1972 and Section 15 of the Local Government Act 2000 to maintain its scheme of delegation for public inspection, and the scheme is maintained by the Governance and Democracy Division. Once approved by Council, the only amendments to the scheme of delegation that will be incorporated will be those approved by the Council, Cabinet or by the Leader, in accordance with paragraph 4 below; (in relation to the discharge of executive functions) or by the Council in relation to all other functions of the authority.

2. The Leader is responsible for all executive arrangements and is required to maintain a list setting out who of the following are responsible for particular Executive functions:
   - The Leader
   - The Cabinet as a whole
   - Individual Cabinet Member
   - The Chief Executive or other Chief Officers
   - Joint arrangements; or,
   - Another local authority.

3. This Scheme of Delegation aims to be as comprehensive as possible but cannot be exhaustive. It needs to be flexible enough to deal with changing circumstances. Therefore the Scheme applies to all major corporate and service policies, strategies and initiatives whether referred to by name or not in the constitution. Officers will apply the principles of the Scheme when determining where and how in the structure decisions will be made. As a general rule, matters of corporate policy and high level strategic matters will be determined by the Cabinet collectively, strategic matters which relate to a particular cabinet member portfolios will be determined by individual cabinet members and operational service matters will be determined by the Chief Executive (or the relevant Chief Officer) in consultation with the Leader and or relevant Cabinet Member, where appropriate. Where there is doubt, the Leader will be asked to decide.

4. Variations: The Leader may make ad-hoc one off variations to the Scheme of Delegation in relation to executive functions, on particular
Part 2 – How the Council Makes Decisions – Section 4 Scheme of Delegation and
Financial Regulations

matters. Any variation affecting the generality of any delegation set out in this Scheme shall be made in writing. Such written notice to be provided to the Director of Governance and Democracy as the Monitoring Officer. The variation shall be effective from the date the written notice is received by the Monitoring Officer.

5. Plans and Strategies: All references to Plans and Strategies mean initial approvals of them, and subsequent amendments where the impact of the amendment is significant. (If the amendment is required by law or as a result of litigation to give effect to day to day practical issues required to ensure implementation, officers shall implement the change required but shall consult with the Leader and appropriate Cabinet members before doing so.) Where the plan or strategy is a joint matter with other bodies the recommendations shall only be in respect of those matters affecting the Council.

6. Key Decisions – Any key decision shall be published in accordance with Access to Information Procedure Rules. Whether a matter is a key decision shall be determined in accordance with the definition of a key decision as set out in Part 1 Section 5 of this Constitution.

7. Decision making process: Decisions are made in accordance with Part 1 Section 5 (Decision making) Part 2 Section 4 B (Financial Regulations) and Part 3 Section 4 (Cabinet Procedure Rules).

8. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.

9. All decisions will be taken in compliance with the Access to Information Procedure Rules (Part 3, Section 2 of the Constitution).

10. The Director of Governance and Democracy shall have the power, subject to prior notification to the party whips, to:

    (a) amend this section of the Scheme to reflect re-organisations, changes in job titles and vacancies, where the said changes result in redistributing existing delegations and not the creation of new ones; and,

    (b) amend the Constitution, as adopted from time to time by the Council, to correct any typographical errors or inconsistencies subsequently identified.

11. Any post specifically referred to below shall be deemed to include any successor post, or a post which includes, within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded or discharging the functions of the post on an interim basis.
12. Any reference to a Committee or Sub-Committee shall be deemed to include reference to a successor Committee or Sub-Committee provided that the subject matter of a particular delegation can be found within the terms of reference of both the earlier and the successor Committee or Sub-Committee.

13. With respect to any reference to a delegation being exercised following consultation with the appropriate Cabinet Member, the decision is vested with the delegatee who shall be responsible and accountable for the decision.

14. If a matter is delegated to an officer, but that delegation cannot be implemented, that should be reported to the relevant decision-maker.

15. Delegations within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of that delegation.

16. All matters of interpretation of the Officer Scheme of Delegation will be determined by the Director of Governance and Democracy, in consultation with the Executive Director of Finance and Resources as necessary.

17. Officers exercising delegated powers related to financial matters (such as raising invoices, writing-off debts, paying invoices or disposals of assets) shall be aware at all times of the statutory responsibility of the Executive Director of Finance and Resources under the Local Government Act 1972 and of the need to comply with the Financial Regulations and all the instructions and guidance issued by him/her and to seek their advice as necessary.

18. Executive Directors exercising delegated powers in relation to major re-organisations and substantial financial matters (such as write-offs, disposal of assets, increases in fees and charges) shall make such arrangements to consult with the relevant Cabinet Member as may be agreed between them from time to time.
(B) Scheme of Delegations to Members

Cabinet Delegations

The Cabinet makes decisions in relation to the following:

1. All matters reserved to Cabinet.

2. Any matter delegated to an individual Cabinet member where, in any particular case, the Leader directs that the decision should be dealt with by the Cabinet.

3. Any matter which is delegated to a Cabinet Member by Cabinet and that Member decides to refer the matter back to the Cabinet.

4. Any matter which overlaps the portfolios of two or more Members and, in the opinion of the Leader, is more appropriately dealt with by the Cabinet.

5. Any matter which the Chief Executive considers to be inappropriate to be dealt with under officer delegated powers.

6. Any matter which, under the Council’s Financial Regulations, Contract Standing Orders (as detailed in the Lambeth Procurement Guide) or other Council Rules, requires the approval of the Cabinet.

General Cabinet Member Delegations

There are occasions when matters affect more than one Cabinet Member portfolio; on such occasions the Leader will take the decision.

All cabinet members have responsibility for taking decisions in relation to their portfolio within the existing budget, policy and outcomes framework. In particular they have the following powers:

1. Contracts, grants, variations, extensions and leases

<table>
<thead>
<tr>
<th>Value of contract, grant, variation, extension or lease</th>
<th>Member authorised</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than £500,000 up to £1 million</td>
<td>Relevant Cabinet Member</td>
</tr>
<tr>
<td>More than £1 million</td>
<td>Relevant Cabinet Member in consultation with the Leader</td>
</tr>
</tbody>
</table>

Subject to any exceptions as provided elsewhere in the Scheme of Delegation, all contracts over £100,000 must be made under seal (other than contracts for the sale and acquisition of land at auction). Contracts up to and
including £100,000 must be signed by two duly authorised officers (see officer delegations).

In exercising the contract and payment powers delegated to them, members and officers are required to comply with Contract Standing Orders, as detailed in the Lambeth Procurement Guide.

2. Assets

Authority to acquire, dispose of or refurbish property in the core or non core estate or any land or any other asset is subject to the following scheme of delegation:

<table>
<thead>
<tr>
<th>Value of Asset, Property or Land transaction</th>
<th>Member authorised</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than £500,000 up to £1 million</td>
<td>Relevant Cabinet Member</td>
</tr>
<tr>
<td>More than £1 million up to £10 million</td>
<td>Cabinet Member for Finance and Resources in consultation with the relevant Cabinet Member(s).</td>
</tr>
<tr>
<td>Over £10 million</td>
<td>Cabinet member for Finance and Resources in consultation with the Leader</td>
</tr>
</tbody>
</table>

3. To take any other decision within their area of responsibility which is delegated to officers under the officer scheme of delegation but which the officer has determined to be a key decision and which following consultation with the individual Cabinet Member it is decided would be better taken by the Cabinet Member instead.

**Individual Cabinet Member Delegations**

The following Cabinet portfolios have specific delegations as listed below:

**Leader of the Council**

The Leader may exercise any function which is designated as an executive function under the law or under the Council’s Constitution, unless otherwise specified under specific delegations for statutory officers.

1. To determine the appointment and dismissal of Cabinet Members, their portfolios and the scheme of delegation for executive functions, including the specific appointment of a Deputy Leader.
2. To keep under constant review the needs of the Borough and its community in relation to all those services commissioned and provided by the Council and to take all such action which in his/her judgement is necessary to ensure that those needs are met within the Council’s cooperative principles and/or policy framework.

3. To chair Cabinet meetings and major partnerships as necessary and ensure the efficient despatch of business consistent with the Council’s policies and strategies.

4. To be the lead spokesperson for the Council and deal with external relations with partners and other stakeholders.

5. To decide who represents the Council in local, regional and national negotiations and consultations.

6. To deal with any executive function not specifically delegated to Cabinet or an individual Cabinet Member or officer.

**Deputy Leader of the Council**

The authority to deputise for the Leader, if for any reason the Leader is unable to act or the office of Leader becomes vacant, or pending the election of a new Leader by the Council. In such instances the Deputy Leader must 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.

**Cabinet Member for Finance and Resources**

1. To determine scales of fees and charges in consultation with the relevant Executive Director and Cabinet Member.

2. To approve the writing off of any individual bad debt over £100,000 in consultation with the Executive Director of Finance and Resources.

**Cabinet Member for Children and Families**

1. To hold the Statutory designation of Lead Member for Children’s Services in accordance with the Children Act 2004.
2. To be responsible jointly with the Executive Director of Children and Young People’s Services for discharging the education and children’s social services functions of the local authority as set out in section 18(2) of the Children’s Act 2004.
(C ) Scheme of Delegation to Officers

The following table lists the Council’s ‘Chief Officers’ and a summary of their functions and areas of responsibility.

<table>
<thead>
<tr>
<th>Post</th>
<th>Summary of Functions and Areas of Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive (and Head of Paid Service)</td>
<td>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 Paragraph 13.3 below.</td>
</tr>
<tr>
<td></td>
<td>(i) Overall corporate management and operational responsibility (including overall management responsibility for all officers) and determination and publication of the Council’s officer structure.</td>
</tr>
<tr>
<td></td>
<td>(ii) Provision of professional advice to all parties in the decision making process</td>
</tr>
<tr>
<td></td>
<td>(iii) Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council’s decisions</td>
</tr>
<tr>
<td></td>
<td>(iv) Representing the council on partnership and external bodies (as required by statute or the Council)</td>
</tr>
<tr>
<td></td>
<td>(v) The Communications, Human Resources and Policy, Equalities and Performance services.</td>
</tr>
<tr>
<td></td>
<td>(vi) Returning Officer for the election of councillors</td>
</tr>
<tr>
<td></td>
<td>(vii) Electoral Registration Officer</td>
</tr>
<tr>
<td>Executive Director of Adults’ and Community Services (EDACS)</td>
<td>The EDACS holds the statutory designation of Director of Adult Social Services,</td>
</tr>
<tr>
<td></td>
<td>(i) Adult social care</td>
</tr>
<tr>
<td></td>
<td>(ii) Community safety</td>
</tr>
<tr>
<td></td>
<td>(iii) Cultural services (sports, leisure, registrars, libraries, arts &amp; archives, parks &amp; open spaces and cemeteries &amp; crematoria)</td>
</tr>
<tr>
<td></td>
<td>(iv) Personalising services</td>
</tr>
<tr>
<td></td>
<td>(v) Strategy and commissioning</td>
</tr>
<tr>
<td>Executive Director of Children and Young People’s Service</td>
<td>The EDCYPS holds the statutory designation of Director of Children’s Services;</td>
</tr>
<tr>
<td></td>
<td>(i) Education and children’s social care services.</td>
</tr>
<tr>
<td></td>
<td>(ii) Education estates and capital planning</td>
</tr>
</tbody>
</table>
# Part 2 – How the Council Makes Decisions – Section 4 Scheme of Delegation and Financial Regulations

## Lambeth Council’s Constitution 2013-14

### Post Summary of Functions and Areas of Responsibility

<table>
<thead>
<tr>
<th>Post</th>
<th>Summary of Functions and Areas of Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>(EDCYPS)</td>
<td>(iii) Early intervention and targeted support  (\textit{(EDCYPS)}) (iv) Specialised services and commissioning  (\textit{(EDCYPS)})</td>
</tr>
<tr>
<td>Executive Director of Finance &amp; Resources (and Executive Director of Finance and Resources) (EDFR)</td>
<td>The EDFR holds the statutory designation of Executive Director of Finance and Resources and, in addition to those functions listed below, is also responsible for discharging the functions set out in Paragraph 3 below. (i) Officer responsible for the financial affairs of the Council (ii) Officer responsible for the administration of the financial affairs of the Council  (\textit{(EDFR)}) (iii) Executive Director of Finance and Resources  (\textit{(EDFR)}) (iv) Corporate finance  (\textit{(EDFR)}) (v) Commissioning and Partnership Strategy  (\textit{(EDFR)}) (vi) Internal audit and counter fraud  (\textit{(EDFR)}) (vii) Governance and Democracy  (\textit{(EDFR)}) (viii) Revenues, benefits and customer services  (\textit{(EDFR)}) (ix) Information, communication and technology  (\textit{(EDFR)})</td>
</tr>
<tr>
<td>Executive Director of Housing, Regeneration and Environment (EDHRE) (EDHRE)</td>
<td>(i) Housing - retained Housing functions and client function for Lambeth Living and United Residents Housing (ii) Planning, Regeneration and Enterprise (iii) Public Realm (Environmental Services, Consumer Protection and Sustainability, Transportation, Parking) (iv) Valuation, Asset Management and Strategy</td>
</tr>
</tbody>
</table>

### Designated posts: The Council is required to nominate officers to certain dedicated posts. These are as follows:

<table>
<thead>
<tr>
<th>Post</th>
<th>Designation</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Head of Paid Service</td>
<td></td>
</tr>
<tr>
<td>Executive Director of Finance &amp; Resources</td>
<td>Executive Director of Finance and Resources</td>
<td>Ensures the proper management of Council funds</td>
</tr>
<tr>
<td>Director of Governance and Democracy</td>
<td>Monitoring Officer</td>
<td>Ensures the Council acts within its legal powers</td>
</tr>
<tr>
<td>Scrutiny Manager</td>
<td>Scrutiny Officer</td>
<td></td>
</tr>
</tbody>
</table>
Note that the Director of Governance and Democracy and the Executive Director of Finance and Resources may nominate a deputy to carry out their functions in the event of absence or illness.

1. Functions of the Chief Executive (the Head of Paid Service)

1. **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.

2. **Freedom of Information:** In the absence of the Director of Governance and Democracy, to discharge the functions of the “qualified person” for the purposes of Section 36(5) of the Freedom of Information Act 2000.

3. **Restrictions on functions.** The Chief Executive may not be the Monitoring Officer but may hold the post of Executive Director of Finance and Resources if a qualified accountant.

4. **Politically restricted posts.** To maintain a list of posts which are exempted under Section 2(2) (c) of the Local Government and Housing Act 1989.

2. Functions of the Director of Governance and Democracy (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, amongst other things, those functions listed below:

1. **Maintaining the Constitution.** The Director of Governance and Democracy will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by councillors, staff and the public.

2. **Ensuring lawfulness and fairness of decision making.** After consulting with the Chief Executive and the Executive Director of Finance and Resources the Director of Governance and Democracy 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.

3. **Supporting the Standards Committee.** The Director of Governance and Democracy will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
4. **Receiving reports.** The Director of Governance and Democracy will receive and act on reports made by the Standards Committee or its sub-committee.

5. **Conducting investigations.** The Director of Governance and Democracy will arrange for the conduct of investigations into allegations that the Members’ Code of Conduct may have been breached and make reports or recommendations in respect of them to the Standards Committee or its sub-committee.

6. **Proper officer for access to information.** The Director of Governance and Democracy 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.

7. **Advising whether executive decisions are within the budget and policy framework.** The Director of Governance and Democracy will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

8. **Providing advice.** The Director of Governance and Democracy 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.

9. **Freedom of Information:** The Director of Governance and Democracy 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.

10. **Restrictions on posts.** The Monitoring Officer cannot be the Executive Director of Finance and Resources or the Head of Paid Service.

Councillors will comply with the conditions set out in the Protocol on the Role of the Monitoring Officer. (see Part 4 section 6 of this Constitution)

### 3. Functions of the Executive Director of Finance and Resources

1. **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Chief Executive and the Director of Governance and Democracy, the Executive Director of Finance and 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, is unlawful, involves the incurring of unlawful expenditure or the use of inappropriate funds.

2. **Administration of financial affairs.** The Executive Director of Finance and Resources will have responsibility for the administration of the
financial affairs of the Council (commonly known as the Section 151 officer).

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

4. **Providing advice.** The Executive Director of Finance and 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.

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

6. **Restrictions on posts.** The Executive Director of Finance and Resources cannot be the Monitoring Officer.

The Council will provide the Director of Governance and Democracy and the Executive Director of Finance and Resources with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.

### 4. Functions of the Scrutiny Manager (the Scrutiny Officer)

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

The Scrutiny Manager will:

1. Promote the role of the Council’s overview and scrutiny committees.
2. Provide support to the Council’s overview and scrutiny committees and the members of those committees.
3. Provide support and guidance to:
   (i) Councillors;
   (ii) Cabinet Members; and,
   (iii) Officers, in relation to the functions of the Council’s overview and scrutiny committee or committees.
5. Powers delegated generally to Chief Executive and Executive Directors

Introduction

1. In addition to the powers delegated by the Council to the officers specified in this Scheme of Delegation, such officers are authorised to make further arrangements within their portfolio of responsibilities to:

   (a) Empower officers to implement specified decisions on their behalf, delegated to others as appropriate. Pursuant to the Scheme of Delegation detailed below, Executive Directors may specifically delegate powers to such persons to act as a Director, Assistant Director, Head of Service or as a Business Unit Manager. This delegation must be made in writing and identify which elements of the Scheme of Delegation apply. All such delegations must be time limited and may not be for more than one year without renewal. These delegated powers will remain in operation and will not need to be renewed if the Scheme of Delegation is amended unless the post to which the delegation is made is changed in which case the delegation will need to be renewed to reflect the change in post. Where the delegated powers in question relate to financial transactions, then the Executive Director of Finance and Resources must be consulted. Where the delegated powers relate to human resources issues, then the Divisional Director of Human Resources must be consulted.

   (b) Give written advice to those officers on any exceptions to general empowerment (i.e. decisions to only be taken in consultation with themselves or other officers, Cabinet Members or other nominated persons).

   (c) Produce a tailored record-keeping system for decisions, including an audit trail.

2. An officer to whom a power, duty or function is delegated may nominate or authorise another officer to exercise that power, duty or function, provided that officer reports to or is responsible to the delegator. This should be for a specified period of time, such as leave, not indefinitely.

3. Except where otherwise expressly provided either within the Scheme of Delegation or by resolution of the relevant decision-making body, the exercise of any delegated power is subject to having the appropriate and necessary budgetary provision in place to take the action.
4. Any delegated power conferred to an officer shall be deemed to be exercised in the name of the relevant decision maker, unless expressly indicated otherwise. An officer who is authorised to discharge a particular function should not subsequently authorise another officer or third party to discharge that function without the consent of the relevant decision maker. In relation in any sub-delegations, the following principles must be observed:

- The nature and statutory context of the function that is to be discharged, the greater the degree to which the discharge of the function affects individual rights or requires the exercise of discretion or professional judgement, the less likely it would be lawful to authorise another officer to carry out that function.

- Delegations should only be made where the administrative burden of personally discharging functions would be significant.

- The degree of control maintained by the senior officer over the person to whom the decision is to be delegated, may be a material factor in determining the validity of the authorisation. In cases where significant discretion or judgement must be exercised, a high degree of control should be retained.

- In certain circumstances, the officer to whom the power has been delegated, may be authorised to make decisions in the name of the senior officer, if necessary by using a facsimile signature or requiring the senior officer simply to sign decisions without personally considering them. This system takes advantage of Section 234(2) of the Local Government Act 1972.

- In the case of the simplest administrative task, involving a minimal exercise of discretion or judgement, there would be less need for formality.

- Where a decision is delegated down to another officer to discharge a particular function, that officer should not subsequently authorise another officer or third party to discharge that function without the consent of the original formally authorised officer. The responsibility of the Head of Service or other senior officer has formed a basis for the decisions that allow authorisations. Any kind of ‘sub-authorisation’ will undermine and lessen this responsibility and would greatly increase the likelihood that it will be found to be unlawful.
• The ability and experience of the officer to whom a sub-delegation is proposed, should be taken into account so that an officer with appropriate experience and skills is authorised to act.

• The nature and extent of any further authorisation which is not specified in the Schedules to this Scheme of Delegation should be set down in writing.

5. The following matters are excluded from this scheme of delegation:

• Any decision that has been delegated elsewhere.

• Any matter which is a new policy or is a departure from the existing and agreed policy framework of the Council.

• Any matter which, in consultation with the Executive Director, the officer considers inappropriate to be dealt with under delegated powers.

• Any matter in which the officer has a personal interest.

• Any issue which is required by law to be considered by the Council or a Committee.

6. Any post specifically referred to below shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded or discharging the functions of the post on an interim basis.

7. Where an Officer considers that an executive decision to be taken by them under the Scheme of Delegation is a key decision they shall consult the relevant Cabinet Member who will have the power either to take the decision themselves or to arrange for the decision to be taken by Cabinet collectively.

8. The Scheme explicitly refers to the following designations of officer: Chief Executive, Executive Director, Director, Assistant Director, Head of Service, Business Unit Manager and Manager and delegates highly specific financial and non-financial powers to each one. Where the Chief Executive or a Executive Director delegates powers to other officers with different designations, the written confirmation must be sufficiently clear to identify which one of the above delegations it is
equivalent to and how it relates to the council’s financial system. The Chief Executive or Executive Director must maintain a schedule of all such delegations.

9. The term “officer” in this context is not confined to direct employees of the Council. The Council will occasionally need to appoint interim managers in senior positions via an agency or on a consultancy basis, who are likely to be required to exercise delegated powers as if they were a directly employed Council officer. Pursuant to the Scheme of Delegation, Chief Officers may specifically delegate powers to such persons, subject to appropriate training, to act as a Strategic Director, Director, Assistant Director, Head of Service, Business Unit Manager and Manager. This delegation must be made in writing and identify which elements of the Scheme of Delegation apply. All such delegations must be time limited for no more than one year without renewal. These delegated powers will remain in operation and will not need to be renewed if the Scheme of Delegation is amended unless the post to which the delegation is made is changed in which case the delegation will need to be renewed to reflect the change in post. Where the delegated powers in question relate to financial transactions then the Executive Director of Finance and Resources must be consulted. Where the delegated powers relate to human resources issues then the Divisional Director of Human Resources must be consulted.

Delegated Powers

10. The Chief Executive, all Executive Directors and Directors are designated Proper Officers of the Council pursuant to Section 234 of the Local Government Act 1972, and empowered to sign, pursuant to Section 270(3) of the Local Government Act, 1972, any notice, order or other document required to be made, given or issued to give effect to the powers delegated to them both generally and specifically as set out in this paragraph and below.

11. Within the overall financial resources allocated corporately to their businesses, and subject to such consultation with the Director of Human Resources as is deemed necessary, to discharge the Council’s employment functions in relation to all personnel under their line management.

12. Financial expenditure and budgetary control (in compliance with the Constitution, Financial Regulations and Financial Procedures) is delegated to Business Unit Managers within the businesses. Management of capital expenditure and disposal transactions is delegated to named officers. The Chief Executive or Executive Director, as appropriate, may authorise Business Unit Managers to delegate one or more of their powers to other officers within the business unit.

Part 2 – How the Council Makes Decisions – Section 4 Scheme of Delegation and Financial Regulations

Lambeth Council’s Constitution 2013-14
13. The power to establish any standards, procedures or guidance notes that he/she believes to be necessary to enable officers in the business to observe the Council's employment functions in consultation with the Director of Human Resources.

14. (a) To consider, in consultation with the relevant Cabinet Member(s), any report issued by the Local Government Ombudsman which includes a finding of maladministration relating to functions within their area of responsibility. Further, to notify the Local Government Ombudsman within three months of the receipt of the report of the action(s) taken, or proposed to be taken, in response.

(b) To report to Corporate Committee the Local Government Ombudsman report with findings of maladministration, including the action(s) taken, or proposed to be taken, in response.

Contracts

15. The power to make additions to and deletions from the Approved Provider lists for contracts is delegated to the Chief Executive, Executive Directors, Directors and Assistant Directors.

16. The power to grant waivers for contracts of up to £25,000 in value is delegated to the Business Unit Manager, the Director of Business Partnering and the Director of Strategic Finance. The power to grant waivers for contracts of more than £25,000 in value is delegated to Executive Directors.

17. With the exception of the Chief Executive and the Executive Director of Finance and Resources, the powers below may only be discharged in relation to the officer’s respective area of responsibility.

18. Subject to any exceptions as provided elsewhere in the Scheme of Delegation, all contracts over £100,000 must be made under seal (other than contracts for the sale or acquisition of land at auction). Contracts up to and including £100,000 must be signed by two duly authorised officers as set out below.

<table>
<thead>
<tr>
<th>Value of contract, variation or extension</th>
<th>Authorising Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than £50,000 up to and including £100,000</td>
<td>Head of Service and Assistant Director</td>
</tr>
<tr>
<td>Up to and including £50,000</td>
<td>Business Unit Manager and other Manager</td>
</tr>
</tbody>
</table>
53. In exercising the contract and payment powers delegated to them, officers are required to comply with the Contract Standing Orders which can be accessed here Lambeth Procurement Guide - current version.

20. The following table sets out the powers delegated to officers in relation to the award of contracts and variations (including extensions).

<table>
<thead>
<tr>
<th>Value of Contract, Contract Variation or Extension</th>
<th>Authorising Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than £50,000 up to and including £500,000</td>
<td>Executive Director or Director</td>
</tr>
<tr>
<td>Up to and including £50,000</td>
<td>Business Unit Manager or other Manager</td>
</tr>
</tbody>
</table>

21. The powers to enter into or vary contracts exclude property acquisitions or refurbishments for the core and non-core estates and all land transactions.

Payments

Requisitions

22. Any officer nominated by a Business Unit Manager is delegated the authority to raise requisitions of any value within their own business unit. The Business Unit Manager is required to maintain a schedule of all such staff. Requisitions will be authorised in accordance with the following table:

<table>
<thead>
<tr>
<th>Value</th>
<th>Authorising Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over £10 million</td>
<td>Executive Director of Finance and Resources</td>
</tr>
<tr>
<td>Up to £10 million</td>
<td>Executive Director</td>
</tr>
<tr>
<td>Up to £1 million</td>
<td>Director</td>
</tr>
<tr>
<td>Up to £100,000</td>
<td>Head of Service or Assistant Director</td>
</tr>
<tr>
<td>Up to £50,000</td>
<td>Business Unit Manager</td>
</tr>
<tr>
<td>Up to £25,000</td>
<td>Deputy Business Unit Manager</td>
</tr>
</tbody>
</table>

Authorisation of Payments

23. The council uses the Oracle financial system which allows payment to be made through one of two methods: two-way matching or three-way matching. In either method a financial authorisation will be required and its maximum value must be in accordance with the delegations set out in the table below:

<table>
<thead>
<tr>
<th>Value</th>
<th>Authorising Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over £10 million</td>
<td>Executive Director of Finance and Resources</td>
</tr>
</tbody>
</table>

24. The Director of Strategic Finance is required to maintain a schedule of all staff authorised to use the Oracle financial system and to ensure that it is in accordance with the delegations set out above.

<table>
<thead>
<tr>
<th>Resources</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £10 million</td>
<td>Executive Director</td>
</tr>
<tr>
<td>Up to £5 million</td>
<td>Director</td>
</tr>
<tr>
<td>Up to £1 million</td>
<td>Head of Service or Assistant Director</td>
</tr>
<tr>
<td>Up to £100,000</td>
<td>Business Unit Manager</td>
</tr>
<tr>
<td>Up to £50,000</td>
<td>Deputy Business Unit Manager</td>
</tr>
<tr>
<td>Up to £25,000</td>
<td>Any Manager</td>
</tr>
<tr>
<td>Up to £2,000</td>
<td>Other staff by delegation</td>
</tr>
</tbody>
</table>

**Finance**

25. All officers are required to act in accordance with the Council’s Financial Regulations, Financial Procedures and Contract Standing Orders (as detailed in the Lambeth Procurement Guide).

26. Revenue budget virements are transfers of budgeted expenditure or income in the Oracle financial system that do not increase the Council’s overall cash limit.

27. Transfers between revenue budget headings can take place provided that they do not involve:

- A new policy or policy change
- An increased commitment in future years that cannot be continued within the existing approved budget allocations.

28. Revenue budget virements must be made in accordance with the following scheme of virement:

<table>
<thead>
<tr>
<th>Value of budget virement</th>
<th>Authorising Officer / body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over £500,000</td>
<td>Council</td>
</tr>
<tr>
<td>More than £250,000 up to and including £500,000</td>
<td>Executive Director and Executive Director of Finance and Resources in consultation with Lead Cabinet Member</td>
</tr>
<tr>
<td>Up to and including</td>
<td>Divisional Director and Director of Business</td>
</tr>
</tbody>
</table>
Revenue virements between Executive Directors’ areas of responsibility

<table>
<thead>
<tr>
<th>Value of budget virement</th>
<th>Authorising Officer / body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over £500,000</td>
<td>Lead Cabinet Member</td>
</tr>
<tr>
<td>Up to and including £500,000</td>
<td>Executive Directors and Executive Director of Finance and Resources in consultation with relevant Lead Cabinet Members</td>
</tr>
</tbody>
</table>

53. Capital budget virements are transfers of budgeted expenditure and resources from one project to another project within the approved capital programme (as defined in Financial Regulations). They do not increase the Council’s overall capital budget. Capital budget virements must be made in accordance with the following scheme of virement:

<table>
<thead>
<tr>
<th>Value of budget virement</th>
<th>Authorising Officer / body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over £500,000</td>
<td>Council</td>
</tr>
<tr>
<td>Up to and including £500,000</td>
<td>Relevant Executive Director(s) and Executive Director of Finance and Resources in consultation with relevant Lead Cabinet Member(s) and Cabinet Member for Finance and Resources.</td>
</tr>
</tbody>
</table>
30. The Director of Business Partnering is required to maintain a schedule of all revenue virements. The Executive Director of Finance and Resources/Director of Strategic Finance is required to maintain a schedule of all capital virements.

**Assets**

31. Authority to acquire or refurbish property in the core or non-core estate or any land is subject to the following scheme of delegation:

<table>
<thead>
<tr>
<th>Value of property or land transaction</th>
<th>Authorising Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than £200,000 up to and including £500,000</td>
<td>Head of Asset Strategy in consultation with relevant Cabinet Member and Director for Strategic Finance/Executive Director of Finance and Resources</td>
</tr>
<tr>
<td>Up to and including £200,000</td>
<td>Head of Asset Strategy</td>
</tr>
</tbody>
</table>

32. Authority to purchase all other assets (including land and property and whether acquired using compulsory purchase order powers or another power) from within existing revenue and capital budgets (where the scheme specifically includes the purchase of the asset(s)) is delegated to officers in accordance with the limits set out in the table for contracts and payments above.

33. Disposal of assets other than land and property (and unless otherwise reserved to the Cabinet) with a value under £500,000, is delegated to the relevant Executive Director in consultation with the relevant Cabinet Member which only applies to disposals with a value exceeding £1,000. All disposals must comply with any applicable Council standards and policies.

34. Appropriations of land and property between general fund services and the Housing Revenue Account are only delegated to Executive Directors where the value is nil, as advised by the Head of Asset Strategy. Where the value of the appropriation is not nil the agreement of the Executive Director of Finance and Resources must be obtained and the financial effects on the general fund and Housing Revenue Account must be met by compensating budget virements.

**Debt write-offs**

35. With the exception of individual debts over £100,000, which rest with the Cabinet Member for Finance and Resources, as specified above, authority to write off debts is delegated to officers in accordance with the following scheme:
36. A credit note to replace a debt can be issued to correct a factual inaccuracy, administrative error in the calculation and/or billing of the original debt, or if the service has not been delivered to the standard that was agreed. For the latter reason, approval is required in line with write-off authorisation limits, except that the relevant Business Unit Manager may approve credit notes up to £1,000.

Human resources

37. Authority to appoint to posts within their respective areas of responsibility and in accordance with the Council’s policies and procedures is delegated to all officers with managerial responsibility.

38. Authority for re-organisations is delegated to officers as set out in the table below:

<table>
<thead>
<tr>
<th>Scale and impact of re-organisation</th>
<th>Authorising officer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Scale and impact of re-organisation</td>
<td>Authorising officer</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>All re-organisations involving less than 20 staff and no increase in ongoing staff costs not already budgeted for by Council.</td>
<td>Any manager acting within their area of responsibility. Any reasonably predictable related redundancy, early retirement or other severance costs, including payments into the pension fund if required must be approved by the relevant Business Partner in consultation with the Director of Human Resources prior to formal commencement of the reorganisation.</td>
</tr>
<tr>
<td>All re-organisations involving less than 20 staff and an increase in direct staff costs that is within the relevant (i.e. cost centre, business unit,) budget.</td>
<td>Any manager acting within their area of responsibility and the relevant Director. Any reasonably predictable related redundancy, early retirement or other severance costs, including payments into the pension fund if required must be approved by the relevant Business Partner in consultation with the Director of Human Resources prior to formal commencement of the reorganisation.</td>
</tr>
<tr>
<td>All re-organisations involving more than 20 staff</td>
<td>Any Director acting within their area of responsibility and the Executive Director and the concurrence of the Director of Human Resources and relevant Cabinet Member. Any reasonably predictable related redundancy, early retirement or other severance costs, including payments into the pension fund if required must be approved by the relevant Business Partner prior to formal commencement of the reorganisation.</td>
</tr>
<tr>
<td>Any re-organisation where the associated one-off (redundancy, early retirement or other severance or similar) costs cannot be met within an area’s approved budget for that purpose</td>
<td>The approval of the Executive Director of Finance and Resources is also required, in addition to any approvals set out above.</td>
</tr>
</tbody>
</table>

39. Authority to take disciplinary action (other than dismissal and relating to posts within their business unit) in accordance with the Council’s policies and procedures is delegated to Business Unit Managers.
40. The decision to dismiss officers below Deputy Chief Officer level following due disciplinary process and disciplinary action relating to such posts is delegated to Executive Directors and Directors.

41. Approval of redundancy or premature retirement of officers below Deputy Chief Officer is delegated to Executive Directors, following consultation with the Director of Human Resources and the relevant Business Partner prior to any offer and approval.

42. When an employee (below the grade of Deputy Chief Officer) is leaving the employment of the Council (whether by redundancy, retirement or any other reason) the agreement of the relevant Business Partner following consultation with the Director of Human Resources is required before any monetary compensation is offered. (This does not include payments in lieu of notice or buy-out of annual leave entitlement of less than £2,000.) Payments to Deputy Chief Officers and above require the approval of the Executive Director of Finance and Resources.

43. Approval of retirement on grounds of ill health is delegated to Director of Human Resources on the recommendation of the relevant Executive Director.

44. Approval of industrial injury settlements up to £1,000 is delegated to Executive Directors. Settlements above £1,000 require the prior concurrence of the relevant Business Partner.

45. Implementation of Employment Tribunal decisions is delegated to Executive Directors and Directors.

46. Approval of transfer of employees on grounds of discipline or employee welfare subject to the agreement of the Director of Human Resources is delegated to Executive Directors, Directors.

47. The award of honoraria/acting up allowances of up to £4,800 that can be contained within the relevant budget is delegated to Business Unit Managers, in consultation with the relevant HR Head of People Management.

48. The award of honoraria/acting up allowances in excess of £4,800 per annum, subject to affordability, is delegated to Executive Directors with the concurrence of the Director of Human Resources.

Miscellaneous
49. The authority to coordinate and draft formal responses, on behalf of the Council, to all consultation exercises conducted by Government Departments, London Councils, and other national and local bodies, especially in relation to proposed legislative and policy changes, is delegated to Executive Directors. The Leader and Cabinet Member must be consulted for their comments and formal clearance prior to responses being submitted.

50. The authority to approve payments, on behalf of the Council, of subscriptions or other financial contributions to external bodies, is delegated to Executive Directors, subject to such prior consultation with the relevant Cabinet Member as may be required by, and agreed with, him/her.

51. The authority to sign notices and to authorise officers in and for the department to carry out all enforcement duties, including the issuing of cautions, as required within relevant legislation is delegated to Executive Directors, and Directors.

52. With the exception of meetings of the Council and its bodies, the authority to approve filming by television or bona fide organisations on Council land (other than school premises) is delegated to Executive Directors and Directors.

53. The authority to approve the membership of representative and professional bodies on behalf of the Council is delegated to Executive Directors.

54. The implementation of the Council’s health and safety policy and business continuity planning is delegated to Executive Directors and Directors.

55. The approval of payments of up to and including £5,000 in cases where the Local Government Ombudsman has or is likely to find maladministration, or in accordance with the Corporate Complaints Policy is delegated to Directors. All such payments in excess of £1,000 must be reported to the Corporate Committee.

56. The approval of payments of above £5,000 in cases where the Local Government Ombudsman has or is likely to find maladministration, or in accordance with the Corporate Complaints Policy is delegated to Executive Directors. All such payments must be reported to the Corporate Committee.
DEPARTMENTAL SCHEMES OF DELEGATION

(a) CHIEF EXECUTIVE (CE)

The following delegated powers are subject to the Chief Executive vesting, in addition to those powers delegated by the Council to the officers specified in this Scheme of Delegation similar delegated authority to other appropriate officers. Any delegation of powers which is made by the Chief Executive in addition to those specified in this Scheme of Delegation must be made in writing.

1. Subject to the exclusions referred to above, the Chief Executive is authorised to act on behalf of the Council on all matters, including those which have been delegated to another officer, and the following specific functions: human resources, campaigns and communications, policy, equalities and performance, Community Strategy and the Local Strategic Partnership and strategic transformation.

2. To authorise, in consultation with and pursuant to the agreement of, the Leader of the Council, any changes to the membership of the Cabinet and/or to the portfolios of Cabinet Members as set out in the Cabinet Procedure Rules. All such changes are to be reported to the next scheduled Council meeting.

3. To authorise, in consultation with and pursuant to the agreement of the Leader, all necessary arrangements for the establishment of a committee, working group or panel of the Cabinet, 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.

4. The power to establish any corporate procedures or guidance notes that he/she believes to be necessary to enable officers in the Council to undertake and perform the Council's employment functions is delegated to the Divisional Director of Human Resources, having regard to any consultative mechanisms which may exist with the Council's recognised trade unions. Where, in the opinion of the Chief Executive, the establishment of or variation to any such corporate policy or procedure is likely to have significant financial or operational implications the approval of the Cabinet or relevant Cabinet member, as appropriate, shall be required.

5. The power to negotiate and approve variations to the contracts of employment of Chief Officers, in consultation with the relevant Cabinet Member and the Divisional Director of Human Resources.

6. The power to negotiate and approve variations to the contract of employment of the Chief Executive is delegated to the Divisional Director...
of Human Resources, in consultation with the Leader, Deputy Leader and the Leaders of the Opposition Parties.

7. Appointment of Chief Officers and Deputy Chief Officers in accordance with the Officer Employment Procedure Rules.

8. The decision to dismiss officers at Deputy Chief Officer level and below following due disciplinary process and in accordance with the Officer Employment Procedure Rules.

9. Disciplinary action relating to posts at Deputy Chief Officer level and below not involving dismissal.

10. Approval of acting up allowance for Executive Directors.

11. Approval of the Council's employment policies and all changes thereto, in consultation with the Chief Executive, is delegated to the Divisional Director, Human Resources.

12. To consider, in consultation with the Monitoring Officer, 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.

13. To consider, in consultation with the Monitoring Officer, 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, to direct the Council to include a post in that list.

Designations

14. For the purposes of this Scheme of Delegation, the Head of Strategy and Equalities has the same delegated powers as Business Unit Managers.

15. For the purposes of this Scheme of Delegation, the Strategy Manager has the same delegated powers as Business Unit Managers.
(b) **EXECUTIVE DIRECTOR OF ADULTS' AND COMMUNITY SERVICES (EDACS)**

The following delegated powers are subject to the Executive Director of Adults' and Community Services vesting, in addition to those powers delegated by the Council to the officers specified in this Scheme of Delegation, similar delegated authority to other appropriate officers. Any delegation of powers which is made by the Executive Director of Adults' and Community Services, **in addition** to those specified in this Scheme of Delegation, must be made in writing.

1. Subject to the exclusions referred to above, the Executive Director of Adults' and Community Services is authorised to act on behalf of the Council on all matters relating to the discharge of the Adults' and Community Services functions of the Council, which include but are not limited to community care services, residential homes, day care, sheltered housing, registration health-related issues, sports & recreation, parks and open spaces, cemeteries, libraries, arts and community safety.

2. To grant consent on behalf of the Council and pursuant to Section 31(2) of the Anti-Social Behaviour Act 2003, to the giving of an authorisation by a police officer of or above the rank of superintendent, pursuant to section 30(2) of the Act (dispersal of groups and removal of persons under 16 to their place of residence).

3. In accordance with financial Regulations, the Executive Director of Adults' and Community Services delegates management of the income and expenditure of the Department to Unit managers and management of capital expenditure and disposal transactions to named officers.

4. Procurement of care placements – (i.e. individual placements that fall outside of any block contracting arrangements) are excluded from the requirement to go through the commissioning procedure detailed in the Procurement Guide i.e. they do not have to be approved through the Procurement Board 1.

5. (a) A general waiver is granted so that there is no need to tender such requirements acknowledging at all times that the Council has a duty to achieve best value in making such placements.

   (b) Adult and Community Services operate an internal mechanism that requires the approval of no less than a Divisional Director for all new placements where the aggregated value exceeds £250,000 over 48 months and that a periodic review procedure for all placements (existing and new) is in place in order to continue to demonstrate value for money and best value.

6. Approval of the Building Partnership in Health and Social Care plan.
7. Voluntary Sector Grant Approval and withdrawals.

8. To discharge on behalf of the Chief Executive the functions of the "responsible person" under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 by being responsible for ensuring compliance with the arrangements made under the said Regulations for the handling and consideration of complaints in relation to the Council's Adult's Social Services functions and, in particular, ensuring that action is taken as necessary in the light of the outcome of a complaint.

9. To designate an officer as the Complaints Manager, to be responsible for managing the procedures for handling and considering complaints in relation to the Council's Adult's Social Services functions in accordance with the arrangements made under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Decisions Delegated to Divisional Directors and Assistant Directors within their areas of managerial responsibility

10. To promote or authorise applications for anti-social behaviour orders and closure orders on behalf of the Council, including but not limited to the following:

   (a) To promote on behalf of the Council and pursuant to Section 1(2) of the Anti-Social Behaviour Act 2003 ("the Act"), to the giving of an authorisation by a police officer of or above the rank of superintendent, pursuant to section 1(1) of the Act (the issue of a closure notice in relation to premises used in connection with the unlawful use, production or supply of a Class A controlled drug and associated with disorder and serious nuisance).

   (b) To promote on behalf of the Council and pursuant to Section 11A (2) of the Act, to the giving of an authorisation by a police officer of or above the rank of superintendent, pursuant to section 11A(2) of the Act, or to authorise pursuant to section 11A(3) of the Act (the issue of a Part 1A closure notice in relation to premises used or associated with persistent disorder or nuisance).

   (c) To promote on behalf of the Council and pursuant to Section 1 of the Crime and Disorder Act 1998 the application for anti-social behaviour orders.

11. To promote or authorise applications for injunctions for gang-related violence on behalf of the Council, including those pursuant to Section 37 of the Policing and Crime Act 2009 to the giving of an authorisation by a police officer above the rank of superintendent, pursuant to Section 38 of
the Act, or to authorise pursuant to Section 37(1)(c) of the Act (the issue of an application for a Part 4 injunction: Gang-Related Violence)

12. The authority to act, with the agreement of the Chief Executive, during any declared civil emergency.

13. Declarations of Local Nature Reserves in the London Borough of Lambeth, in consultation with the relevant Cabinet Member.

14. Decisions Delegated to Business Unit Managers within their areas of managerial responsibility

15. Decisions on Parks lettings (Head of Operations).

(c) EXECUTIVE DIRECTOR OF CHILDREN AND YOUNG PEOPLE'S SERVICE (EDCYPs)

The following delegated powers are subject to the Executive Director of Children and Young People's Service vesting, in addition to those powers delegated by the Council to the officers specified in this Scheme of Delegation similar delegated authority to other appropriate officers. Any delegation of powers that is made by the Executive Director of Children and Young People's Service in addition to those specified in this Scheme of Delegation must be made in writing.

1. Subject to the exclusions referred to above, the Executive Director of Children and Young People’s Service is authorised to act on behalf of the Council on all matters relating to the discharge of the education and children's social services functions of the Council.

2. In accordance with Financial Regulations, the Executive Director of Children and Young People's Service delegates management of the income and expenditure of the Department to managers of Service Units and management of capital expenditure and disposal transactions to named officers.

3. Children and Young Peoples' Service operate an internal mechanism that requires the approval of no less than a Divisional Director for all new placements where the aggregate value exceeds £250,000 over 48 months and that a periodic review procedure for all placements (existing and new) is in place in order to continue to demonstrate value for money and best value.
Delegations to Divisional Directors and Assistant Directors

4. Secure Orders for Children over the age of 13 years.
5. Decisions of Adoption Panel.
7. Approval of grants from the Grants Development Fund.
8. Chair of the Children’s & Young People’s Service Commissioning Board
(d) EXECUTIVE DIRECTOR OF FINANCE AND RESOURCES (EDFR)

The following delegated powers are subject to the Executive Director vesting, in addition to those powers delegated by the Council to the officers specified in this Scheme of Delegation, similar delegated authority to other appropriate officers. Any delegation of powers that is made by the Executive Director of Finance and Resources in addition to those specified in this Scheme of Delegation must be made in writing.

1. Subject to the exclusions referred to above, the Executive Director of Finance and Resources, as the officer responsible for the proper administration of the Council’s financial affairs, pursuant to section 151, Local Government Act 1972 is authorised to act on behalf of the Council on all matters relating to the discharge of the Finance functions of the Council, which include but are not limited to the certification of the Council’s statement of accounts, the collection and administration of rates, housing benefit and council tax, rent officers, insurance, pensions, long-term borrowing, Business Improvement Districts, audit and procurement functions. He/she is also authorised to act on behalf of the Council in relation to the discharge of certain other corporate functions which include but are not limited to the Council’s Governance & Democracy, youth council, scrutiny, central support services, information technology, customer services and corporate complaints.

2. The authority to act on pensions matters includes the administration of actuarial valuations and the implementation of contribution rates as approved by Council. This power must be exercised in consultation with the Cabinet Member for Finance and Resources.

3. Approval of all changes to the Financial Procedures which supplement the Financial Regulations, subject to the requirement that any changes to the Financial Regulations themselves must be approved by full Council.

4. Subject to the approval of the Leader and relevant Strategic Board to agree changes to financial limits in this section of the Constitution from time to time to reflect the effect of inflation or to ensure the efficient and effective delivery of service.

5. The authority to move projects from the Capital Investment Pipeline to the Capital Investment Programme as and when additional funding becomes available, in consultation with the Strategic Asset Management Group and the Asset Management Cabinet Advisory Panel.

6. The authority to increase the Capital Investment Programme by the value of any external resources the council receives in addition to those set out in the budget, in consultation with the Strategic Asset Management Group and the Asset Management Cabinet Advisory Panel.
7. Arranging for statutory payments to be made to Government Agencies and Departments including, but not limited to, GLA precepts, payments of Income Tax and National Insurance contributions, housing capital receipts to the DCLG etc.

8. The authority to conduct or defend any legal proceedings in any court or tribunal relating to any of the Council's functions, and to settle or discontinue such proceedings (including, but not limited to, the compromise of matters where proceedings are, or may be, contemplated) where appropriate in the best interests of the Council is delegated to the Director of Governance and Democracy.

9. The Head of Legal Services and Principal and Senior Lawyers are authorised to sign documents on the Council's behalf (including attestation of the Council's Seal) and to institute and defend proceedings.

10. The authority to appoint members and other Council representatives to Council committees, sub-committees, and other bodies and on outside organisations in accordance with the allocation of seats to the party groups and on the nomination of the Whip of the party group concerned is delegated to the Director of Governance and Democracy and, in his/her absence, to the Head of Democratic Services & Scrutiny or Head of Legal Services.

11. The authority to make arrangements, in consultation with the Chair and Vice-Chair of Overview and Scrutiny Committee and the relevant Scrutiny Sub Committee, for establishing Joint Scrutiny Committees whenever such a committee needs to be established, is delegated to the Director of Governance and Democracy and, in his/her absence, to the Head of Democratic Services & Scrutiny or Head of Legal Services.

12. The authority to grant dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct and associated local protocols, is delegated to the Director of Governance and Democracy, subject to a right of appeal to the Standards Committee. In exercising this power, the Director of Governance and Democracy will consult with members of the Standards Committee, other councillors, or the Independent Person, should he/she deem it necessary.

13. The power to approve the naming and numbering of streets and buildings in the borough in all cases where there are no unresolved objections is delegated to the Assistant Director of Contracts, Information & Projects, ICT Services. Any case where an unresolved objection exists must be referred to Corporate Committee for decision.
14. The power to individually authorise borrowing arrangements for up to 3 days and up to a maximum value of £20m that are for the sole purpose of cash flow management is delegated to each of the following officers: the Divisional Director Corporate Finance and the Treasury Manager.

(e) EXECUTIVE DIRECTOR OF HOUSING, REGENERATION AND ENVIRONMENT (EDHRE)

The following delegated powers are subject to the Executive Director of Housing, Regeneration and Environment vesting, in addition to those powers delegated by the Council to the officers specified in this Scheme of Delegation, similar delegated authority to other appropriate officers. Any delegation of powers made by the Executive Director of Housing, Regeneration and Environment, in addition to those specified in this Scheme of Delegation, must be made in writing.

1. Subject to the exclusions referred to above, the Executive Director of Housing, Regeneration and Environment is authorised to act on behalf of the Council on all matters relating to the discharge of the Regeneration, Housing and Environmental functions of the Council, which include but are not limited to all functions under the provisions of housing legislation, public sector (HRA) and private sector housing, homelessness, the administration of grants for improvement and repair of properties, housing strategy, regeneration, economic development, investment strategy, town planning and development control, management of corporate property, valuation services, adult education and Area services, building control, environmental health, noise pollution, street care, transport & highways, parking, consumer protection, sustainability, waste collection and disposal and licensing.

2. Approval of garage rents and estate parking charges in consultation with the relevant Cabinet Member and with the agreement of the Executive Director of Finance and Resources.

3. The authority to determine town planning applications and to discharge all other functions concerning planning and development control (including but not limited to advertisement control, listed building and conservation area control and tree preservation orders) and related matters, including enforcement decisions and actions, as set out in paragraph 1 above, is delegated to the Divisional Director (Planning, Regeneration and Enterprise).

4. The authority to determine applications for consent under the Rush Common Act 1806 is delegated to the Divisional Director (Planning, Regeneration and Enterprise), subject to the proviso that applications that he or she considers should be approved will be determined by Corporate Committee. In addition, the power to take any related
enforcement decisions and actions is delegated to the Divisional Director (Planning, Regeneration and Enterprise).

5. The following powers are delegated to the Head of Asset Strategy in consultation with the Strategic Asset Management Group:

(a) Other than properties which are subject to the right to buy, the authority to dispose of land and property, in accordance with the Disposals Programme as agreed annually by the Cabinet, is delegated to the Head of Asset Strategy.

(b) In the event that the Head of Asset Strategy proposes to dispose of any land or property which is not included in the Disposals Programme (other than those required by statute), prior approval to the disposals must be obtained from the Executive Director of Finance and Resources and the Executive Director for the department that is responsible for the land or property and the Cabinet Member for Finance and Resources.

(c) Ward Members must be given 5 working days to comment on all reports that relate to the exercise of these delegated powers (other than reports that are considered by Cabinet).

(d) A schedule of Decisions taken under these powers should be reported to Cabinet as part of the following year’s disposal report.

(e) The authority to grant and acquire leases for terms of up to 20 years subject to a rental limit of £200,000 per annum and the cost being contained within existing budgets is delegated to the Head of Asset Strategy. The authority to grant leases for terms of more than 20 years subject to a rental limit of £200,000 per annum is delegated to the Head of Asset Strategy in consultation with the Executive of Director of Finance & Resources and the Cabinet Member for Finance and Resources.

(f) The authority to dispose of properties to occupant voluntary sector organisations for the best consideration that can reasonably be obtained.

(g) The authority to grant and acquire wayleaves and easements for lease terms of up to 125 years, i.e. installations by utility companies, is granted to the Head of Asset Strategy where any cost can be contained within existing budgets.
6. To make grants for improvement and repair under the Housing Grants, Construction and Regeneration Act 1996 Part I and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and to exercise discretionary powers to waive repayment of renovation grants where there has been a breach of grant conditions.

7. The authority to consider objections received from statutory consultation as part of the Traffic Order Making Process. NB - Subject to a formal report setting out the objections, with clear recommendations being submitted for approval.

8. To consider and approve reports on proposed road safety schemes.

9. The power to make, amend or revoke a traffic order following consideration of such objections.

10. The authority to negotiate with Western Riverside Waste Authority.

11. The authority to enter into agreements with external authorities, agencies or organisations including the GLA, GOL and the Greater London Mayor’s Office.

12. Any temporary or emergency building or service closure to last over one week.

13. Any planned building or service closure over one month.

14. Outside representation for Government (or similar body) in exercise of their statutory supervisory powers.

15. The authority to act, with the agreement of the Chief Executive, during any declared Civil Emergency

**Decisions delegated to Heads of Service**

16. The authority to initiate formal statutory consultation on a scheme or any part of a scheme following informal non-statutory consultation. NB- Subject to a formal report being submitted for approval.

17. Following financial approval by the Cabinet, to consider and approve the detailed delivery of local traffic and highways schemes (including controlled parking zones) which have been included within the Councils overall programme.

18. The authority to approve any land exchange arising from highway or town and country planning powers for highways or traffic purposes. NB - Subject to submission of a formal report.

19. To approve compensation payments for home loss and disturbance.
20. To join representative and professional bodies on behalf of the Council.

21. To sign notices and to authorise officers in and for the department to carry out enforcement duties as required within relevant legislation.


23. To determine appeals from homeless applicants wishing to refuse offers of permanent accommodation.

24. Legal action in relation to parking permit fraud.

25. The authority to enter into agreements for the collection of commercial waste (Head of Environmental Services and Highways).

26. Legal action in relation to Consumer Protection matters (Head of Consumer Protection and Sustainability).


28. The authority to authorise the drafting and sign the publication and making of temporary Traffic Regulation Orders (Head of Transportation).

29. The authority to make and sign permanent or experimental traffic orders where no objection has been received (Head of Transportation). NB – Requires a signed document to be kept declaring no objections received.

30. The authority to publish and sign Traffic Orders, following consideration of the objections and delegated decision by the Divisional Director of Public Realm (Head of Transportation).

31. The authority to negotiate and conclude highways agreements arising from planning consents or highways adoptions that do not involve land exchanges (Head of Transportation and Head of Environmental Services and Highways)

**Decisions delegated to Business Managers within their Business Unit**

32. To exercise the powers of the Council under Part IV of the Housing Act (1985) and Part V of the Housing Act (1996) relating to securing possession of Council dwellings, demotion orders, eviction of secure tenants, introductory tenants, non-secure tenants and licensees from Council accommodation in accordance with Council policy.

33. Initiation of distraint procedures against tenants with rent arrears.
34. To instruct bailiffs for the purpose of collecting parking and rent arrears and debts.

35. To exercise the Council's powers when acting on behalf of a protected intending occupier under Section 7 of the Criminal Law Act (1977) in respect of squatted and empty properties.

36. To approve advances for the improvement or repair of dwellings in accordance with the Council's policy.

37. To make grants for improvement and repair under the Housing Grants, Construction and Regeneration Act 1996 Part I and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 up to £50,000.

38. To exercise the powers and duties of the Council relating to applications from homeless persons under Part VII of the Housing Act (1996), in accordance with Council policy.

39. To determine whether a person presenting as homeless under the Housing Acts is intentionally homeless and whether an offer of accommodation should be made.

40. To maintain and operate the Council's Housing Register and to allocate Council properties.

41. Any temporary or emergency building or service closure to last up to one week.

42. Any planned building or service closure up to one month.

Details of Council's financial regulations are appended to the constitution. (Link)
Section 4, Part B: Financial Regulations

Status of Financial Regulations

A.1 Financial regulations provide the framework for managing the Authority’s financial affairs. They apply to every Councillor and officer of the Authority and anyone acting on its behalf.

A.2 All Councillors and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is lawful, is properly authorised, provides value for money and achieves best value.

A.3 The regulations identify the financial responsibilities of:

3.1 The full Council
3.2 Cabinet and Overview and Scrutiny Members
3.3 The Head of Paid Service (Chief Executive)
3.4 The Executive Director of Finance and Resources (S151 Officer)
3.5 The Monitoring Officer (the Director of Governance and Democracy)
3.6 Other Chief Officers, where decisions are delegated or devolved to other responsible officers, such as school governors, references to the chief officer in the regulations should be read as referring to them.

3.7 Director of Strategic Finance.
3.8 Director of Business Partnering.

A.4 Cabinet Members and Chief Officers should maintain a written record where decision making has been delegated to members of staff, including seconded or temporary staff. The Council’s scheme of delegation states that Officers should maintain a record of all delegated decisions.

A.5 The Executive Director of Finance and Resources is responsible for maintainence and regular review of the financial regulations and submitting any additions or changes necessary to the full Council for approval.
A.6 The Executive Director of Finance and Resources is responsible for issuing advice and guidance to underpin the Regulations that Members, Officers and others acting on behalf of the Council are required to have regard to.

A.7 The Executive Director of Finance and Resources is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council and/or to the Cabinet.

A.8 The Regulations are supported by detailed financial procedures, setting out how the Regulations will be implemented and can be found at Financial Procedures.

A.9 Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the Council’s financial regulations and other internal regulatory documents and that they comply with them.

**Financial Control Framework**

B.1 The financial administration framework of the Council is organised in accordance with Section 151 of the Local Government Act 1972, requiring that every local authority in England and Wales should “make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.” The framework comprises:

- Constitution: the principle rules governing the Council’s affairs, including financial affairs and the Scheme of Delegation.
- Financial Regulations: which form part of the Constitution, to provide a framework for its financial procedures.
- Financial Procedures: set out controls and responsibilities of individual officers as prescribed by the Executive Director of Finance and Resources.
- Contract Standing Orders, as detailed in the Lambeth Procurement Guide: prescribed by the Executive Director of Finance and Resources to provide a framework for its contract procedures.
- The Council’s Procurement Guide.

All parts of the framework (the Scheme of Delegation, Financial Regulations, Financial Procedures and Contract Standing Orders [as detailed in the Lambeth Procurement Guide]) must be used together.
Devolution of Financial Management and Accounting

B.2 The Council seeks to unite service operational responsibility with financial and budgetary responsibility to empower managers and give them the tools to deliver high quality services. Part of that empowerment is to give them control of the resources needed to deliver the service so that they can plan and use those resources to obtain the maximum benefit for the service.

B.3 Equally the Council must balance responsibilities with protection for officers so that they know responsibilities and authorisation levels and the limit to those authorities. Where officers do not have the authority these Regulations aim to set out clear routes for approval that enable decisions to be made with proper review in the light of the resources involved.

Financial Management

Introduction

C.1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

Executive Director of Finance and Resources

C.2 The Executive Director of Finance and Resources has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 2011
- The Local Government Act 2003

C.3 The Executive Director of Finance and Resources is responsible for:

- the proper administration of the Council’s financial affairs
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparation of the revenue budget and capital programme
- treasury management
C.4 Section 114 of the Local Government Finance Act 1988 requires the Executive Director of Finance and Resources to report to the full Council, Cabinet and external auditor if the Authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficit to the Authority
- is about to make an unlawful entry in the Authority’s accounts.

C.5 Section 114 of the 1988 Act also requires:

- the Executive Director of Finance and Resources to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- the Council to provide the Executive Director of Finance and Resources with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

C.6 The Executive Director of Finance and Resources is responsible for maintaining a system for providing financial advice to those bodies listed below, and such others as may from time to time be necessary.

- Full Council;
- Cabinet;
- Committees of the Council with financial responsibility; and,
- Statutory officers.

C.7 In summary, the objective of this system shall be that all decisions of the authority (delegated or otherwise) must contain specific advice on behalf of the Executive Director of Finance and Resources, approved by a relevant officer.

C.8 Officers are responsible for ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Executive Director of Finance and Resources.

C.9 It is the responsibility of Chief Officers to consult with the Executive Director of Finance and Resources and seek approval on any matter liable to affect the Council’s finances materially, before any commitments are incurred.

Signing contracts on behalf of the Authority in accordance with Scheme of delegation and the contract standing orders, contained within the Council’s Procurement Guide.
Director of Strategic Finance

C.10 The Director of Strategic Finance, reporting to the Executive of Finance and Resources, has responsibility for the corporate financial affairs of the authority, including strategic financial planning, treasury and pension fund management and corporate financial reporting. Specific responsibilities include:

- Defining, reviewing and updating the financial aspects of the council’s Scheme of Delegation, together with the Financial Regulations and Financial Procedures.
- Designing and implementing a Financial Management Strategy for the council and leading the annual revenue and capital budget process.
- Ensuring that detailed plans and realistic budgets for corporate items exist to support the delivery of the Financial Management Strategy.
- Leading the production of the statutory Statement of Accounts and other corporate financial reports, ensuring adherence to professional accounting standards, and ensuring the integrity and robustness of the council’s financial information.
- Providing timely, accurate and appropriate financial information to the Executive Director of Finance and Resources.
- Confidentially advising the Executive Director of Finance and Resources and Head of internal Audit and Counter-Fraud of any fraudulent activity and other losses through error or mismanagement by any party connected with or employed by the Council.
- Ensuring that appropriate and timely arrangements are in place to sign off the financial implications of all decisions affecting the council’s corporate financial position.
- Deputising for the Executive Director of Finance and Resources in the exercise of his statutory role where required.

Director of Business Partnering

C.11 The Director of Business Partnering has responsibility for the financial affairs of the departments, including financial management staff, processes and systems which support departmental finance arrangements, and must report financial issues to the appropriate Chief Officer and the Executive Director of Finance and Resources. The responsibilities of the role include:

- Ensuring that all financial activity and systems within departments is in accordance with the Scheme of Delegation, Financial Regulations and the Financial Procedures.
• Leading the production of revenue and capital programme budgets with their Chief Officer as appropriate and ensuring all plans have appropriate and necessary budgetary provisions in place.

• Ensuring that detailed plans and realistic prudent profiled budgets exist for the delivery of the Financial Management Strategy and to report variances and forecast outturn adverse or favourable variances as soon as they are known.

• Ensuring that appropriate financial controls exist and are maintained properly within departments, and report on any deficiencies to their Chief Officer and the Executive Director of Finance and Resources.

• Ensuring that any additional controls they deem necessary in order to discharge their responsibilities are put in place and adhered to.

• Providing appropriate financial information to the Executive Director of Finance and Resources, Chief Officers and their staff, in a timely, accurate and appropriate form and level of detail.

• Confidentially advising the Executive Director of Finance and Resources and Head of Internal Audit and Counter Fraud of any fraudulent activity and other losses through error and mismanagement by any party connected with or employed by the Council.

• Ensuring that appropriate timely arrangements are in place to sign off the financial implications of all decisions.

C.12 The Director of Business Partnering should report to the Executive Director of Finance and Resources, and where appropriate the departmental Chief Officer:

• Any unlawful expenditure immediately it is realised that it has taken place or it is about to take place.

• Any area where a loss or deficiency is about to occur.

• Any occasions where the overall operational budget is projected to be overspent or where any individual budget is projected to be overspent by more than the limit set by the Executive Director of Finance and Resources.

• Any other matter of financial significance.
Budget holder

C.13 The budget holder is responsible for financial affairs of the service area. Responsibilities of the role include:

- Ensuring that all financial activity and systems within their department is in accordance with the Scheme of Delegation, Financial Regulations and the Financial Procedures.

- Leading the production of revenue and capital programme budgets for the service area ensuring all plans have appropriate and necessary budgetary provisions in place.

- Ensuring that detailed plans and realistic prudent profiled budgets exist for the delivery of the Financial Management Strategy and to report year to date variances and forecast outturn adverse or favourable variances as soon as they are known.

- Ensuring that appropriate financial controls exist and are maintained properly within the service area and report on any deficiencies to the Director of Business Partnering/Director of Strategic Finance and Executive Director of Finance and Resources.

- Providing appropriate financial information to the Director of Business Partnering/Director of Strategic Finance and their team in a timely, accurate and appropriate form and level of detail.

C.14 The budget holder should report to the Director for Business Partnering/Director of Strategic Finance and the Executive Director of Finance and Resources:

- Any unlawful expenditure immediately it is realised that it has taken place or it is about to take place.

- Any area where a loss or deficiency is about to occur.

- Any occasions where the overall operational budget is projected to be overspent or where any individual budget is projected to be over spent by more than the limit set by the Executive Director of Finance and Resources.
Other Financial Accountabilities

Virement

C.15 The full Council is responsible for agreeing procedures for virement of expenditure between budget headings.

C.16 The authorisation required for budget virements is set out in the Scheme of Delegation.

C.17 A virements register should be maintained.

Treatment of year-end balances

C.18 The Executive Director of Finance and Resources is responsible for agreeing the procedures proposed for carrying forward under and overspending on budget headings.

C.19 The Capital Investment Programme is a multi-year budget in which most projects feature for more than one year. However, the legislative framework of capital controls requires capital expenditure to be financed annually. Accordingly, year-end overspends must always be financed and will be required to be met from either a later year of the same scheme (if appropriate) or from another capital budget within the same department, on the authority of the relevant Director of Strategic Finance. The Executive Director of Finance and Resources may agree exceptions to this where circumstances warrant it.

C.20 Year end underspends (against the re-profiled budget agreed by Council in February of that year) will be re-profiled to a later budget year if the project is continuing, or collected corporately if the project has been completed or is being stopped.

C.21 The effect of capital overspends will be reflected in a revised capital Investment Council agreed by Council as part of the July Finance Review.

Accounting policies

C.22 The Executive Director of Finance and Resources is responsible for selecting accounting policies and ensuring that they are applied consistently.

Accounting records and returns

C.23 The Executive Director of Finance and Resources is responsible for determining the accounting procedures and records for the authority.
The annual statement of accounts

C.24 The Executive Director of Finance and Resources is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA / LASAAC) and any successor codes, statutes or orders. He/she must sign and date the draft accounts before 30th June each year. Corporate Committee is responsible for approving the annual statement of accounts before 30th September each year.

C.25 The Executive Director of Finance and Resources is responsible for the preparation and publication of an Annual Governance Statement (AGS) following an annual review of the Council’s systems of internal controls with the financial statements in accordance with proper practices.

Financial Planning

Introduction

D.1 The full Council is responsible for agreeing the Authority’s policy framework and budget, which will be proposed by the Cabinet. The council has adopted a Service and Financial Planning process to govern setting its service objectives and budgets. In terms of financial planning the key elements are:

- The community plan
- The revenue budget
- The capital programme

Policy Framework

D.2 The full Council is responsible for approving the policy framework and budget. The policy framework comprises a number of statutory plans and strategies and is set out in Part 3 Section 3 of the Constitution. The budget is part of the policy framework.

D.3 The budget includes the Financial Management Strategy which is revised annually and forms part of the budget report submitted for approval in February of each year.
Budgeting

The budget will be approved by the full Council and proposed by the Cabinet on the advice of the Executive Director of Finance and Resources.

D.4 A separate budget must be approved by Cabinet for the Housing Revenue Account (HRA) on the advice of the Executive Director of Finance and Resources. The Capital budget is set by full council and can only be changed by officers under delegated authority. However the Executive Director of Finance and Resources has delegated authority to increase the capital budget by the value of any new external resources.

Budget preparation

D.5 The Executive Director of Finance and Resources is responsible for ensuring that the annual revenue budget and capital programme is prepared on an annual basis in accordance with the Council’s integrated Service and Financial Planning process along with the Financial Management Strategy.

D.6 The Service and Financial Planning process is part of the Financial Procedures and sets out:

- The commissioning strategy
- Resource allocation model
- Guidance for preparing budgets
- Guidance for preparing growth and savings proposals.

Budget frequency

D.7 The Revenue and Capital Budget is set annually by Council each February.

D.8 The July Finance Review updates the revenue and capital budgets in light of the outturn for the preceding financial year. It also affords the opportunity to update capital investment profiles and allocate additional capital resources.

D.9 The November Finance Review provides a mid-cycle review of performance, and the opportunity to update capital investment profiles and allocate additional capital resources.
Budget monitoring and control

D.10 The Executive Director of Finance and Resources is responsible for providing appropriate financial information to enable capital and revenue budgets to be monitored effectively. He/she must monitor and control expenditure against budget allocations and report to Cabinet and Strategic Board on the overall position on a monthly basis as part of the Finance Monitor. This will include actions to deal with any significant variances.

D.11 It is the responsibility of Chief Officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Executive Director of Finance and Resources and/or their own systems. They should also take any action necessary to avoid exceeding their budget allocation and alert the Executive Director of Finance and Resources if this cannot be achieved.

Resource allocation

D.12 The Council uses its Service and Financial Planning process to allocate resources.

Maintenance of Reserves

D.13 It is the responsibility of the Executive Director of Finance and Resources to advise the Cabinet and/or the full Council on prudent levels of reserves for the Authority.

Risk Management and Control of Resources

Introduction

E.1 The Accounts and Audit Regulations 2011 require that the Council ensures that its financial management is adequate and effective and that there is a sound system of financial control that facilitates the effective exercise of the Council’s functions and that includes risk management arrangements.

Risk Management

E.2 The Council is committed to establishing an effective risk management framework and culture to enable management at all levels to deliver their objectives in the light of those risks.
E.3 Risk is managed and in particular:
   • Identified and assessed;
   • Mitigated;
   • Monitored; and
   • Integrated into the Council’s business planning systems and arrangements,

E.4 Risk assessments should be conducted followed by appropriate work to manage the risks identified.

E.5 Risk controls should be agreed and owned by named individuals and reflected in the relevant operational service plans.

E.6 This must be done before business plans are completed, so that the Council is able to identify any significant risks that could jeopardise delivery of business plans in the following year and for which appropriate actions will need to be taken.

E.7 An electronic risk register (JCAD Risk), has been introduced as a common corporate standard.

E.8 The Corporate Committee is responsible for approving the Council’s risk management policy statement and strategy and for reviewing the effectiveness of risk management.

E.9 The Executive Director of Finance and Resources is responsible for preparing the Council’s risk management policy statement and for promoting it throughout the Authority. The Executive Director of Finance and Resources is responsible for ensuring that the Council has appropriate and adequate insurance cover.

E.10 Chief Officers are responsible for establishing contingency plans for the security of assets and continuity of services in the event of system failure or disaster.

Internal Control

E.11 Internal control refers to the systems of controls devised by management to help ensure the Council’s objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council’s assets and interests are safeguarded.
E.12 The Executive Director of Finance and Resources is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use. Wherever possible systems of internal control should ensure that:

- there is adequate separation of duties between (a) the provision of information about sums due to or from the authority including calculating, checking and recording these sums and (b) the duty of collecting or disbursing them; and,

- employees charged with the duty of examining or checking the accounts of cash transactions must whenever possible not be engaged in making these transactions.

E.13 It is management’s responsibility to maintain systems of risk management, internal control and governance. It is the responsibility of Chief Officers and business unit managers to establish sound arrangements for compliance with systems of internal control, for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit Requirements

E.14 The Council will conduct a review, at least once a year, of the effectiveness of its systems of internal control. The Council will also conduct, at least once a year, a review of the effectiveness of its system of internal audit. In line with the Public Sector Internal Audit Standards this will take the form of an external assessment at least once every five years. The findings of both reviews will be considered together by the Corporate Committee. The Council will publish a statement of findings, in the form of the Annual Governance Statement, together with its accounts.

E.15 The Audit Commission is responsible for appointing external auditors to each local Authority. The basic duties of the external auditor are governed by Section 5 of the Audit Commission Act 1998.

E.16 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.
E.17 The Executive Director of Finance and Resources is responsible for arranging an adequate and effective internal audit in order to examine the accounting records and systems of internal control of the Council in accordance with proper practices in relation to internal control. Proper internal control practices for internal audit are those contained within the IIA/CIPFA Public Sector Internal Audit Standards and the CIPFA Local Government Application Note which came into effect on 1 April 2013.

E.18 Internal Audit will advise on whether the Council’s governance arrangements – appropriate risk management processes, control systems and operational procedures – are in place and operating properly. This scope will extend to systems or services provided wholly by, or in conjunction with other organisations, including partnership arrangements. Internal auditors will give assurance to all levels of management about the efficiency and effectiveness of operations, compliance with laws and regulations, and accuracy and reliability of management reporting. As part of this Internal Audit is responsible for embedding a mechanism to make this happen.

E.19 Internal auditors and external auditors shall have access for any necessary examination and audit, at all reasonable times, to all cash, property, documents, books of accounts and vouchers appertaining in any way to the finances and other operations of the Council, including those of partner organisations, and are entitled to require such explanations as may be reasonably considered necessary to satisfy themselves of the correctness of any matter under examination.

E.20 The Council’s Corporate Committee will perform the ‘Audit Committee’ role and the Head of Internal Audit and Counter Fraud will build and maintain an effective working relationship between committee and internal audit. The Head of Internal Audit and Counter Fraud will seek to balance being appropriately accountable to the committee, helping the committee to be effective and relationships with others, for example the Executive Director of Finance and Resources.

Preventing Fraud and Corruption

E.21 The Council’s counter fraud aims will be achieved by a dedicated counter fraud function, investigation procedures and fraud response plan, a prosecution policy, anti-bribery policy, whistleblowing and fraud referral hotlines, employee screening, awareness training, cross intelligence sharing and involvement in fraud prevention and awareness by all staff, agency workers, Members and stakeholders (citizens, customers, suppliers, providers and partner organisations)
E.22 The Council will continue to take fraud and other avoidable losses (arising from error or mismanagement) seriously and tackle it on all fronts. The Council’s fight against avoidable loss is an important aspect of its public accountability.

E.23 The Council has also issued ethical and governance standards so that staff and customers are guided on what is accepted custom and practice and what is not deemed to be acceptable. The Council will take appropriate action if these standards are breached.

E.24 The Executive Director of Finance and Resources is responsible for the development and maintenance of appropriate policies to counter fraud, bribery and corruption including a fraud response plan outlining the steps to be followed where staff suspect fraud.

E.25 All Chief Officers, business unit managers and staff are responsible for ensuring that the opportunities for fraud are minimised. Separation of duties, effective procedures and checks should prevent or deter fraud from occurring and all are responsible for ensuring that the Head of Internal Audit and Counter Fraud and the Executive Director of Finance and Resources is informed at the earliest possible time of any incident or circumstance which gives rise to the suspicion that some kind of fraud, misappropriation or financial irregularity may be taking place or may have taken place, in connection with the activities of the Council.

E.26 Where the Council has suffered loss, restitution will be sought of any benefit or advantage obtained and the associated costs of recovery will be sought from individual(s) responsible for fraud.

**Assets**

E.27 The Integrated Property Asset Management and Financial Planning Framework articulates the council’s framework for property asset management. All officers are required to have regard to it when exercising delegations in relation to property.

E.28 With respect to the purchase and sale of assets all officers are required to act in accordance with the Scheme of Delegation.

E.29 Chief Officers should ensure that business managers maintain records of assets purchased and assets are properly maintained and securely held. They should also ensure that they have in place contingency plans for the security of assets and continuity of service in the event of disaster or system failure.
E.30 The rules for procuring, managing and disposing of IT products are laid out in the Council’s IT Standards, and Chief Officers should ensure that this guidance is followed.

E.31 Business Unit Managers may dispose of assets through sale, donation or scrapping. For every disposal, the business unit manager must record the reasons for the disposal, and particularly must be able to demonstrate that the assets are obsolete or surplus to requirements. The limits for such disposals are set out in the Scheme of Delegation. Officers should assure themselves that the assets concerned are the property of the Council (rather than a leasing company) before disposing of them.

**Treasury Management**

E.32 The Council has adopted CIPFA’s Code of Practice for Treasury Management in Public Services

E.33 The Full Council is responsible for approving the treasury management policy statement setting out the matters detailed in CIPFA’s Code of Practice for Treasury Management in Public Services – Fully Revised Edition 2011. The Executive Director of Finance and Resources has responsibility for implementing and monitoring the statement.

E.34 The policy and procedures for the control and accounting of money in the hands of the Council is the responsibility of the officer designated for the purposes of section 151 of the Local Government Act 1972, the Executive Director of Finance and Resources.

E.35 The Executive Director of Finance and Resources is responsible for reporting to the full Council at least twice in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers:

- A proposed treasury management strategy for the coming financial year at or before the start of each financial year.

- An annual report on the treasury management activity for presentation by 30th September of the succeeding financial year (the Council has delegated responsibility for the approval of this report to Corporate Committee), this should include any instances of non-compliance with the organisation’s treasury management policy statement and practices.

- A mid-year review will be submitted to Council in accordance with CIPFA Treasury Management code of practice.
E.36 All decisions on borrowing, investment or financing shall be delegated to the Executive Director of Finance and Resources, who is required to act in accordance with CIPFA’s Code of Practice for Treasury Management in Public Services.

E.37 The Executive Director of Finance and Resources is responsible for authorising the opening of new bank accounts and approving the authorised signatories to bank accounts, along with the financial limits of authorised signatories to bank accounts.

**Staffing**

E.38 The full Council is responsible for determining how officer support for all Council functions will be organised.

E.39 The Chief Executive is responsible for

- Providing overall management to staff.
- Ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

E.40 Chief Officers are responsible for controlling total staff numbers by:

- Advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels
- Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
- The proper use of established appointment procedures.

**Systems and Procedures**

**Introduction**

F.1 Sound systems and procedures are essential to an effective framework of accountability and control.
General

F.2 The Executive Director of Finance and Resources is responsible for the operation of the Council’s accounting systems, the form of accounts and the supporting financial records. Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved by the Executive Director of Finance and Resources. However, Chief Officers are responsible for the proper operation of financial processes in their own departments.

F.3 Any changes to agreed procedures by Chief Officers to meet their own specific service needs should be agreed with the Executive Director of Finance and Resources.

F.4 Chief Officers should ensure that their staff receive relevant financial training that has been approved by the Executive Director of Finance and Resources.

F.5 Records should be retained in adherence to the Council’s guidelines on retention of documents and the record management policy which is in line with the Council’s IT policy and the Freedom of Information Act 2000.

F.6 Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Chief Officers must ensure that staff are aware of their responsibilities under relevant legislation including, but not limited to, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Computer Misuse Act 1990.

Income and Expenditure

F.7 It is the responsibility of Chief Officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Chief Officer’s behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority.

F.8 The Procure to Pay (P2P) processes reflect this delegation and requisitions raised through this system will require approval in accordance with the authorisation levels within the scheme of delegation.
The Council is responsible for approving procedures for writing off debt as part of the overall control framework of accountability and control. The scheme of delegation identifies such procedures and is supplemented by the Financial Procedures issued by the Executive Director of Finance and Resources. Copies of all schemes of delegation should be kept in a register after signing by the Chief Officer to show agreement with the scheme.

The scheme of delegation and financial regulations apply to all expenditure, even where it is incurred in relation to external income and is therefore not part of a Chief Officer’s cash limit. Consequently, the receipt of external income does not in itself provide the authority to incur expenditure.

Leasing arrangements and PFI/PPP Funding arrangements

All leasing arrangements need to be entered into in accordance with the thresholds set out in the scheme of delegation for contracts. In relation to schools, these arrangements will need to be approved by the Executive Director of Finance and Resources.

Payments to Employees and Members

The Director of Human Resources is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

Taxation

The Executive Director of Finance and Resources is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.

Chief Officers, Directors, Business Partners and budget holders are responsible for ensuring that the appropriate controls and procedures are operated within the departments or service areas in relation to taxation issues.

The Executive Director of Finance and Resources is responsible for maintaining the authority’s tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
Trading Accounts

F.16 It is the responsibility of the Executive Director of Finance and Resources to advise on the establishment and operation of trading accounts. It is Chief Officers’ responsibility to ensure that guidance on trading accounts issued by the Executive Director of Finance and Resources is adhered to.

External Arrangements

Introduction

G.1 The Council works with the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area in accordance with the cooperative principles.

Partnerships and New Models of Service Delivery

G.2 The Cabinet is responsible for approving delegations, including frameworks for partnerships and new models of service delivery (“partnerships”). The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

G.3 The Cabinet may delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the Council’s constitution. Where functions are delegated, the Cabinet remains accountable for them to the full Council.

G.4 The Chief Executive represents the Council on partnership and external bodies, in accordance with the scheme of delegation.

G.5 The Executive Director of Finance and Resources is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

G.6 The Executive Director of Finance and Resources must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are in accordance with recognised accounting standards. He or she must also consider, in conjunction with the Monitoring Officer, the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
G.7 Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

G.8 The Executive Director of Finance and Resources is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council’s accounts in accordance with proper accounting practice.

G.9 The scheme of delegation and financial regulations apply to all expenditure, even where it is incurred in relation to external funding. Consequently, the receipt of external funding does not in itself provide the authority to incur expenditure.

G.10 The Council has discretion over the application of unringfenced grants. Accordingly, the application of unringfenced grants should be determined as part of the Service and Financial Planning process.

Retention of Records

H.1 Chief Officers, Budget Holders and Headteachers of Schools shall be responsible for ensuring that records are carefully and systematically filed and retained for inspection by the Executive Director of Finance and Resources or agencies (e.g. HM Revenue and Customs, the external auditor) in line with the approved local management information schemes that meet relevant statutory requirements.

H.2 The advised minimum periods for the retention of financial records are set out in the Retention guidelines for Local Authorities (LA Guide). The list is not exhaustive and where there is uncertainty the advice of the Executive Director of Finance and Resources and/or the Director of Governance and Democracy must be sought. Periods referred to are in addition to the current year of account, which ends at the conclusion of the annual external audit of the Council’s accounts (i.e. usually the 30th September following the end of the financial year).

H.3 Records held locally in establishments shall be retained in accordance with approved local management schemes, which in turn must meet the Council’s standards.

H.4 The Executive Director of Finance and Resources or his representative shall have access to documents relating to such funds should it be deemed necessary.
H.5 A Records Management Policy has been created to meet the requirements of the Freedom of Information Act. This Policy applies to electronic records and to manual records (e.g. paper, microfiche). A record is any recorded material (usually a document) whether or not it is stored in a database or file.
Section 5 – Joint Arrangements

Delegations to joint committees and other bodies

Joint arrangements relating to health and social care

(i) There are specific arrangements for setting up a joint scrutiny committee to examine issues around health and social care.

(ii) Where the Council enters into partnership arrangements with one or more NHS Bodies the joint committee may include any councillor and the political balance requirements apply to such appointments whenever the Council makes appointments to three or more seats on the joint committee.

(iii) Where the Council enters into joint arrangements with one or more local authority to consider a health scrutiny matter any joint committee may include any councillor except members of the Cabinet, Deputy Cabinet members and administration whips. Political balance requirements apply where the Council is appointing to three or more seats on the joint committee.

Access to information to Joint Committees

(i) The Council’s Access to Information Rules apply.

(ii) 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.

(iii) If the joint committee contains councillors 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.

Delegation to and from other local authorities

(i) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority.

(ii) The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

(iii) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.
Principal Partnership and Consultative Bodies
The Council works with a large number of local groups and bodies to provide services and engage with residents, organisations and businesses in the borough. The table on the next page lists some of the principal bodies with a short description of their work.

Cooperative Working and Contracting Out
As a Cooperative Council we are looking to place residents and users at the heart of service delivery, following the Cooperative Council Principles. This will lead to changes to the way we provide our services.

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 contacting principles, provided there is no delegation of the Council’s discretionary decision making. The Council will ensure in making arrangements of this kind that the other party carries out its functions in ways compatible with the Cooperative Council Principles.

Functions discharged by London Councils Joint Committees:

London Councils Leaders’ Committee:

London Councils is a joint committee set up in pursuance of arrangements made under section 101 (5), 101 (5B), 102, 111, 112, 113, 141 and 142 Local Government Act 1972; section 1 Local Authorities (Goods and Services) Act 1970; section 20 Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2000

Its functions include the following:

1. To consult on the common interests of the London local authorities and to discuss matters relating to local government.

2. To represent the interests of the London Local Authorities to national and local government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities

3. To formulate policies for the development of democratic and effectively managed local government including matters relating to Transport, the Environment and Grants.
4. To provide forums for the discussion of matters of common concern to the London Local Authorities and a means by which their views may be formulated and expressed.

5. To appoint representatives or staff to serve on any other body.

6. To represent the interests of the London Local Authorities as employers.

7. To provide services to the London Local Authorities including the dissemination of information on local government and on other relevant issues.

8. To provide information to the public, individuals and other organisations on the policies of the London Councils and local government issues relevant to London.

9. To act as the regional body of the Local Government Association.

**London Councils Transport and Environment Committee (LC TEC)**

Each Participating Council and Transport for London shall appoint a representative to London Councils’ TEC in accordance with law and its own constitutional arrangements.

Its functions include the following:

1. TEC is an associated joint committee of London Councils. When the Transport Committee for London (TCfL) became part of the then new Association of London Government (ALG) in April 2000, there was a need to retain a separate identity because of the statutory involvement of Transport for London in the Committee’s work for certain functions. The Leaders’ Committee agreed that TCfL should also undertake the role of the old ALG Transport and Environment panel and so the new Committee was renamed Transport and Environment Committee (TEC).

2. TEC is a statutory committee with specific responsibility for:

   - Functions under the Road Traffic Act 1991 – including appointment of parking adjudicators and determining penalty charge levels and fees for declamping, vehicle recovery storage and disposal.
   - Operation of the TRACE service for locating towed-away vehicles
   - Operation of the Health Emergency Badge scheme for medical practitioners
• Implementation and enforcement of the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (“The London Lorry Control scheme”)
• Travel concession arrangements under section 244 of the Greater London Authority Act 1999 – including negotiation of settlements with Transport for London, the Association of Train Operating Companies and independent bus operators
• Setting of fixed penalties, issuing of Codes of Practice and other functions under the London Local Authorities Acts 2004 and 2007
• Operation of the London taxicard scheme

3. TEC also initiates and develops policies across a range of areas:

- transport policy issues (including road, rail and airports)
- environment issues (including air quality and biodiversity)
- trading standards and public protection issues
- waste issues

4. In considering transport and environment matters which have implications and relevance to Londoners, TEC aims to ensure that:

- The transport and environment needs of London are recognised and promoted
- The allocation of resources and the development of policies and legislation influenced to the best effect for London; and
- Borough interests (financial and otherwise) are represented and protected.

5. The TEC Executive is a sub-committee of TEC

TEC agreed that all the executive functions of TEC should be delegated to the Executive Sub-Committee with the exception of the following:

- election of committee officers;
- election of members of the sub committee;
- agreement of budget;
- agreement of work programme;
- agreement of annual report;
- appointment of adjudicators;
- agreement of parking penalties;
- agreement to major changes in policy for the lorry ban;
- agreement to the annual concessionary fares scheme;
- agreement of the draft annual policy statement for agreement with the London Councils’ Leaders’ Committee; and
- consideration and agreement of major transport and environmental policy issues.
TEC as a whole, continues the role of considering and, where necessary, confirming the actions of the Sub-Committee through consideration of the minutes of the Sub-Committee and calling for other actions and reports as members.

**London Councils Grants Committee**

London Councils Grants Committee consists of one elected member representative from each constituent council which makes all decisions relating to the making of grants and the operation of the Scheme save those which are reserved to constituent councils under paragraph 4.1.2 below.

If the representative of a constituent council is unable to be present at a meeting of the Grants Committee, the council may be represented by a deputy who shall be an elected member of that council. A deputy attending a meeting of the Grants Committee shall declare themselves as such. Having done so the deputy shall be eligible to speak and vote as if they were a member of the Grants Committee.

1. To ensure the proper operation of the Grants Scheme;
2. To make recommendations to Leaders’ Committee on overall policies, strategy and priorities;
3. To make recommendations to Leaders’ Committee on the annual budget for the Grants Scheme; and
4. To consider grant applications and make grants to eligible voluntary organisations.

In particular

The constituent councils have resolved to delegate the function specified in section 48(10) Local Government Act 1985 (review of needs of Greater London) to London Councils from 1 April 2000 and shall submit, via the Grants Committee, a proposal for reviewing the needs of Greater London to London Councils for approval annually.

The Grants Division will:

- Keep under review the needs of Greater London and report to the Grants Committee and London Councils from time to time on a strategy for collective grant giving devised with due regard to those needs
- Draw up and submit for consideration and approval by the Grants Committee detailed criteria and policies for grant giving in the light of the agreed strategy
• Prepare and submit an annual budget for consideration by the Grants Committee and London Councils by the end of November each year for the financial year commencing the following April. This budget shall include the costs of staffing, office and support services considered necessary to facilitate the effective and efficient operation of the Scheme, as well as expenditure proposals for grant aid to eligible voluntary organisations, and any contingency provision.

• Receive, assess and process grant applications from eligible voluntary organisations and report on them and make recommendations to the Grants Committee and or any Sub-Committees it may establish.

• Administer the payment of approved grants to eligible voluntary organisations and monitor the use made of such funding;

• Convene and service meetings of the Grants Committee, its sub-committees and any other bodies established by it.

Functions discharged by other bodies:

Joint Scrutiny Committees (incl. Health)

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).

There are, broadly speaking, two distinct and separate roles for Joint Health Scrutiny Committees to discharge:

1. Pursuant to regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Council and one or more other 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.

2. 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 overview and scrutiny committee appointed by each of the local authorities in question and only that joint overview and scrutiny body may make comments on the proposal, require the provision of information and require attendance in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

In view of the potential need to establish Joint Scrutiny Committees 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 Scrutiny Committees, as appropriate and in consultation with the Chair and Vice Chair of Overview and Scrutiny Committee and the relevant Scrutiny Sub-Committee. This authorisation is delegated to the Director of Governance and Democracy and, in his/her absence, to the Head of Democratic Services & Scrutiny or Head of Legal Services. These arrangements include, but are not limited to, agreeing with the other local authorities represented on the Joint Committee the specific terms of reference, constitution, membership and administrative arrangements.

**Western Riverside Waste Authority**

The Authority was formed to discharge the operational functions of waste disposal for the areas of the Borough Councils of Hammersmith and Fulham, Kensington and Chelsea, Lambeth and Wandsworth. The power to set up this Authority is set out in the Local Government Act 1985 and the Waste Regulation and Disposal (Authorities) Order 1985.

The objectives of the Authority are:

- to work with its constituent councils (as the waste collection authorities for the WRWA area) to create effective strategies for waste management;
- to support and facilitate waste prevention and waste minimisation;
- to provide places for the deposit of waste and to dispose of, or make use of, waste delivered to those places;
- to encourage reclamation and recycling of waste and to provide facilities for such reclamation and recycling;
- to recover energy from waste that cannot be recycled or composted;
- to maintain civic amenity site facilities for use by the public which allow for separating out of materials that can be recycled, composted or reused;
- to properly execute the statutory duties of the Authority;
- to educate and inform the public about waste management issues, and in particular how they can prevent waste arising, minimise the waste they do produce, reuse products and recycle or compost;

- to assist in achieving regional self-sufficiency in waste management for the London area;

- to undertake its waste management activities in ways that minimise disruption to others and involve a “good neighbour” approach to the management of waste facilities; and

- to achieve best value and practical environmental options for waste management that do not involve excessive cost.
# Part 3 – Rules Governing how the Council Operates

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Section 1 – Council and Committees Procedure Rules

INTRODUCTION
These rules guide the conduct of Council meetings and also meetings of its committees and sub-committees except where specified. Their purpose is to ensure meetings operate effectively. All local authorities are obliged to have them. There are separate rules for the conduct of debate of meetings of the Cabinet. (see Cabinet Procedure Rules in part 3, Section 4 of this Constitution) and for the Health and Wellbeing Board (see Health and Wellbeing Board Procedure Rules in part 3, section 5 of this Constitution)
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1. ANNUAL MEETING OF THE COUNCIL

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, there will be a ceremonial and celebratory meeting, recognising the wider community’s contribution to the borough, in March, April or May which will deal with the business set out below. The remainder of the business will be dealt with at the first ordinary meeting of the Council following the Annual Meeting, which will take place during April or May in each year (see Rule 2 below).

1.1 The annual meeting will:-

(i) elect a person to preside if the Chair of Council (the Mayor) is not present;

(ii) elect the Chair and Vice-Chair of Council (the Mayor and Deputy Mayor);

(iii) receive the retiring Mayor’s report;

(iv) receive any declarations of interest from Councillors;

(v) approve the minutes of the last meeting;

(vi) receive any announcements from the Chair and/or Head of the Paid Service (Chief Executive) including any in relation to civic awards such as the award of Freedom of the Borough;

(vii) In a year when there is an ordinary election of councillors, elect the Leader of the Council for four years, and at each annual meeting note the appointment, by the Leader, of the Deputy Leader and all other appointments to the Cabinet together with their portfolios, and all other administration appointments;

(viii) review the allocation of seats to political groups in accordance with a report from the proper officer;

(ix) appoint at least one overview and scrutiny committee, and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 2, Section 2, of this Constitution);

(x) appoint representatives on other bodies and outside organisations;
(xi) approve the annual programme of ordinary meetings of the Council (including identifying the ordinary meetings of the Council which will include a themed debate) and committees; and

(xii) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:-

(i) decide which committees to establish for the municipal year;

(ii) decide the size and terms of reference for those committees;

(iii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;

(iv) receive nominations of councillors to serve on each committee and outside body; and

(v) appoint to those committees and outside bodies except where the appointment has been delegated by the Council or is exercisable only by the executive; and

(vi) appoint the Chairs and Vice-Chairs of all the Council’s committees, other than those which the Council has decided should be appointed by the committee itself.

The Council may decide at subsequent meetings to dissolve committees, alter their terms of reference or to appoint new committees.

The Council shall always have the power to exercise any power delegated to a committee, sub-committee or an officer.

2. ORDINARY MEETINGS

COUNCIL:

Ordinary meetings of the Council will take place in accordance with a calendar of meetings decided at the Council’s annual meeting. The Council may alter the day, time or place of any meeting or meetings of the Council or its committees. The first ordinary meeting after the Annual Meeting will usually take place within one month of the Annual Meeting but before the end of May (except in a year when there is an ordinary election of councillors).

Ordinary meetings will:-
(i) elect a person to preside if the Mayor or Deputy Mayor is not present;

(ii) receive any declarations of interest from Councillors;

(iii) receive any announcements from the Chair (including a summary of petitions received by the Mayor (and date responses were sent) since the last meeting, any presentations of awards to the public or staff) and the Chief Executive;

(iv) approve the minutes of the last meeting;

(v) deal with any business from the last Council meeting;

(vi) receive any petitions submitted and any public notice questions referred to the meeting by the Head of Democratic Services & Scrutiny (see rule 10);

(vii) receive questions from, and provide answers to, Members of the Council receiving a special responsibility allowance in relation to matters which are relevant to the business of the meeting (see rule 12); (30 minutes);

(viii) receive reports from the Cabinet and other Council Committees as those bodies consider necessary. The first item of business in this section of the meeting will be the scrutiny items prioritised by the Overview & Scrutiny Committee. The report will include such information as is necessary for the Council to take decisions on any matters;

(ix) consider motions (normally one motion from an Opposition Group and one motion from the Administration will be debated at the meeting, with up to 30 minutes set aside for each) (see rule 14); and

(x) consider any other business specified in the summons to the meeting.

(xi) consider any petitions which fulfil the requirements of the Council's Petition Scheme for debate at Council meetings.

In addition, the following items of business will be conducted at the first ordinary meeting that takes place after the Annual Meeting (except in a year when there is an ordinary election of councillors):

(xii) annual reports from Corporate Committee, Corporate Parenting Board, Lambeth Youth Council, Overview & Scrutiny Committee and Health and Wellbeing Board.
(xiii) agree the Council’s Constitution, or relevant parts (as set out in Part 3 of this Constitution).

The order of business will be as above unless determined by the meeting by the consideration of a procedural motion. The Council will normally only receive reports from committees and the Cabinet where at least five clear days notice of that report can be given.

The budget meeting of Council will only consider the following business:

(i) elect a person to preside if the Mayor and Deputy Mayor are not present;

(ii) receive any announcements from the Chair (including a summary of petitions received by the Mayor (and the date responses were sent since the last meeting, and any presentation of awards to the public or staff), and the Chief Executive;

(iii) receive any declarations of interest from Councillors;

(iv) approve the minutes of the last meeting;

(v) receive any petitions submitted in accordance with petitions scheme and any public notice questions or deputations referred to the meeting as relevant to the budget by the Head of Democratic Services & Scrutiny (see rule 10);

(vii) receive such reports as deemed necessary by the Executive Director of Finance and Resources to enable the Council to approve its budget for the following financial year.

(viii) consider any other business specified in the summons to the meeting.

COMMITTEES:

Ordinary committee meetings will take place in accordance with a programme decided at the Council’s annual meeting and will start at the time decided by each committee. The Council may alter the day, time or place of any meeting or meetings of its committees.

Ordinary meetings will:

(i) elect a person to preside if the Chair and Vice-Chair are not present;

(ii) receive any declarations of interest from Councillors;
(iii) approve the minutes of the last meeting;
(iv) deal with any business from the last meeting;
(v) receive any public notice questions referred to the meeting by the Head of Democratic Services & Scrutiny (see rule 10);
(vi) consider reports from Council officers and committee Members.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings of the Council

Those listed below may request the Chief Executive to call Council meetings in addition to the programmed ordinary meetings:-

(i) the Council by resolution;
(ii) the Mayor;
(iii) the Monitoring Officer; or
(iv) any five Councillors, providing they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. When considering a requisition the Mayor shall decide, in consultation with the Chief Executive and Monitoring Officer and Party Whips, whether the Chief Executive should be requested to call the extraordinary meeting on the same date as the next scheduled ordinary meeting of the Council (as will ordinarily be the case) or on an earlier date in exceptional circumstances. Among the factors that shall be taken into account by the Mayor when deciding are:

(a) Whether the subject matter of the requisition is a single, major issue as required by Rule 3.3 below;
(b) Whether the subject matter was genuinely unforeseen at the time of the last meeting;
(c) Whether any significant decision to which the subject matter relates has yet to be taken and, if so, any associated deadlines;
(d) The degree of urgency, if any, and the consequential ability to have a matter considered by Council before it is too late to alter a course of events. The greater the urgency, the earlier the meeting should be held.
(e) Whether the issue has been the subject of call-in in the previous six months.
Subject to the above, administrative convenience/inconvenience and maximising the attendance of members.

Once the decision is made, the Mayor should keep his/her decision under review in case of any substantial changes in circumstances which might require or justify a meeting to be called earlier.

3.2 Calling extraordinary meetings of Committees

Subject to rule 5 of the Scrutiny Procedure Rules, the Chief Executive will call an extraordinary meeting of a committee or sub-committee when asked to do so by the Monitoring Officer or on the receipt of a requisition signed by two Members of the committee or sub-committee.

3.3 Business at extraordinary meetings of Committees

The requisition must specify by motion, or by report from the officers, the issue to be considered at the meeting. In respect of meetings requisitioned by members, business cannot include the determination of a planning or licensing application or review any decision taken by a Planning Applications Committee or Licensing Sub-Committee. In the case of Council or committee/sub-committee meetings requisitioned by Councillors, the mover and seconder of this motion must be one of the members who requisitioned the meeting. The names must be specified.

4. APPOINTMENT OF MEMBERS AND SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Appointment of Members

Committee members (including substitute members) are appointed by the Council or the Director of Governance and Democracy under delegated powers (as directed requested in writing by the relevant Party Whip or Leader or Deputy Leader and in accordance with political balance rules) on the same day where the request is made before noon.

Sub-Committee members (including substitute members) are appointed by the parent committee or the Director of Governance and Democracy under delegated powers (as requested by the relevant Party Whip (or Leader or Deputy Leader) and in accordance with political balance rules) on the same day where the request is made before noon.

4.2 Substitute members

Number

Council will decide how many substitute Members to appoint to each committee or sub-committee, in respect of each political group.
Powers and duties

Substitute Members will have all the powers and duties of any ordinary committee Member.

Substitution

Where substitute Members are to serve at a meeting (in full or part) the relevant Member must notify the Clerk to the Committee before the meeting starts. Otherwise substitute Members will not be entitled to serve and vote.

4.3 Withdrawal for part of a meeting

Subject to Rule 4.4 below, where a Member of the Committee wishes to speak on behalf of a constituent they must withdraw from the decision making process for that item. The Member will advise the Director of Governance & Democracy’s representative accordingly and leave the meeting table. The Director of Governance & Democracy’s representative will advise the meeting of any previously notified (see above) substitution arrangements that will apply for the duration of the item concerned.

4.4 Where any councillor has a Disclosable Pecuniary Interest (as defined in the Members’ Code of Conduct) (insert link?) in any matter to be considered at a meeting of the Council, a committee, sub-committee or joint committee, they must withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter unless a dispensation has been obtained from the Monitoring Officer.

5. DATE, TIME AND PLACE OF MEETINGS

The date, time and place of meetings will be determined by the Chief Executive and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

6.1 The Chief Executive will give notice to the public of the date, time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 3, Section 2 (insert link?). At least five clear days before a meeting, the Chief Executive will send a summons (signed by the Chief Executive in the case of Council meetings) via electronic means, and where also requested in paper copy format, as follows:

- Council – to all councillors
- Other committees and sub-committees – to the Members of these bodies and such other councillors as request a copy
6.2 In exceptional circumstances, less notice may be given of meetings (subject to the Access to Information Rules).

6.3 If, in rare circumstances it is required, Councillors may elect to receive notice by post rather than by electronic means. Notice of meetings and accompanying reports and minutes will be published on the Council’s website and at Lambeth Town Hall.

6.4 The summons will give the date, time and place of each meeting, specify the business to be transacted, and include accompanying reports by the officers (where applicable). Other items of business may be added by the Chief Executive after the notice of the meeting, but these may only be considered at the meeting if the Chair is satisfied that special circumstances apply justifying their urgent consideration.

7. CHAIR OF MEETING

7.1 The person presiding at the Council, Committee or Sub-Committee meeting may exercise any power or duty of the Chair. The Chair will decide all matters of order, competence, relevancy and interpretation of these Rules, and their decision at the meeting is final.

7.2 The Mayor will chair all meetings of the Council when present, and the Deputy Mayor will chair the meeting in his/her absence. If both the Mayor and Deputy Mayor are absent or not appointed, then a councillor will be elected to chair the meeting until the Mayor or Deputy Mayor is present. If a Chair is not appointed within 15 minutes of the start of the meeting, the meeting will fall.

7.3 The Chair appointed by the Council or parent committee will chair all committee meetings when present. The Vice-Chair will chair the meeting in the Chair’s absence. If both the Chair and Vice-Chair are absent or not appointed, then a Member will be elected to chair the meeting until the Chair or Vice-Chair is present. If a Chair is not appointed within 15 minutes of the start of the meeting, the meeting will fall.

8. QUORUM

8.1 The quorum of a meeting will be as follows:

- Council – sixteen councillors
- Committees and Sub-Committees – three councillors

8.2 With the exception of the arrangements set out in Rule 8.4 below, if the quorum is not present at the start of the meeting, the meeting will proceed on an informal basis with a view to discussions taking place...
prior to the formal transaction of the business once the quorum is achieved. Once the quorum is achieved, the Chair will outline the discussions that have been held and, if appropriate, seek agreement of any decisions arising. It will be for the Chair and members present, with appropriate advice from officers, to satisfy themselves that they have all the necessary information with which to take an informed decision.

8.3 However, with the exception of those bodies listed in Rule 8.4 below, if the quorum is not present within 30 minutes of the notified start time, the Chair will decide in consultation with the other member(s) present, if the meeting should proceed on an informal basis (in full or in part) or be ended. If the meeting does proceed on an informal basis, no formal decisions can be taken should a quorum be later achieved.

8.4 In respect of Council, Appointments, Licensing, Planning Applications and Standards Committees, no informal meeting may proceed if the quorum is not present within 30 minutes of the notified start time, and the meeting will end.

8.5 If the Chair declares that the meeting has become inquorate, then the meeting will adjourn for up to 30 minutes or until a quorum is achieved (whichever is the shorter). If no quorum is then achieved, the meeting will fall immediately.

8.6 Once a meeting is declared inquorate under Rules 8.4 or 8.5 above, remaining business will be considered at a time and date fixed by the Chief Executive. If the Chief Executive does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING: GUILLOTINE

Council meetings

9.1 Council Meetings shall last for up to three hours i.e. from the time the meeting was due to commence. In the event that the meeting is adjourned for any period in accordance with Rule 21.5, (general disturbance) or 21.6 (Adjournment), Members may resolve, by a simple majority, to extend the meeting for a period not exceeding 30 minutes. Any motion under debate at the expiry of three hours, or at the expiry of any agreed extension to the three hour duration, and all remaining business, shall immediately be put to the vote by the Chair without debate. No motion relating to the procedure of the meeting other than to defer an item to another meeting shall be moved once three hours has expired.
9.2 Remaining business shall include all items on the agenda and all items on the order paper.

9.3 Where the Council is statutorily required to reach a decision about any matter on or before a specific date, or if not to reach a decision would result in a breach of a requirement, or on the advice of the Monitoring Officer, would lead to undue expenditure and delay; the guillotine will not apply.

9.4 When all motions and recommendations have been dealt with, the Chair will declare the meeting closed.

Committee meetings

9.5 Committee Meetings shall last for up to two hours from the time of the meeting was due to commence (including any period of adjournment).

9.6 The Chair shall put all outstanding business to the meeting without further debate, unless the Committee agrees by majority to continue the meeting for a further period of up to half an hour.

9.7 After two and a half hours the remaining business shall then be put to the vote by a show of hands without further debate. Remaining business shall include all items on the agenda and any amendments arising during the debate. No motion relating to the procedure of the meeting other than to defer an item to another meeting may be moved at this stage.

9.8 The guillotine shall not apply to the following committees and sub-committees:

- Appointments Committee
- Appointments Sub-Committee
- Licensing Committee
- Licensing Sub-Committee
- Planning Applications Committee (subject to 9.9 below)
- Standards (Hearings) Sub-Committee

However, the Chair will advise the Committee or Sub-Committee once two hours has elapsed, and then seek to terminate the meeting within a reasonable period of time.

9.9 Planning Applications Committee

9.9.1 The Chair will announce a provisional timetable (showing how it is planned to consider the business within two hours but not exceeding
three hours) at the beginning of the meeting, and seek to run the meeting in accordance with that. The expectation is that meetings will end after three hours, with an absolute requirement to terminate within three and three quarter hours.

9.9.2 After two hours has elapsed the Chair will advise the meeting if and how the timetable for the remainder of the meeting has to be revised, in order to deal with remaining business and finish the meeting after three hours.

9.9.3 After three hours has elapsed, the committee will agree by majority (by show of hands) one or more of the following options as is appropriate:

- For items where no members of the public or Councillors are present to make representations in accordance with the procedure, and where no amendments or requests to speak have been submitted by Committee Members, to decide on those items without further debate.
- To otherwise decide on which, if any, remaining business, can be completed within the next 45 minutes, having heard from all registered speakers. Remaining business shall include items on the agenda and any amendments arising during the debate. Amendments may be developed or accepted by the Chair at their discretion during the remainder of the meeting.
- By exception, to otherwise defer any remaining business to the next meeting.

No other motion relating to the procedure of the meeting may be moved at this stage. The meeting must end no later than three and three quarter hours from the scheduled start of the meeting.

9.1 PUBLIC INVOLVEMENT IN COUNCIL, COMMITTEE AND SUB-COMMITTEE MEETINGS

10.1 Introduction

The following methods are established in order to facilitate the involvement of the public (persons living, working, studying or using services in the borough (as well as councillors)) in formal Council, committee and sub-committee meetings:

- Petitions
- Public notice questions
- Deputations

Part 3 – Rules Governing how the Council Operates - Section 1 Council and Committees Procedure Rules (Standing Items)

Lambeth Council’s Constitution 2013-14
• Speaking at meetings
These arrangements do not apply at the following:

Cabinet (see Cabinet procedure rules)

Appointments Committee or its Sub-Committee.

Licensing Committee and its Sub-Committee (however, Rule 10.5 below (speaking rights at committees) does apply).

Planning Applications Committee (however, Rule 10.5 below (speaking rights at committees) does apply).

To access the Council via the following methods, members of the public must provide their name, address and other contact details (these details may be withheld from publication in reasonable circumstances).

Separate provisions are made for councillors to ask questions at Council meetings and these are set out in Rule 12.

Petitions, public notice questions and deputations received during the municipal year will be reported to the Annual Meeting of Council in the Mayor’s Annual report.

10.2 Process

Petitions will be dealt with in accordance with the Council’s petition scheme (see Rule 10.4 below and the Constitution, Part 3, Section 8), and may be submitted in writing to the Head of Democratic Services & Scrutiny, presented at an ordinary Council meeting, or submitted using the Council’s online facility. Petitions submitted to any other individual department or officer, will also be dealt with in accordance with the Petition Scheme.

Public notice questions concerning matters within the responsibility of the Council can be submitted in writing online or by email to Democratic Services. Further details, including deadlines, are set out on the Council’s website.

The Head of Democratic Services & Scrutiny (in consultation with the Chief Whip, Chair or relevant Cabinet Member and Executive Director) may reject a petition, question or deputation if it:

a) Is not about a matter for which the local authority has a responsibility

b) Is defamatory, frivolous or offensive
c) In the case of questions, would incur a disproportionate cost (i.e. usually in excess of £500; the relevant Executive Director, in consultation with the relevant Cabinet Member, is required to make any decision not to provide an answer on these grounds)

d) Raises essentially the same issues as a petition or question which has been considered at a meeting of the Council, a committee or sub-committee in the past six months unless (in the opinion of the relevant Executive Director) circumstances have changed substantially

e) Requires the disclosure of confidential or exempt information.

f) Is currently being considered under the Council's formal complaints procedure.

g) Is currently the subject of a complaint to the Local Government Ombudsman.

h) Is currently the subject of legal proceedings in whatever form.

i) Would breach the Officer Code of Conduct (insert link?)

In consultation with the Chief Whip and relevant Cabinet Member or Chair of the meeting concerned, the Head of Democratic Services & Scrutiny will determine whether the question will be referred directly to an officer for reply or whether it falls within the terms of reference of a scrutiny or another committee) having regard to:

• Whether the issue raised is a local or borough-wide concern.

• The most practical way of progressing the concerns raised (taking into account dates of forthcoming meetings).

• Whether a petition, deputation or public notice question on the same issue has been considered within the last 6 months.

• The number of requests received, given the time limits that apply.

The Head of Democratic Services & Scrutiny will log questions and petitions and ensure that a response is sent. The response is to be sent within 14 clear days of being referred to the Executive Director concerned.

Where a question will be considered at a Committee meeting, a shorter timescale may be necessary in order to publish both the question and answer on the relevant agenda, the Head of Democratic Services and Scrutiny will advise all relevant people in such a situation.
Where the petition or question is referred to an officer to respond, the answer will also be sent to a councillor (normally from the relevant ward) as identified by the Head of Democratic Services & Scrutiny. Where presented or led by a councillor, that councillor will be the responsible member. Where this is not the case, the Head of Democratic Services & Scrutiny will designate a councillor (this will be done on rotation). Where the designated councillor considers on the basis of the response given that further action is required, the councillor will raise this with the responsible Executive Director.

10.3 Public notice questions

Any person living, studying, working or using services in the borough may submit a Public Notice Question relating to any issue within the council’s responsibilities. Questions must be concise to enable as many as possible to be considered in the time available at the meeting. Questions to scrutiny committees should be strategic in content, i.e. not personal to the questioner. It is accepted however, that individuals may highlight their experiences to support their question.

A copy of the question will be sent to:

- The Chair of the meeting concerned (if to be referred to a meeting)
- The Cabinet member concerned
- The appropriate officer for a draft response to be prepared.

The answer will be prepared, cleared with the relevant Cabinet Member and sent to the questioner within 14 clear days, unless it is not possible to obtain the required information within that timescale (in which case, a holding response will be provided), or in such a timescale as specified by the Head of Democratic Services & Scrutiny.

At a committee meeting questions shall be put in the order they were received, and usually they will be answered by the relevant officer. Priority will be given to questions from members of the public. Questioners will have the opportunity to ask a supplementary question at the meeting and this must be relevant to the original question or answer.

10.4 Petitions

Full advice on how the Council will consider and respond to petitions is set out in the petitions scheme, Section 8, Part 3 of this Constitution.
10.5 Public notice questions and petitions at meetings

Committee and sub-committee meetings

Consideration of questions submitted under this Rule will not exceed a time period of 30 minutes unless the committee agrees by a majority to continue for a further period as determined.

Council meetings

Where a petition is presented by a member of the public or a councillor, details of the petition should be outlined briefly – just the subject matter and the number of signatures. No other speech may be made. Following the meeting, such petitions will then be referred to the relevant Executive Director for response. Responses to a petition will also be copied to the lead councillor where relevant (e.g. where a councillor has submitted the petition on behalf of a resident or the community)

Consideration of public notice questions and petitions submitted under this Rule will not exceed a time period of 15 minutes, unless Council agrees by a majority to continue for a further period as determined.

10.6 Deputations

A deputation must notify the Head of Democratic Services and Scrutiny in writing two clear days before a meeting explaining the issue which will be addressed. A deputation request must be signed by at least 20 persons living, studying, working or using services in the borough (which may include elected members).

In consultation with the Chief Whip and Chair of the sub-committee or committee concerned, the Head of Democratic Services & Scrutiny will decide to which meeting the deputation is asked to attend to raise their issue of concern. The number of deputations to each meeting shall normally be restricted to two. The deputation will be advised on the detailed arrangements once the deputation has been accepted.

At Council meetings, a maximum of six people are allowed in the deputation and a maximum of 15 minutes in total is allowed. The designated speaker is allowed three minutes to address the meeting and a further ninety seconds is permitted for a response by the relevant Cabinet Member or Chair.

At sub-committee or committee meetings, the time allocated will be at the Chair's discretion. A response will be given by the relevant Cabinet Member or Chair.
10.7 Speaking rights at sub-committees and committee meetings

Members of the community living, studying, working or using services in the borough, will normally be allowed to address any committee or sub-committee meeting held in public, although ultimately this it at the discretion of the Chair. A time limit of 3 minutes will normally apply. The Chair will also determine the number of speakers to be heard on the same issue. However, the expectation is that both the public and other interested parties must be given adequate opportunity to give their input as reports are being prepared but there will be occasions when it is right and proper that the meeting hears orally and/or in writing from the public and other interested parties at the meeting.

11. QUESTIONS BY COUNCILLORS TO COMMITTEE AND SUB-COMMITTEE MEETINGS

Councillors may submit questions to scrutiny committees and sub-committees and these should be submitted to the Head of Democratic Services & Scrutiny. The procedure to be followed will be as for public notice questions (see Rule 10.3 above), but there is no restriction on the number of questions that may be submitted by an individual councillor.

12. COUNCIL QUESTION TIME: BY COUNCILLORS

12.1 Council questions may be asked by any councillor at any ordinary meeting of the Council and put to:

- Any councillor holding an office eligible for a special responsibility allowance, or formerly in receipt of special responsibility allowance during the period of 12 months immediately preceding the meeting (except the Chairs of the regulatory committees in relation to the determination of planning or licensing matters), provided they are germane to the responsibility for which that allowance is, or was, paid;
- The Council’s nominated representatives on outside organisations other than school governing bodies, provided they are germane to that organisation’s activities, but only where that representative is a councillor;

A period of 30 minutes is set aside for Council questions at ordinary meetings. Except that should 30 minutes expire during or at the end of a supplementary question, the councillor to whom the question has been put shall have one further minute to answer that supplementary question.
12.2 The following conditions will apply:

- Questions can be submitted via email to the Head of Democratic Services and Scrutiny, no later than 12 noon, 20 clear days before the meeting (deadlines are set out on the website).

- A register of questions will be provided to the relevant councillors by the Head of Democratic Services and Scrutiny who will arrange for draft answers to be prepared for councillors’ consideration. Draft responses will usually be prepared by senior officers in relevant departments, with clearance being provided by the responsible councillor.

- Questions must be concise to enable as many of them as possible to be disposed of in the time available at the meeting. The Head of Democratic Services and Scrutiny will divide any lengthy questions into separate questions.

- Questions will be published on the agenda in the following order and otherwise in the order in which the Head of Democratic Services and Scrutiny received them:
  - one question by the opposition majority group
  - one question by the opposition minority group
  - one question by the opposition (individual and non-party member)
  - one question by the administration group

The order then reverts to:

- one question by the opposition majority group
- one question by the opposition minority group
- one question by the administration group

and so on to a maximum of 30 questions. Additionally, where councillors individually submit more than one question, then all ‘first’ questions shall be taken first, ‘second’ questions shall be taken next and so on.

- A written response will be given to the first 30 questions only. The form of the written reply shall be within the discretion of the councillor concerned.

- If a question affects more than one councillor, a combined written reply may be given by one councillor, acting on their behalf.

12.3 Scope of questions

A question or answer may be rejected if it:
• is not about a matter for which the local authority has a responsibility or which affects the borough;

• is defamatory, frivolous or offensive;

• would incur a disproportionate cost (i.e. usually in excess of £500; the relevant Executive Director (in consultation with the relevant Cabinet Member) is required to make any decision not to provide an answer on these grounds) is unduly expensive to answer;

• is essentially the same as a question which has been put at a meeting of the Council, or its committees and sub-committees in the past six months (unless, in the opinion of the relevant Executive Director, circumstances have changed substantially); and/or

• requires the disclosure of confidential or exempt information.

12.4 Record of questions

On receipt, the Head of Democratic Services and Scrutiny will enter each question in a register open to public inspection. Rejected questions will include reasons for rejection. The register will be reordered in the order they will be considered at the meeting, and circulated to the party whips and any individual and non-party member once the closing date has passed.

Copies of all questions put, and written answers to the first 30 questions, will be circulated to all councillors as part of the agenda and published on the council’s website. The minutes of that meeting will also include a brief précis of any supplementary questions and answers given at the meeting.

12.5 Asking the question at the meeting

The Chair will invite the first questioner to put one oral supplementary question to the responsible councillor. The supplementary question must arise directly out of the original question or the written reply, be brief, and constitute a question not a speech. The Chair may reject a supplementary question on any of the grounds in Rule 12.3 above. The responding councillor will provide a brief oral answer. The Chair will then invite the second questioner to put a supplementary question, and so on. If the questioner is absent when that question is reached, the Mayor will move on to the next question.

13. MOTIONS ON NOTICE AT COUNCIL MEETINGS

13.1 Notice

Except for motions which can be moved without notice under Rule 14, notices of motion must be sent by Email by the councillor (or in writing and signed) to the Democratic Services Manager:

Part 3 – Rules Governing how the Council Operates - Section 1 Council and Committees Procedure Rules (Standing Items)

Lambeth Council’s Constitution 2013-14
• For ordinary meetings: not earlier than 21 clear days or later than 12 noon, 20 clear days before the meeting. On receipt, these will be entered in a register open to public inspection. Details will be sent to the whips and any individual and non-party member by 5pm 19 clear days before the meeting.

• For extraordinary meetings: the motion calling the meeting must comply with Rule 3.1.

Each councillor may submit one motion only.

13.2 Scope

Motions must:

• Be about matters for which the Council has a responsibility or which significantly affects the area

• Be about a single issue.

Motions must not be defamatory, frivolous, offensive or otherwise out of order (as defined by the Director of Governance and Democracy).

13.3 Order of debate

Subject to the above, the Head of Democratic Services and Scrutiny shall include in the agenda, in the order in which they have been received, all notices of motion properly given, unless the submitting councillor has subsequently withdrawn it in writing. The first motion for debate is from an opposition party, and the second motion will be from the administration.

13.4 At the meeting

Motions may be referred to the Cabinet or a committee (with the consent of the mover) or discussed at a Council meeting.

All motions and amendments on the agenda will be deemed moved and seconded.

In the debate, councillors will be called to speak by the Mayor (alternating group by group in numbers based on proportionality with any individual and non-party members being included within the administration’s allocation), or be specified by procedural motion where necessary.

The first 21 motions only will be voted upon at the meeting; all other motions will be listed but fall.
13.5 Amendments to Notices of Motion

Amendments must:

- Not seek to add issues which do not strictly relate to the original motion.
- Comply with 13.2 above (scope), 15.1 (notice) and 15.6 (i) (reference to another body) or (ii) (format).

Note:

When the Director of Governance and Democracy has, pursuant to Rule 13.2, ruled out any motion or part of a motion, any amendment or part of an amendment which repeats the same words will also be ruled out.

13.6 Emergency motions

An emergency motion may be considered by any ordinary Council meeting, provided the following conditions are met:

- The motion is received by the Chief Executive by 12 noon the day before the Council meeting (for inclusion on the Order Paper).
- The motion will be considered by the Director of Governance and Democracy who will advise the Mayor whether the motion is genuinely urgent or could be considered at a later date or by another body at a later date.
- That on the advice of the Director of Governance and Democracy the Mayor concludes that the subject matter of the motion is a genuine emergency and that the issue should not be dealt with at a later date or by another body at a later date.
- That the meeting is asked to decide whether to accept the proposed emergency motion for debate in the light of the advice of the Director of Governance and Democracy and decision of the Mayor.

14. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

(a) to appoint a Chair of the meeting in the Chair’s /Vice-Chair’s absence;
(b) to change the order of business in the agenda;
(c) to refer something to an appropriate body or individual;

(d) to receive reports or adoption of recommendations of the Cabinet, committees or officers and any resolutions flowing from them;

(e) to extend the time limit for speeches;

(f) to withdraw a motion;

(g) to amend a motion;

(h) to extend the meeting for up to 30 minutes in accordance with rule 9.6 (committees only);

(i) to proceed to the next business;

(j) that the question be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) to suspend a particular council procedure rule (Council only);

(n) to exclude the public and press in accordance with the Access to Information Procedure Rules;

(o) to not hear further a councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and

(p) to bring forward the guillotine under Rules 9.1 and 9.5 but only in circumstances where a general disturbance during the meeting is so serious that the meeting is unable to conduct any further business. The provisions of Rules 9.1 and 9.7 will apply in the event that such a motion is adopted.

(q) give the consent of the Council where its consent is required by this Constitution.

15. RULES OF DEBATE

15.1 Proper notice

A motion or amendment shall not be discussed unless it is on the agenda (i.e. motions and amendments for Council meetings and motions for committee meetings). For Council meetings this includes any amendments flowing from agenda items (or report from the Chief Executive) which are submitted by Email (or in writing and signed) and submitted by 12 noon nine clear days before the meeting (for annual and ordinary Council meetings, and 9am six
clear days before the annual budget and any extraordinary Council meeting. Agenda items will be sent to the whips and any individual and non-party member by 5pm 13 clear days before the meeting.

15.2 No speeches until motion seconded

At Council meetings, all motions on the agenda or under Rule 13.6 (once the meeting has agreed to accept it) will be deemed moved and seconded.

15.3 Seconder’s speech

When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

15.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a point of order. The following speaking times will apply:

- five minutes for the proposer of a motion or amendment
- three minutes for all other speakers
- five minutes for a summation of the debate before voting (and from each political group at the annual budget debate) (speaker(s) to be nominated by relevant Whip).

15.5 When a councillor may speak again – Council meetings

At Council meetings, a councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) to give the summation of debate where nominated by the whip;

(b) by way of personal explanation. A point of personal explanation should only be raised on an exceptional basis when the issue cannot be adequately addressed in the summation of the debate (see 15.4 above); or

(c) on a point of order.

15.6 Amendments to motions

(a) An amendment to a motion must be relevant to the motion, not be in the opinion of the Director of Governance and Democracy defamatory, frivolous, offensive or otherwise out of order, and will either be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
(ii) to leave out words; and/or to add words;
as long as the effect of (ii) is not to negate the motion.

(b) If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which further amendments may be moved.

15.7 Alteration of motion

(a) A councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting’s consent will be signified without discussion.

(b) A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

15.8 Withdrawal of motion

A mover of a motion or amendment may withdraw it before it is moved. Once it is moved, withdrawal requires the consent of the Council, which is to be indicated or not without debate. If an item is withdrawn then no further discussion shall take place in connection with it unless consent for its withdrawal has been refused.

15.9 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

(i) to withdraw a motion;

(ii) to amend a motion;

(iii) closure motions (see 15.10 below).

(iv) to exclude the public and press in accordance with the Access to Information Procedure Rules and

(v) to not hear further a councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

15.10 Closure motions

A councillor may move the following motions at the end of a speech of another councillor:-
(i) to proceed to the next business. If carried, the meeting will move to the next item of business without taking a decision on the item then under discussion;

(ii) that the question be now put. If carried the Mayor/Chair shall put the original motion or amendment to the vote immediately;

(iii) to adjourn a debate until the next meeting. If carried the item then under discussion will be placed on the agenda for the next ordinary meeting;

(iv) to adjourn a meeting. If carried, the meeting will immediately adjourn until the next meeting unless an alternative date is specified;

(v) to bring forward the guillotine under Rule 9.1 and 9.5 but only in circumstances where a general disturbance during the meeting is so serious that the meeting is unable to conduct any further business. The provisions of Rule 9.1 and 9.7 will apply in the event that such a motion is adopted.

15.11 Point of order

A councillor may raise a point of order at any time, and when invited to do so by the Chair they will specify firstly the Rule of Procedure or law that they consider has been broken. Once this has been verified by the Mayor/Chair, the councillor will be invited to speak for up to one minute. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The ruling of the Chair on the matter will be final.

15.12 Motions with no debate

There shall be no debate or amendment on the following motions but the mover may give an explanation of the motion for up to one minute, after which the Chair will ask if there is any opposition to the motion and if so, invite one objecting councillor to speak for up to one minute):

- closure motions
- extending the time limit for speeches
- that these rules are suspended, amended or revoked (Council only)
- that a councillor leaves the meeting
- altering the order of business on the summons [amendments are permitted to this motion]
15.13 Committees – non-committee councillors

Councillors shall have the right of attending a meeting of any committee or sub-committee except the Appointments Committee, and its sub-committee, and the Standards (Hearings) Sub-Committee, when the press and public have been excluded. 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, unless they have a “Disclosable Pecuniary Interest” in the matter (as defined in the Members’ Code of Conduct (see Part 4 of the Constitution and Rule 4.4). 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.

16. VOTING

16.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

16.2 Chair’s casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restrictions on how the Chair chooses to exercise a casting vote.

16.3 Show of hands

Voting shall be by show of hands, except at meetings of the Licensing Sub-Committee when councillors retire to consider their decision, and Council meetings where electronic means will be used unless the Mayor decides otherwise. In the event that the Chair of the meeting is satisfied, having put the question, that no councillor present opposes the recommendation, motion or amendment, as the case may be, then no vote will be taken and the minutes will record the matter as having been agreed. A councillor may request that the names of all councillors voting or abstaining on any question are recorded in the minutes provided that such a request is made immediately before the vote is taken.

16.4 Right to require individual vote to be recorded

Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.
17. MINUTES

17.1 Signing the minutes

Minutes of meetings will be recorded in a book of loose leaf pages, consecutively numbered. The Chair will sign the minutes of a meeting at the next ordinary meeting or annual meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Once approved, the Chair will sign the minutes on the last page and initial each page. The only part of the minutes that can be discussed is their accuracy and that only by motion before they are agreed. Any such motion must be received by the Chief Executive by 12 noon the day before the meeting, unless the Chair later decides there is a need to correct a manifest error.

17.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an Extraordinary Meeting, then the next following meeting (not being an extraordinary meeting) will be treated as a suitable meeting for the purposes of signing the minutes.

17.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

18. RECORD OF ATTENDANCE

All councillors present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

19. PHOTOGRAPHY AND AUDIO/VISUAL RECORDINGS OF MEETINGS

Anyone is welcome to record meetings of the Council and its committees through any audio, visual or written methods they find appropriate providing they do not disturb the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography or intrusive camera equipment.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.
If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

20. EXCLUSION OF PUBLIC AND PRESS

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 3 of this Constitution or Rule 22 (Disturbance by Public).

21. MEMBERS’ CONDUCT

21.1 Chair's control of speakers

It is the role of the Chair to call speakers and control conduct. Members of committees and invited speakers may only address the committee when invited to do so by the Chair.

21.2 Standing to speak (Council only)

When invited by the Chair to speak at full Council, a councillor will stand (if able to do so) and address the meeting through the Chair. If more than one councillor stands, the Chair will ask one to speak and the other(s) to sit.

21.3 Chair standing

When the Chair stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

21.4 Member not to be heard further

If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

21.5 Member to leave the meeting

If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned briefly and in any event for a period not exceeding 15 minutes. If seconded, the motion will be voted on without discussion. If a motion that the councillor leave the meeting is carried, the councillor concerned is then required to do so immediately.

21.6 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for such period and/or to such place as the Chair deems appropriate so that order may be restored.

Part 3 – Rules Governing how the Council Operates - Section 1 Council and Committees Procedure Rules (Standing Items)
21.7 Adjournment

The Chair may in any case, adjourn a meeting for such a period as the Chair deems reasonable.

22. DISTURBANCE BY PUBLIC

If there are disturbances by members of the public the Chair has a number of powers including:

- To warn a particular person or order their removal from the meeting.
- To adjourn the meeting to allow order to be restored.
- To clear all or part of the public areas as necessary.
- To adjourn the meeting to another date and time or move to a new location as the Chair deems appropriate so that the business of the meeting can be concluded.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES (Council only)

23.1 Suspension

All of these Rules except Rule 16.4 and 17.2 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.

24. SUB-COMMITTEES: ESTABLISHMENT

Council Committees, with the exception of the Appointments Committee, must seek the endorsement of Council to the establishment of any Sub-Committees.

25. SEALING OF DOCUMENTS AND AUTHENTICATION

25.1 The Director of Governance and Democracy will keep the Common Seal of the Council in a safe place.

25.2 The Common Seal of the Council may be affixed on any document and attested to by the Chief Executive, Director of Governance and Democracy or Head of Legal Services or their duly authorised nominees and a record shall be kept of all documents so sealed.

25.3 The Chief Executive, Director of Governance and Democracy or other person authorised by them may authenticate any document that may be required for legal proceedings.
Section 2 – Access to Information Procedure Rules

The Access to Information Procedure Rules (“Rules”) apply to Council, committee and sub-committee meetings. Slightly different access to information rules apply to meetings of the Cabinet and its committees. (see the Cabinet Procedure Rules at Part 3, Section 2)

Decisions taken by individual members of the Cabinet will not take place in a meeting. Where the Cabinet or a committee of the Cabinet meets with officers to discuss a key decision which will be decided collectively, that meeting will be open to the public, unless exempt or confidential information would be disclosed (see rule 10 below).

In applying these Rules, due account will be taken of the presumption of openness principle of decision-making set out in the Introduction of the Constitution.

1. SCOPE

These Rules apply to all meetings of the Council and its committees and sub-committees

2. ADDITIONAL RIGHTS TO INFORMATION

These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law, including rights under the Freedom of Information Act 2000.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICE OF MEETINGS

The Council will give five clear days notice of any meeting by posting details of the meeting at Lambeth Town Hall and on the Council’s website. Where exceptionally this period of notice cannot be given, the Council will ensure that legal requirements on specifying the special urgent circumstances that apply in particular cases will be met.

The requirements on notice of meetings and provision of agendas is set out in the Council’s Procedure Rules (Rule 6) and these Access to Information Rules (Rules 5-6 below).
5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

(a) No decision shall be taken unless it is included on the agenda for that meeting and is accompanied by a report from the appropriate officer in consultation with all relevant officers.

(b) Reports will be in the agreed corporate format, and include all relevant information, including professional advice from officers including advice from the Monitoring Officer and Executive Director of Finance and Resources (where appropriate). The results of consultation will be included. Reports will also set out suggested reasons for the proposed decision or options.

(c) The Council will make copies of the agenda and reports open to the public available for inspection at Lambeth Town Hall and on the website at least five clear days before the meeting. Where exceptionally the legal requirements have not been achieved, agendas and reports will be available on the day of publication.

(d) In respect of a meeting of Cabinet, a committee of the Cabinet, or a meeting under joint arrangements in the course of the discharge of an executive function:

   (i). At least 28 clear days before a private meeting (e.g. where one or more of the reports on the agenda includes “exempt information”) a notice of the intention to hold part or all of the meeting in private must be included in the Forward Plan published on the website by Governance and Democracy and be available for inspection. The notice must state the reasons for the meeting to be held in private and advise that any representations about why the meeting should be open to the public must be received by 10 clear days before the meeting (so these can be considered by the Director of Governance and Democracy (and responded to)).

   (ii). At least 5 clear days before a private meeting a further notice of the intention to hold part or all of the meeting in private must be included in the agenda published on the website by Governance and Democracy and be available for inspection. The notice must: (a) state the reasons for the meeting to be held in private; (b) provide details of any representations received about why the meeting should be open to the public; and (c) include a statement of the Council’s response to any such representations.

   (iii). Where the date by which a private meeting must be held makes compliance with (i) and (ii) above impracticable, the meeting may only be held in private where agreement has been obtained by the Director of Governance and Democracy from the Chair of Overview & Scrutiny Committee or, in his/her absence, the Mayor, that the meeting is urgent and cannot reasonably be deferred. As soon as reasonably practicable after such agreement has been obtained, a
further notice must be published on the agenda on the website and be available for inspection, setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

(e) If the matter is confidential or exempt from publication under these Rules, then the item will not be made available to the public. However, the reporting officer will be required to ensure that a separate public report is produced containing all information that is not confidential or exempt from publication; the report containing information that is confidential or exempt from publication will therefore be as short as possible and not duplicate the public report in any way.

(f) If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

(g) In the case of items or reports which fail to meet the deadline of five clear days, the Chief Executive will need to be satisfied that (a) the item/report is genuinely urgent and (b) it cannot wait until a later meeting, and the report author will be responsible for including those reasons in the report. In these circumstances, the report will only be included on the agenda where the Chief Executive gives approval.

6. SUPPLY OF COPIES

The Council encourages the use of its website www.lambeth.gov.uk by the people of Lambeth, and copies of all the documents listed below in this paragraph will normally be published on the website. Access to the website is available at all Lambeth public libraries. The Council will also provide access at the Town Hall to:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item;

(d) to any person residing, studying or working in the borough. A charge may be levied for copying and posting.

Copies of agendas for the Council will be sent to all councillors. Copies of agendas for Cabinet and Committees will be sent to Committee Members and other councillors on request.
7. ACCESS TO MINUTES ETC AFTER THE MEETING

See Rule 19 below on the publication of the record of decisions (Minutes) for the Cabinet. The Council’s standard is to publish minutes of all other committees on the day after five clear days have elapsed. The Council will make copies of the minutes of all public meetings open to the public available on the Council website (which can be accessed via all public libraries) and for inspection at Lambeth Town Hall. The Council guarantees to make available for inspection at Lambeth Town Hall copies of the following for six years after a meeting:

(a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of Council, committees, sub-committees and the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting;

(d) reports relating to items when the meeting was open to the public; and

Minutes etc. of meetings in excess of six years ago can often also be inspected at Lambeth Town Hall or at the Lambeth Reference Library (Minet Library). In respect of officer delegated decisions the public report supporting the decision will be published on the officer decisions database five clear days before the decision is due to be taken (see Rules 13 and 17 below).

8. BACKGROUND PAPERS

8.1 List of background papers

The Chief Executive will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of a political adviser.
(c) In respect of a meeting of Cabinet, a committee of the Cabinet, or a meeting under joint arrangements in the course of the discharge of an executive function, a copy of each of the documents included in the list of background papers will be made available for public inspection at Lambeth Town Hall and published on the website along with the report.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC’S RIGHTS

These rules are the written summary of the public’s rights to attend meetings and to inspect and copy documents. They are kept at and are available to the public at Lambeth Town Hall.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from a meeting or part of a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. A decision as to whether to exclude is to be made by the meeting on the advice of officers.

10.2 Exempt information – discretion to exclude public

The public may be excluded from a meeting or part of a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Alternatively, the meeting may decide to categorise information as exempt, and therefore not to be released to the press and public, but to hold the meeting in public whilst ensuring that no exempt information is released during the debate.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the European Convention on Human Rights establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 i.e. the press and public may be excluded from all or part of a hearing in the interest of morals, public order or national security in a democratic society, where the interest of juveniles or the protection of the private life so require, or to such an extent as may be strictly necessary in special circumstances where publicity would prejudice the interests of justice.
### 10.3 Meaning of confidential information

“Confidential information” means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### 10.4 Meaning of exempt information

“Exempt information” means information falling within the following seven categories (subject to any condition or qualification):

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<th>Category</th>
<th>Condition</th>
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<tr>
<td>1. Information relating to any individual.</td>
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<tr>
<td>2. Information which is likely to reveal the identity of an individual.</td>
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| 3. Information relating to the financial or business affairs of a particular person. (Including the authority holding that information). | Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—  
   (a) the Companies Act 1985;  
   (b) the Friendly Societies Act 1974;  
   (c) the Friendly Societies Act 1992;  
   (d) the Industrial and Provident Societies Acts 1965 to 1978;  
   (e) the Building Societies Act 1986; or  
   (f) the Charities Act 1993.  
   To be exempt the information must relate to a particular third person who must be identifiable. |
<p>| 4. Information relating to any consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. | &quot;Labour relations matters&quot; are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute. |
| 5. Information in respect of which a claim to legal professional privilege could be maintained in legal |                                                                                                                                                                                                          |</p>
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<th>Category</th>
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6. Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information which—

(a) falls within any of paragraphs 1 to 7 above; and
(b) is not prevented from being exempt by virtue of the paragraph above,

is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed. Every effort will be made to ensure public access at all times. An edited version of reports marked “not for publication” will be produced for public access.

12. **APPLICATION OF RULES TO THE CABINET**

Rules 13 - 16 and 17 - 23 apply to the Cabinet and its committees. Rules 1-11 also apply whether the Cabinet or its committees meet to take a key or non-key decision, unless Rule 15 (general exception) or Rule 16 (special
urgency) apply in respect of key decisions. A key decision is as defined in the Introduction of this Constitution.

13. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

(a) it has been published in the forward plan;

(b) the decision day is at least the next working day after the effective date of the forward plan in which the proposed key decision appears for the first time; and

(c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

(e) where the decision is taken by an officer or Cabinet member under delegated powers, a copy of the report (or electronic link) has previously been provided to:

- All councillors
- Head of Democratic Services & Scrutiny

at least five clear days before the decision is to be taken. If this period of notice cannot be given, rules 15 & 16 will apply.

Officer and Member non-key decisions which are required to be included in Officer and Member Decisions (see rule 17 below) must also be pre-notified as above in para. 13(d).

When a decision is called-in (see Part 3, section 5, paragraph 22.1), the decision may be enacted immediately after the relevant scrutiny committee has met and decided either:

- To take no further action; or
- Not to recommend that the decision be not enacted, but to advise the decision-maker of issues arising from the discussion

or where the relevant scrutiny committee decides to recommend that the decision be not enacted, the decision-maker has considered the reasons given and has decided the original decision (or an amended decision) should be enacted.

14. **THE FORWARD PLAN**

14.1 **Period of forward plan**
Forward Plans will be prepared by the Director of Governance and Democracy published weekly and take immediate effect. Proposed key decisions will be included with as much notice as possible, with at least 28 clear days notice being given. However, where at least 28 clear days notice cannot be given, proposed key decisions may still be included but the urgency procedures must additionally be followed (see rules 15 and 16 below). Each edition will be published on the Council’s website, and copies will be open for inspection at Lambeth Town Hall.

14.2 Contents of forward plan

The Forward Plan will contain matters which the Director of Governance and Democracy has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual cabinet members, officers or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan.

Lambeth Council’s definition of a key decision is an executive decision that:

EITHER

1. Requires an amendment to the Community Plan Outcomes Framework or requires a recommendation to Council to amend the Budget and Policy Framework.

OR

2. Financial: Result in the local authority incurring expenditure, raising income or making of savings in excess of £500,000.

OR

3. Community Impact:

Has a significant impact on:

- communities living or working in an area comprising two or more wards in Lambeth, or
- the wellbeing of the community or the quality of service provided to a significant number of people living or working in an area, or
- Communities of interest

The Forward Plan will describe the following particulars in so far as the information is available or might reasonably be obtained:

(a) the matter in respect of which a decision is to be made;
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(b) where the decision taker is an individual, that individual's name, and title if any and, where the decision-maker is a decision-making body, its name and a list of its members;

c) the date on which, or the period within which, the decision will be taken;

(d) a list of the documents submitted to the decision taker for consideration in relation to the matter in respect of which the key decision is to be made;

(e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(f) the steps any person might take who wishes to make representations to that other documents relevant to those matters may be submitted to the decision maker; and

(g) the procedure for requesting details of those documents (if any) as they become available.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan

(b) the Director of Governance and Democracy has sent the Chair and Vice-Chair of the Overview & Scrutiny Committee (or all committee members if no Chair is in office), Head of Democratic Services & Scrutiny and Scrutiny Manager a written notice specifying the proposed decision to be made, the reason(s) why it is not possible to comply with the requirement to publish details in the Forward Plan and give at least 28 clear days notice.

(c) the Chief Executive has made copies of that notice available to the public at Lambeth Town Hall; and

(d) at least five clear days have elapsed since the Chief Executive complied with (b) and (c) above; and

Where such a decision is taken collectively, it must be taken in public.

16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 (general urgency) cannot be followed, then the decision can only be taken in very limited circumstances.

(a) On the behalf of the decision-maker, the Director of Governance and Democracy obtains the written agreement of the Chair of Overview &
Scrutiny Committee (who has the power to veto the request), that the taking of the decision cannot be reasonably deferred. In seeking this agreement, a copy will also be sent to the Vice-Chair of Overview & Scrutiny Committee, Head of Democratic Services & Scrutiny and Scrutiny Manager. If there is no Chair of the Overview & Scrutiny Committee, or if the Chair is unable to act, then the agreement of the Vice-Chair must be sought, or in his/her absence the Mayor.

The written notice seeking this agreement must specify the proposed decision to be made, the reasons for urgency and why it was not possible to give at least five clear days notice. The proposed decision and notice will be made available at the Town Hall and published on the website. A further notice will be published setting out the Chair's decision to either agree that the proposed decision can be taken, or reasons for refusal and proposed course of action.

(b) In accordance with the procedure relating to decisions in respect of which any delay likely to be caused by the call-in process would substantially prejudice the Council’s or the public’s interest, the procedures set out in paragraph 16.2 of the Scrutiny Procedure Rules (Section 5).

17. OFFICER AND INDIVIDUAL CABINET MEMBER DECISIONS:
OFFICER AND MEMBER KEY DECISIONS AND CERTAIN NON-KEY DECISIONS – PROCESS AND RECORD TO BE KEPT

In planning an officer or individual cabinet member decision, officers and cabinet members need to have regard to the advice set out in the scheme of delegation (Part 2, Section 4: see Introduction, general principles section). Officer and Cabinet Member Decisions is where officers and individual cabinet members will pre-notify and record all officer and individual cabinet member key decisions and important officer and member non-key decisions, i.e. certain decisions made under powers set out in the Scheme of Delegation. The following decisions are to be pre-notified as set out in rule 13 above and recorded:

- All officer and individual cabinet member key decisions
- All officer and individual cabinet member non-key decisions involving resources between £100,000 and £500,000.
- Other important or sensitive issues that should be subject to pre-notification in the view of the Cabinet Member or Executive Director concerned (see also Access to Information rule 17).

Such reports must comply with the requirements set out in the Access to Information rules 5(a) & (b).

Pre-notification for these key decisions and certain non-key decisions means:

A copy of the report (or electronic link) has previously been provided to:
• All councillors
• Head of Democratic Services & Scrutiny

at least five clear days before the decision is to be taken.

The decision-maker must consider any representations received before making the decision.

The decision-maker must ensure the following is reflected in the report or an addendum:

- The decision made, and date.
- The reasons.
- Any options considered and rejected.
- Any conflicts of interest (by officer or individual Cabinet Member and any Officer or Member consulted) and dispensations granted.

NB: Officers and Cabinet Members must use the Scheme of Delegation as a reference guide for the decisions which they are delegated to take and which must be included in Officer and Individual Cabinet Member Decisions in line with the above definition. Reports to be published in Officer and Individual Cabinet Member Decisions by an Officer must be subject to prior consultation with (and response from) the relevant Cabinet Member.

18. REPORT TO COUNCIL

18.1 When a scrutiny committee can require a report

If a scrutiny committee thinks that a key decision has been taken which was not:
(a) included in the Forward Plan; or
(b) the subject of the general urgency procedure; or
(c) the subject of the special urgency procedures under rule 16;

the committee may require the Cabinet to submit a report to the Council (in accordance with Rule 18.2 below) within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the committee when so requested by (the Chair or any five Members). Alternatively the requirement may be raised by resolution passed at a meeting of the Overview & Scrutiny Committee.

18.2 Cabinet’s report to Council

Unless otherwise specified by the Overview & Scrutiny Committee in accordance with Procedure Rule 18.1 above, the Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the
decision, the individual or body making the decision, and if the Leader of the Council is of the opinion that it was not a key decision the reasons for that opinion.

18.3 Quarterly reports on special urgency decisions

In any event the Leader of the Council will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

19. MINUTES - RECORD OF DECISIONS

After any meeting of the Cabinet or any of its committees, whether held in public or private, the Chief Executive will produce a record of every decision taken at that meeting as soon as practicable and in any case the day after three clear days have elapsed. The Council will make copies of the Minutes of all meetings open to the public available for inspection at Lambeth Town Hall and on the website (insert link?). The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

20. MEMBERS OF SCRUTINY COMMITTEES: ACCESS TO DOCUMENTS

20.1 Rights to copies

Subject to Rule 20.2 below, members of scrutiny committees will be entitled to copies of any document:

- In the possession or control of the Cabinet or its committees and which contains material relating to any business transacted at a public or private meeting of the Cabinet (or its committees).
- Related to officer and individual cabinet member executive decisions.
  Such documents must be provided as soon as practicable, and no later than 10 clear days after the request is received.

20.2 Limit on rights

A scrutiny member will not be entitled to:

(a) any document that is in draft form

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision that that member is reviewing or scrutinising or any review contained in any programme of work of a scrutiny committee; or

(c) a document or part of a document containing advice provided by a political adviser.
If a request for a document, or part of a document, made under paragraph 20.1 is refused, a written statement setting out the reason for refusal of access must be provided.

21. ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

21.1 Material relating to previous business

All councillors will be entitled to inspect any document which is:

(a) Either in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless either (i) or (ii) below applies.

(b) Or any decision made by an individual member in accordance with executive arrangements.

(c) Or relates to a decision logged in Officer and Individual Cabinet Member Decisions

Unless either (i) or (ii) below applies:

(i) it contains exempt information falling within paragraphs 1 to 2, 4-5 and 7 of the categories of exempt information; or

(ii) it contains the advice of a political adviser.

Such documents must be made available for inspection within 24 hours of the meeting or decision being made.

21.2 Material relating to key decisions

All councillors will be entitled to inspect any document (except those available only in draft form) as described in 21.1 above.

21.3 Nature of rights

These rights of a councillor are additional to any other common law rights he/she may have.

22. CONFIDENTIALITY

All agendas, reports and other documents and proceedings of committees and sub-committees shall be treated as confidential and shall not be disclosed unless and until they become public in the ordinary course of the Council's business.

23. MEANING OF “CLEAR DAYS”, “WORKING DAYS” AND “DAYS”

Various references are made in the Constitution to these terms, which mean:
Where notice in excess of five clear days would elapse:

“clear days” includes Saturdays, Sundays and Bank Holidays, but not the day of the notice or other event from which the calculation of time begins and the day of the meeting, deadline or other event to which the calculation of time relates.

Where five clear days only would elapse:

“clear days” does not include Saturdays, Sundays and Bank Holidays and also the day of the notice or other event from which the calculation of time begins and the day of the meeting, deadline or other event to which the calculation of time relates;

“working days” does not include Saturdays, Sundays and Bank Holidays;

“days” means consecutive days, regardless of any intervening Saturday, Sunday or Bank Holiday
Section 3 – Budget and Policy Framework Procedure Rules

1. The framework for executive decisions
The Council will be responsible for the adoption of its budget and policy framework as set out in the Introduction to the Constitution. The Council is required to incorporate within these Budget and Policy Framework Procedure Rules (“Rules”) a mechanism for resolving disputes between the Cabinet and full Council when setting the budget and policy framework. In effect, such a mechanism is a power for the Leader to delay a decision of the full Council for a short time and to ask the Council to reconsider the issue. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

(a) The Cabinet will publicise in the Forward Plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. Any representations made to the Cabinet shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where a scrutiny committee or sub-committee has carried out a review of policy, then the outcome of that review will be reported to the Cabinet and considered in the preparation of initial proposals.

(b) The Cabinet’s initial proposals shall be referred to the relevant scrutiny committee or sub-committee for further advice and consideration. The proposals will be referred by sending a copy to the Chief Executive who will forward them to all Members of the relevant scrutiny committee or sub-committee. That scrutiny committee or sub-committee shall report to the Cabinet on the outcome of its deliberations and shall have six weeks to respond to the initial proposals of the Cabinet unless the Cabinet considers that there are special factors that make this time-scale inappropriate. If it does, it will inform the scrutiny committee or sub-committee of the time for response when the proposals are referred to it.

(c) Having considered the report of the scrutiny committee or sub-committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the full Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the scrutiny committee or sub-committee.
(d) In reaching a decision, the Council may adopt the Cabinet’s proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.

(e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

(f) The decision will be publicised and a copy shall be given to the Leader (see table in para. 8 below).

(g) An in-principle decision will automatically become effective 5 clear days from the date of the Council’s decision, unless the Leader informs the Chief Executive in writing within that period that he/she objects to the decision becoming effective and provides reasons why.

(h) In that case, the Chief Executive will call a Council meeting within a further 5 clear days. At that meeting, the Council will be required to reconsider its decision and the Leader’s written submission and the Council may:

i) approve the Cabinet’s recommendation by a simple majority of votes cast at the meeting; or

ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.

(i) The decision shall then be made public, and shall be implemented immediately.

(j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with Rules 5 and 6 (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

(a) Subject to Rule 5 (virement) the Cabinet, committees of the Cabinet, individual Cabinet Members (if so empowered) and any officers, or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to Rule below.

(b) If the Cabinet, committees of the Cabinet, individual Cabinet Members (if so empowered) and any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Executive Director of
Finance and Resources or their nominated deputies as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers or their nominated deputies is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case Rule 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

(a) The Cabinet, a committee of the Cabinet, an individual Cabinet Member (if so empowered) or officers, or joint arrangements discharging executive functions may take a decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

   i) if it is not practical to convene a quorate meeting of the full Council; and

   ii) if the Chair of the Overview & Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the Overview & Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of Overview & Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

(a) Details of virement limits for the Cabinet and for officers exercising delegated powers are set out in the Scheme of Delegation and Financial Regulations. These are summarised in (b) below.

(b) Steps taken by the Cabinet, a committee of the Cabinet an individual Member of the Cabinet (if so empowered) or officers, or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads up to a maximum of £500,000 per year in aggregate, subject to any constraints agreed by Council. Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council.
(c) The foregoing virement rules do not apply to the exercise of the following delegated powers by the Executive Director of Finance and Resources, in consultation with the Cabinet Member for Finance and Resources:

(i) Where, following decisions which have been taken at the Council’s annual budget setting meeting to set aside contingent sums in Special Items, these sums are released to Service budgets; and

(ii) The appropriation of resources from Reserves or Provisions.

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet an individual Cabinet Member (if so empowered) or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

(a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
(b) necessary to ensure compliance with the law, ministerial direction or government guidance;
(c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration; or
(d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

7. Call-in of decisions outside the budget or policy framework

(a) Where a scrutiny committee or sub-committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council’s budget, then it shall seek advice from the Monitoring Officer and/or the Executive Director of Finance and Resources or their nominated deputies.

(b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or the Executive Director of Finance and Resource's report shall be to the Cabinet with a copy to every councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report to Council in the event that the Monitoring Officer or the Executive Director of Finance and Resources conclude that the decision was a departure, and to the scrutiny committee or
sub-committee if the Monitoring Officer or the Executive Director of Finance and Resources conclude that the decision was not a departure.

c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Executive Director of Finance and Resources is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview & Scrutiny Committee or Sub-Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the scrutiny committee or sub-committee or within such shorter period as may be determined by the Monitoring Officer or the Executive Director of Finance and Resources. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Executive Director of Finance and Resources. The Council may either:

i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

ii) amend the Council’s Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Executive Director of Finance and Resources.

8 Summary of Plans and Strategies approved by Council and Cabinet

The following table lists all the Council’s Budget and Policy Framework strategies (in bold) and other key plans and strategies and lists the body responsible for agreeing them. The continuation of those policies which form part of the Council’s Budgetary and Policy Framework will be confirmed by Council on an agreed cycle. Work is currently underway to develop a more detailed policy framework linked to the outcomes set out in the Council’s
Community Plan, and a process for policy creation and review. Once this is in place it is proposed that in the event of a change of political administration some of these policies as specified below will automatically lapse unless they are formally readopted by the new administration and new policies will be developed by Cabinet to replace those that have lapsed for formal approval by Council as and when appropriate.

**Note – Scrutiny oversight**
It should be noted that Overview and Scrutiny has the right to review a draft of all strategies that form the Council’s Budget and Policy Framework before they are submitted for approval.
### Plans and strategies

Note: the plans and strategies in bold are included in the Budget and Policy framework – see Part 3, Section 3, para. 2.(b), which requires the initial proposals of these plans and strategies to be referred to the relevant scrutiny committee or sub-committee for further advice and consideration.

<table>
<thead>
<tr>
<th>Plans and strategies</th>
<th>Dept.</th>
<th>To be approved by Cabinet: (Core plans and strategies that do not form part of the Council’s budgetary and policy framework)</th>
<th>To normally be discussed by Cabinet and recommended for approval to Council: (Core plans and strategies that do form part of the Council’s budgetary and policy framework)</th>
<th>To be approved by Council: (Core plans and strategies that do form part of the Council’s budgetary and policy framework)</th>
</tr>
</thead>
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<tr>
<td><strong>Budget</strong></td>
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<tr>
<td>Dept.</td>
<td>FR</td>
<td>√</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Carbon Management Plan</td>
<td>HRE</td>
<td>√ 14 June 2011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Duty revoked from October 2010)</td>
<td>CYPS</td>
<td>√ 14 June 2011</td>
<td></td>
<td></td>
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<tr>
<td>Child Poverty Reduction Strategy 2011-14</td>
<td>CYPS</td>
<td>√ July 2011</td>
<td></td>
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<tr>
<td>Co-operative Council Corporate Plan incorporating the Single Equality Strategy</td>
<td>OCE</td>
<td>√ 13 February 2012</td>
<td></td>
<td></td>
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<tr>
<td>Corporate Parenting Strategy</td>
<td>CYPS</td>
<td>√ 13 February 2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Culture Commissioning Strategy</td>
<td>ACS</td>
<td>√ 13 February 2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Development Plan Documents as and when required by section 15 of the Planning and</strong></td>
<td>HRE</td>
<td>√ 13 February 2012</td>
<td>√ 13 February 2012</td>
<td>√ 13 February 2012</td>
</tr>
<tr>
<td>Compulsory Purchase Act 2004</td>
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<td>Development Plan Documents: all other Local Development Documents, within the meaning</td>
<td>HRE</td>
<td>√ 13 February 2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of section 17 of the 2004 Act</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Economic Development Strategy</td>
<td>HRE</td>
<td>√ 13 February 2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plans and strategies</td>
<td>Dept.</td>
<td>To be approved by Cabinet:</td>
<td>To normally be discussed by Cabinet and recommended for approval to Council:</td>
<td>To be approved by Council:</td>
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<tr>
<td>Housing Strategy</td>
<td>HRE</td>
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<td></td>
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<tr>
<td>Development Plan Documents: all other Local Development Documents, within the meaning of section 17 of the 2004 Act</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic Development Strategy</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Strategy</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>ICT strategy</td>
<td>FR</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Integrated Property Asset Management and Financial Planning Framework</td>
<td>HRE</td>
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<tr>
<td>Local Development Documents within the meaning of section 17 of the Planning and Compulsory Purchase Act 2004</td>
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<td></td>
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<tr>
<td>Local Development Framework (i.e. Plans and Strategies which together comprise the LDF)</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td>Approved January 2011</td>
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<td>Local Development Framework – Development Management Plan</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td>✓</td>
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<tr>
<td>Local Development Framework – Site Allocations Development Plan</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td>✓</td>
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<tr>
<td>Local Development Framework – Brixton Supplementary Planning Document</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Plans and strategies</td>
<td>Dept.</td>
<td>To be approved by Cabinet:</td>
<td>To normally be discussed by Cabinet and recommended for approval to Council:</td>
<td>To be approved by Council:</td>
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</tr>
<tr>
<td>Local Development Framework – Vauxhall Supplementary Planning Document</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Organisational Development Plan</td>
<td>OCE</td>
<td>✓</td>
<td></td>
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</tr>
<tr>
<td>Safer Lambeth Partnership Plan 2011-12</td>
<td>ACS</td>
<td>✓</td>
<td></td>
<td>✓ Approved: 9 November 2011</td>
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<tr>
<td>Section 106 Supplementary Planning Document</td>
<td>HRE</td>
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<td>Strategic Plan for the Lambeth Safeguarding Children Board 2008-2011</td>
<td>CYPS</td>
<td>✓</td>
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</tr>
<tr>
<td>Transport Local Implementation Plan</td>
<td>HRE</td>
<td>✓ (Approved June 2011)</td>
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<tr>
<td>Statement of Licensing Policy required by section 5 of the Licensing Act 2003</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td>✓ Approved January 2008</td>
</tr>
<tr>
<td>Sustainable Community Strategy</td>
<td>OCE</td>
<td>✓</td>
<td></td>
<td>✓ Approved July 2008</td>
</tr>
<tr>
<td>Waste Management Strategy</td>
<td>HRE</td>
<td>✓</td>
<td></td>
<td>✓ Approved November 2006</td>
</tr>
<tr>
<td>Youth Justice Strategic Plan and Capacity and Capability Assessment</td>
<td>CYPS</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section 4 – Cabinet Procedure Rules

1. HOW DOES THE CABINET OPERATE?

1.1 Who may make Cabinet decisions?

The arrangements for the discharge of executive functions is set out in Part 2 of this Constitution. Executive functions may be discharged by:

(i) the Cabinet as a whole;
(ii) a committee of the Cabinet;
(iii) a Cabinet member;
(iv) an officer;
(v) joint arrangements; or
(vi) another local authority.

1.2 Delegation by the Leader

In addition to the individual decision-making powers that the Leader has delegated to individual Cabinet Members they also have responsibility for overseeing individual portfolios as follows:

Cabinet Members
The table on the next page lists the current Cabinet Members and their portfolios:
<table>
<thead>
<tr>
<th>Portfolio title and Councillor name</th>
<th>Responsibilities include</th>
<th>Scrutiny</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leader of the Council</td>
<td>Overall political responsibility for the council; partnerships; external relations including the Government, GLA and other local authorities. Responsibility for driving the borough’s growth and regeneration agenda, specifically leading on Vauxhall and Waterloo. Responsibility for the cooperative council transformation; ensuring community innovation and resilience is delivered. Responsibility for council communications.</td>
<td>Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Lib Peck</td>
<td></td>
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</tr>
<tr>
<td>Deputy Leader of the Council</td>
<td>Deputises for the Leader of the Council. Works with the Leader on the growth agenda and has specific responsibility for economic development, business, jobs, skills and employment and local economic recovery. Supports the cooperative council transformation; and is responsible for emergency planning.</td>
<td>Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Jackie Meldrum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children and Families</td>
<td>Outcome: to improve opportunity for children and young people through excellent education provision and youth services; and to look after and protect our most vulnerable young people. Responsibility for schools; youth services; early years; children’s social care; safeguarding children; children in care; children with learning disabilities; youth offending service; Young &amp; Safe; troubled families; family interventions.</td>
<td>Children &amp; Young People’s Service Scrutiny Sub-Committee</td>
</tr>
<tr>
<td>Rachel Heywood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Culture and Leisure Sally Prentice</td>
<td>Outcome: to develop and promote an excellent cultural offer open to all communities and to improve Lambeth’s leisure facilities, libraries and parks. To deliver better parks and green spaces; to deliver key projects including new leisure centres at Norwood and Streatham; and to ensure the delivery of our</td>
<td>Environment &amp; Community Safety Scrutiny Sub-Committee</td>
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<tr>
<td>Portfolio title and Councillor name</td>
<td>Responsibilities include</td>
<td>Scrutiny</td>
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</table>
| Imogen Walker                    | cooperative council libraries.  
To develop relations with key cultural partners including the South Bank.               | Committee                                    |
| Imogen Walker                    | Environment and Sustainability                                                           | Environment & Community Safety Scrutiny Sub-Committee |
| Lorna Campbell                   | Outcome: to ensure cleaner and greener neighbourhoods for Lambeth.  
Responsibility for environmental services including street and road care and repair; refuse and waste collection; public realm; recycling and parking.  
Responsibility for energy, food and sustainability; cycling and road safety. | Overview & Scrutiny Committee  
Environment & Community Safety Scrutiny Sub-Committee (Hubs) |
| Lorna Campbell                   | Outcome: to develop cohesive and resilient communities which celebrate Lambeth’s diversity.  
Responsibility for equality impact assessments; developing innovative ways of communicating with new communities; faith groups.  
Responsibility for community hubs and the Community Leadership Network and welfare reform mitigation (jointly with Councillor Paul McGlone). | Overview & Scrutiny Committee  
Environment & Community Safety Scrutiny Sub-Committee (Hubs) |
| Paul McGlone                     | Finance and Resources                                                                      | Finance Scrutiny Sub-Committee  
Overview & Scrutiny (HR functions) |
| Paul McGlone                     | Outcome: To deliver a financial strategy that enables our political priorities and delivers value for money.  
Responsible for the corporate resources; capital programme and asset management; performance and service improvement.  
Responsible for democratic services; accommodation strategy; facilities management; human resources; trade union relations; welfare reform mitigation (jointly with Councillor Lorna Campbell). | Finance Scrutiny Sub-Committee  
Overview & Scrutiny (HR functions) |
|                                 | Health and Wellbeing                                                                       | Health & Adult Services Scrutiny Sub- |
|                                 | Outcome: to deliver a strategic vision for health and wellbeing for all our citizens and in particular to protect our most vulnerable adults.  
Responsible for public health; adult care services; adults with learning |                               |
<table>
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<tr>
<th>Portfolio title and Councillor name</th>
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<tr>
<td>Jim Dickson</td>
<td>disabilities; older people’s services; supporting people; rough sleeping services; carers; residential care; voluntary sector; disabilities; mental health; people with or affected by HIV or AIDS; careline; sheltered housing support. To develop relations with key health partners including hospital trusts and NHS Lambeth.</td>
<td>Committee</td>
</tr>
</tbody>
</table>
| Housing and Regeneration Pete Robbins | Outcome: To shape an integrated housing, planning and regeneration strategy for the borough and to deliver improved housing management and specific regeneration projects. Responsibility for strategic transport, regeneration and planning policy and regeneration including building control. Responsibility for housing management and relationships with Lambeth Living, TMOs, RSLs and private sector; homelessness; HRA; rent & service charges. | Housing Scrutiny Sub-Committee (Housing)  
Overview & Scrutiny Committee (Regeneration) |
<p>| Safer and Stronger Neighbourhoods Jack Hopkins | Outcome: to develop safer and engaged neighbourhoods. Responsibility for delivering a public protection model which involves community safety agenda including policing, domestic violence; drugs &amp; alcohol; licensing; violent crime; trading standards; customer access; service standards. Responsibility for delivering our cooperative model for better neighbourhoods through innovative communications and through the Neighbourhood Enhancement programme. | Environment &amp; Community Safety Scrutiny Sub-Committee |
| Portfolio title and Councillor name | Responsibilities include                                                                                                                                                                                                 | Scrutiny                                      |
| Leader of the Overall political responsibility for the council; partnerships; external relations |                                                                                                                                   | Overview &amp; Scrutiny  |</p>
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<tr>
<td>Council</td>
<td>including the Government, GLA and other local authorities. Responsibility for driving the borough’s growth and regeneration agenda, specifically leading on Vauxhall and Waterloo. Responsibility for the cooperative council transformation; ensuring community innovation and resilience is delivered. Responsibility for council communications.</td>
<td>Committee</td>
</tr>
<tr>
<td>Deputy Leader of the Council</td>
<td>Deputises for the Leader of the Council. Works with the Leader on the growth agenda and has specific responsibility for economic development, business, jobs, skills and employment and local economic recovery. Supports the cooperative council transformation; and is responsible for emergency planning.</td>
<td>Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Children and Families</td>
<td>Outcome: to improve opportunity for children and young people through excellent education provision and youth services; and to look after and protect our most vulnerable young people. Responsibility for schools; youth services; early years; children’s social care; safeguarding children; children in care; children with learning disabilities; youth offending service; Young &amp; Safe; troubled families; family interventions.</td>
<td>Children &amp; Young People’s Service Scrutiny Sub-Committee</td>
</tr>
<tr>
<td>Culture and Leisure</td>
<td>Outcome: to develop and promote an excellent cultural offer open to all communities and to improve Lambeth’s leisure facilities, libraries and parks. To deliver better parks and green spaces; to deliver key projects including new leisure centres at Norwood and Streatham; and to ensure the delivery of our cooperative council libraries.</td>
<td>Environment &amp; Community Safety Scrutiny Sub-Committee</td>
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<tr>
<td>Portfolio title and Councillor name</td>
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<td>Paul McGlone</td>
<td></td>
<td>Overview &amp; Scrutiny (HR functions)</td>
</tr>
<tr>
<td>Health and Wellbeing</td>
<td>Outcome: to deliver a strategic vision for health and well being for all our citizens and in particular to protect our most vulnerable adults. Responsible for public health; adult care services; adults with learning disabilities; older people’s services; supporting people; rough sleeping services;</td>
<td>Health &amp; Adult Services Scrutiny Sub-Committee</td>
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<td>Jim Dickson</td>
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| Safer and Stronger Neighbourhoods Jack Hopkins | Outcome: to develop safer and engaged neighbourhoods.  
Responsibility for delivering a public protection model which involves community safety agenda including policing, domestic violence; drugs & alcohol; licensing; violent crime; trading standards; customer access; service standards.  
Responsibility for delivering our cooperative model for better neighbourhoods through innovative communications and through the Neighbourhood Enhancement programme. | Environment & Community Safety Scrutiny Sub-Committee                                                                                       |

*These are the principle responsibilities of the Cabinet Members. The Leader of the Council may delegate others to them. The Deputy Leader acts on behalf of the Leader in his/her absence.*
The Cabinet must ensure it meets the following objectives:

- To advise and guide the Chief Executive and officers on matters of policy and priorities.
- To monitor the performance of the Council and recommend the targets and standards of performance to be achieved.
- To oversee the policy development process of the Council and ensure that full and proper consultation occurs on policy proposals.
- To make recommendations to the Council on matters of policy and performance.

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council’s Scheme of Delegation at Part 2 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

i) Subject to paragraph (iv) below the names of the Councillors appointed to the Cabinet by the Leader and their individual portfolios;

ii) The extent of any decision making authority delegated to
   (a) Cabinet Members individually, including details of the limitation on their authority;
   (b) Wholly to other authorities
   (c) Any joint arrangements with other authorities and any related appointments to committees
   (d) Officers, including the title of the officer and the limits to their authority.

iii) The terms of reference and constitution of any Cabinet committees, working groups and panels that the Leader appoints and the names of Cabinet Members appointed to them;

iv) The Chief Executive is authorised to make, with the agreement of the Leader, any changes to the membership of the Cabinet and/or to the portfolios of Cabinet Members as set out in these Rules. All such changes are to be reported to the next scheduled Council meeting.

1.3 Sub-Delegation of Cabinet Functions

(a) Where the Cabinet or a committee of the Cabinet is responsible for an executive function, they may delegate further to, an individual Cabinet Member, joint arrangements or an officer.

(b) Subject to the Leader notifying Council, the Cabinet may delegate further to an individual Cabinet Member, committee of the Cabinet or an officer.

(c) Subject to the Leader notifying Council, a committee of the Cabinet to whom functions have been delegated may delegate further to an officer.

(d) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who had originally delegated them.
Part 3 – Procedure Rules – Section 4 Cabinet Procedure Rules

(e) Where executive functions are to be undertaken by a committee of the Cabinet, that committee may only consist of Cabinet Members. As an alternative, the Cabinet may establish an advisory panel, which can include non-Cabinet Members and co-opted members, to investigate and make recommendations to the Cabinet, or monitor progress on a particular issue and advise officers.

1.4 The Council’s scheme of delegation and executive functions

(a) With the exception of delegating Cabinet functions in (b) below the Council’s Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in the Introduction to this Constitution (responsibility for executive functions).

(b) Following any decision by the Leader to delegate executive functions in accordance with Rule 1.2 above, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Director of Governance and Democracy so that the necessary report to the Council to give notice of the changes can be prepared, and also to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The Director of Governance and Democracy will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its Chair.

1.5 Conflicts of Interest

1.5.1 Where the Leader, Cabinet or any other body or individual making executive decisions has a conflict of interest this will be dealt with as set out in the Council’s Code of Conduct for Members.

1.5.2 Where any Cabinet Member has a Disclosable Pecuniary Interest (as defined in the Members’ Code of Conduct) in any matter to be considered at a meeting of the Cabinet or a committee of the Cabinet, they must withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter unless a dispensation has been obtained from the Monitoring Officer.

1.6 Cabinet meetings – when and where?

The Cabinet will meet as set out in the Council’s programme of meetings and otherwise as decided by the Leader. The Leader may cancel meetings before they have been summoned. The Cabinet will usually meet at Lambeth Town Hall but may meet at another location agreed by the Leader.
1.7 Public or private meetings of the Cabinet?

(a) Cabinet meetings will be held in public whenever the Cabinet is taking decisions or is discussing a matter which is due to be decided within the next 28 days and there is an officer present. These meetings will be governed by the Access to Information Procedure Rules.

(b) Cabinet Members may meet as the Leader’s Team in private in order to have early collective discussions on a wide range of options in relation to policy and/or budget matters. It will be for the Leader to determine on each occasion who may attend these meetings.

(c) Cabinet Members will also meet as the Corporate Team with the Council’s Strategic Board. These meetings will be held in private in order to have early collective discussions on a wide range of options in relation to policy and/or budget matters. It will be for the Leader and Chief Executive to determine on each occasion who may attend these meetings.

1.8 Quorum

The quorum for a meeting of the Cabinet shall be 3. If a Committee of the Cabinet is established its quorum must be set out.

1.9 How are decisions to be taken by the Cabinet?

(a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules

(b) Committees of the Cabinet taking delegated decisions must operate to the same decision making rules as Cabinet.

2. HOW ARE THE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will chair the meeting. In his/her absence, then the Deputy Leader will act as Chair; if he/she is absent then a person appointed to do so by those present shall preside.

2.2 Who may attend?

2.2.1 Subject to Rule 1.7 above, councillors shall have the right to attend a meeting of the Cabinet or its committees. Any councillor attending under this provision shall be allowed to speak when matters which clearly and specifically concern the ward they represent are under discussion. Requests to speak on other items will be decided in accordance with Rule 2.2.2 below.
2.2.2 The Chair will determine whether any councillor, member of the public or other interested parties should be allowed to address the meeting on issues on the agenda. Such requests should be made to the Head of Democratic Services & Scrutiny by the day before the meeting. Speakers should ideally be on behalf of a number of people or a specific group. The Chair will specify the length of time for any such address (usually three minutes), and, where a number of people wish to speak on the same issue, the number of contributions to be heard. The Cabinet’s expectation is that interested parties had been given adequate opportunity to give their input as reports were being prepared (e.g. through the item appearing in the Forward Plan), but there will be occasions when it is right and proper that the Cabinet hears orally and/or in writing from the public and other interested parties at the meeting (see also Rule 2.5 below).

2.3 Procedure

2.3.1 The Leader will decide upon the schedule for the meetings of the Cabinet.

2.3.2 The Chief Executive will give notice to the public of the date, time and place of any meeting of the Cabinet or its Committees in accordance with the Access to Information Procedure Rules. At least five clear days before the meeting, the Chief Executive will send a summons via electronic means. Copies of agendas will be sent to Committee Members and other Members on request.

2.3.3 The Cabinet Member 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 Cabinet committee meetings, references to the Chair also include the Chair of committees.

2.3.4 The Cabinet endeavours to make decisions by consensus; otherwise decisions will be taken by a show of hands where necessary.

2.3.5 Meetings of the Cabinet and its Committees shall last for up to two hours from the time the meeting was due to commence (including any period of adjournment). At the expiry of this period, the Chair shall put all outstanding business to the meeting without further debate, unless the Cabinet/Committee agrees by majority to continue the meeting for a further period of up to an hour. The remaining business shall then be put to the vote by a show of hands without further debate.

2.3.6 Anyone is welcome to record meetings of the Cabinet and its committees through any audio, visual or written methods they find appropriate providing they do not disturb the conduct of the meeting.
The Chair of the meeting will have the power to rescind this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography or intrusive camera equipment.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

2.4 What business?

At each meeting of the Cabinet the following business will be conducted:

(i) declarations of interest, if any;
(ii) consideration of the minutes of the last meeting;
(iii) Matters and Reports requested (see Rule 2.5 below)
(iv) Any other matters as set out in the agenda

2.5 How do items get onto the agenda?

Reports and matters can be added to a Cabinet agenda by:

(i) Subject to proper notice being possible, at the request of the Leader or any Cabinet Member.
(ii) Overview and Scrutiny, its sub-committees and any other Council committee.
(iii) The Monitoring Officer and/or the Executive Director of Finance and Resources may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties.
(iv) In other circumstances, where any two of the Chief Executive, Executive Director of Finance and Resources and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then they are entitled to call a meeting to consider the item.

All reports shall indicate if they are key decisions in accordance with the Access to Information Procedure rules set out in part 3 of this Constitution.

2.6 Consultation

All reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the budget and policy framework must contain details of the nature
and extent of citizens and interested parties involvement, including consultation and coproduction, where relevant, and the Overview & Scrutiny Committee and/or the relevant scrutiny sub-committee(s), and the outcome of that engagement. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.7 Implementing Cabinet Decisions

In order to allow for call in, no key executive decision (or key executive decision by an officer) can be implemented until 5 clear days after the decision has been published unless it is urgent under Rule 16 of the Access to Information Procedure Rules.

2.8 Reporting Arrangements

2.8.1 Cabinet will report such business to Council as it may be required by law to do so or it deems necessary (including the Council’s budget and policy framework). The report will include such information as is necessary for the Council to take decisions on any matters.

2.8.2 Committees and Panels of the Cabinet will report their business to the Cabinet as necessary.
Section 5 – Health and Wellbeing Board: Procedures Rules

The status, terms of reference, constitution and membership of the Health and Wellbeing Board are set out in Part 2, Section 2 of this Constitution.

1. Membership

4.2 Each constituent organisation will notify the Head of Democratic Services and Scrutiny in writing of its nominated representative and one substitute member. The names of members and substitute members will be published on the Council’s website. In order to ensure continuity, it is expected that the nominated representative will serve for at least one year, with no maximum length of service. In-year changes may however be made; no membership change may be made after noon on the day of a Board meeting.

4.3 The appointed substitute member will have all the powers and duties of the substituted member (including voting – see para. 10.12 below).

4.4 Members of the Board shall be expected to participate fully in the business of Board to achieve the Board’s terms of reference as set out in Part 2, Section 2 of this Constitution. As such the constituent members’ appointed representatives should:

(a) Be of sufficient seniority and authority within their organisation to enable them to contribute to the Board in a significant way.

(b) Understand they are accountable to their own host organisation, and need to operate under an appropriate mandate to act for them, i.e. to represent the policies or view of their organisation where relevant, rather than any personal view.

(c) Provide information, data and consultation material to the Board as appropriate to inform discussions and decisions.

(d) Ensure they read all agenda papers prior to the meeting so they can make an informed contribution to discussions and decisions.

(e) Ensure that the policies and decisions of the Board are widely disseminated within their organisation and cascaded to staff/councillors as appropriate.

(f) Sign up to the highest standards of conduct in their HWB activity to maintain the credibility and integrity of the Board.
4.5 In particular, it is the Board’s expectation that all Board members will:

(a) Promote the activity of the Board.

(b) Help identify resources to implement and realise the functions of the Board.

(c) Pledge themselves to take decisions reflecting their best assessment of the option(s) which maximises overall benefits to the Board, rather than merely seeking to assess benefits or disbenefits to their own particular employing/nominating organisation alone.

(d) Add value to, contribute to and advise the Board.

(e) Act in a business-like manner.

(f) Recognise and respect the intellectual property rights of individual constituent organisations and those organisations represented on the Board.

(g) Give up their time free of charge; no allowances or expenses are paid.

5. Key relationships

5.1 HWB to Lambeth’s Children’s Trust Board (CTB):

- The CTB is accountable to the HWB for the actions it takes forward to improve the health and wellbeing of children, young people and families.
- To ensure full coordination between these two groups the Chair of the CTB (the Cabinet Member for Children and Families) is a Vice-Chair of the HWB.
- The primary focus of the CTB is early intervention to improve outcomes for children, young people and families - it leads this work on behalf of the HWB.
- The CTB also provides leadership to fully engage those organisations that primarily focus on children and young people in shaping and delivering Lambeth’s joint health and wellbeing strategy, including schools.
- The CTB includes Clinical Commissioning Group membership to ensure the full involvement of the NHS in its work.

5.2 HWB to the Lambeth Council’s Health & Adult Services Scrutiny Sub-Committee:

5.2.1 The local authority scrutiny function has the specific and crucial role of acting as a ‘critical friend’, providing constructive challenge to decision makers and holding them to account for the decisions they make, the
basis on which they make them and the outcomes that result. How health overview and scrutiny might interface with the HWB, and how scrutiny of the HWB in its final form will work in practice, will be developed over the course of the shadow year but key areas for scrutiny activity are likely to include:

- Contributing to and providing challenge to the HWB strategy, priorities and action plans.
- Contributing to and commenting on future iterations of the Joint Strategic Needs Assessment.
- Scrutinising the extent to which agencies are working together to ensure that implementation of action plans are delivering on outcomes.
- Ensuring that the HWB decisions are informed by the views and experiences of local residents and users of services.
- Providing the challenge to test the co-ordination of health and social care.
- Taking an objective overview of service re-configurations.

5.3 HWB to the Lambeth Clinical Commissioning Group (LCCG):

5.3.1 The Lambeth Clinical Commissioning Group (LCCG) has taken over from the Lambeth Primary Care Trust as the main local commissioner of NHS care, and the Lambeth Clinical Commissioning Collaborative Board manages the LCCG.

- The LCCG is a statutory partner on the HWB (see Part 2, Section 2 of this Constitution for its representation on the board). The LCCG has an equal duty with the local authority to undertake a Joint Strategic Needs Assessment (JSNA) and produce a Joint Health and Wellbeing Strategy (JHWS) through the HWB, and to have regard to both in the planning and delivery of all of its functions.
- Whilst the LCCG is not be directly accountable to the HWB it does have a duty to involve the HWB in the development of its annual commissioning plan; with the HWB being required to provide an annual statement to the Head of Democratic Services and Scrutiny of State as to whether the LCCG’s plan has due regard to the local JSNA and JHWS.

6. Making the Board accessible
6.1 The aim of the Board is to make its business accessible to all members of the community and partners with special needs. Accessibility will be achieved in the following ways:

(a) Ensuring adequate physical access to Board meetings.
(b) Providing signers, interpreters or other specialist support within existing resources, on request to the Head of Democratic Services and Scrutiny.
(c) Ensuring that all agenda papers are available five clear days before the meeting (see also para. 9 below). Documents may be translated or produced in Braille etc. as far as possible within existing resources, on request to the Head of Democratic Services and Scrutiny.
(d) Including a work programme of planned future work on each ordinary meeting agenda.
(e) Reports and presentations are in a style that is accessible to the wider community, and of a suitable length, so that their content can be easily understood (see also para. 9 below).
(f) Enabling the recording of meetings (see para. 10.6-10.8 below).

6.2 All meetings will be open to the press and public, unless the voting members decide by resolution to exclude the press and public from part of the meeting – see Council Constitution, Part 2, Section 2. See para. 9 below on the publication arrangements for agendas and minutes.

6.3 HWB will welcome public involvement through the submission of public notice questions on the work of the HWB (see para. 3.4 below on detailed arrangements). The Head of Democratic Services and Scrutiny will refer deputation requests and petitions to the Council. The HWB will respond to petitions and deputations on request from the Council.

6.4 Public notice questions (PNQs)

6.4.1 PNQs may be submitted to each ordinary Board meeting by persons living, working, studying or using health services in the borough.

6.4.2 PNQs must be concise to enable as many as possible to be considered in the time available at the meeting.

6.4.3 Each PNQ must include the name, address, email address and telephone number(s) (the name of the questioner will be published on the agenda (this may be withheld from publication in reasonable circumstances).

6.4.4 Each question may be addressed to a particular Board Member or will otherwise be referred to the relevant Board Member by the Head of Democratic Services and Scrutiny.
6.4.5 PNQs must be submitted by the published deadline (seven clear days before the meeting).

6.4.6 A submitted PNQ may be rejected by the Head of Democratic Services and Scrutiny (in consultation with the Chair) if it:

- Is not about a matter for which the Board has a responsibility.
- Is defamatory, frivolous or offensive.
- Would incur a disproportionate cost (i.e. usually in excess of £500).
- Raises essentially the same issues as a question which has been considered at a previous meeting in the past six months unless circumstances have changed substantially.
- Requires the disclosure of confidential or exempt information.
- Is currently being considered under a constituent organisation’s formal complaints procedure.
- Is currently the subject of a complaint to the Parliamentary and Health Service Ombudsman or Local Government Ombudsman.
- Is currently the subject of legal proceedings in whatever form.

6.4.7 Accepted PNQs will be published on the agenda (in the order received) and referred to the Board Member for them to prepare an answer. However, where a questioner has submitted more than one question, all “first” questions will be taken first, “second” questions will be taken next and so on.

6.4.8 The draft answer prepared by the Board Member concerned will be sent to the Chair and Secretary by close of play the day before the meeting.

6.4.9 At the meeting, the Board member will give an oral answer to the question. The questioner may ask one supplementary question, which must be relevant to the original question or answer given.

6.4.10 After the meeting, the Head of Democratic Services and Scrutiny will write to the questioner with the answer(s) given.

**Principles**

6.5 The principles for involving citizens in the work of the Board are set out in Annex 1. These were coproduced through a working group with representatives of Lambeth residents and partner agencies. The principles are set out in detail in the annex but focus on five areas of:

- Working together for change (co-production)
- Leadership by all partners to foster a local innovation culture that places an emphasis on strong relationships with citizens
- All Involvement will be Purposeful
- Accessible
- Well planned, appropriately resourced and accountable
• Transparency

Public engagement

6.6 In addition, the Board will undertake the following public engagement operations in order to extend accessibility to its work outside of formal meetings:

• An annual Health and Wellbeing Summit coproduced with Lambeth communities and partner organisations.
• A public Annual Report setting out progress achieved.
• Regular round table discussions between board members and organisations in the public, voluntary, community, private, independent and NHS sectors.
• A small number of formal workstreams, taken forward by time limited working groups focussed on addressing key issues and engaging expertise from all sectors as appropriate.
• An annual review of progress.

7. Code of conduct of members

7.1 Voting Board members are required to abide by the Council’s Code of Conduct (Constitution, Part 4, Section 1), including the publication on the Council’s website of their register of interests.

7.2 In addition, Board members are bound by:
• Lambeth Council employees: Lambeth Officer Code of Conduct (Lambeth Constitution, Part 4, Section 7):
• National health service employees: Code of Conduct and Code of Accountability in the NHS
• Healthwatch members: Code of Conduct

4.3 Any concerns over the conduct of Board members may be referred to the Council’s Director of Governance and Democracy for resolution.

8. Declarations of interests

8.1 The declaration of members’ Disclosable Pecuniary Interests will be the first item of business on each agenda.

9. Secretarial, co-ordination, policy and administrative support

9.1 Lambeth Council shall provide the lead role in facilitating the functioning of the Board but consulting and receiving information, advice and assistance from other constituent organisations wherever practicable. The necessary policy support (including legal advice, financial advice, risk management, equal opportunities assessment and performance management) shall be
supplied by Lambeth Council via the Executive Directors of Adults’ & Community Services and Children & Young People’s Service and their staff (and in particular the Head of Heath & Wellbeing), and staff of the Clinical Commissioning Groups.

9.2 Lambeth Council officers and staff of the Clinical Commissioning Groups and other national health service bodies will regularly be in attendance at meetings of the Board to give advice and information as necessary. Other persons shall attend for this purpose at the discretion of the Chair.

10. Frequency of Board meetings

10.1 Meetings of the Board shall normally be held four times a year (quarterly), although special meetings may be held if decided by the Board, or Chair on request by three or more Board members (in writing, submitted to Head of Democratic Services and Scrutiny).

11. Time and venue of Board meetings

11.1 Board meetings will be held at Lambeth Town Hall, Brixton Hill, London, SW2 1RW or elsewhere and normally at 6pm, or as agreed by the Board or Chair between formal Board meetings. The Board wants to ascertain if meeting at other local venues will improve public accessibility.

11.2 The formal meeting will normally be preceded by an informal round table type meeting commencing at 5pm, on a subject and with an invited audience – as decided by the Chair.

12. Agenda and minutes: preparation and publication

12.1 Items for the agenda are the responsibility of the Chair of the Board, as supported by officers of Lambeth Council and staff of the Clinical Commissioning Groups. The Chair shall establish necessary agenda planning arrangements. Any Board member wishing to submit an item for the agenda must do so in writing to Head of Democratic Services and Scrutiny not less than three weeks before the meeting date. Acceptance of any items requested after this date will be subject to the Chair’s agreement. The deadline for the submission of final reports will be as advertised on the Lambeth website (seven clear days before the meeting).

12.2 Business to be considered by the Board that constitutes a key decision must be included in the Council’s Forward Plan in accordance with the arrangement set out in the Council’s Constitution (Part 3, Section 2, para. 14). Briefly, proposed key decisions must be included with as much notice as possible, and at least 28 clear days notice. Key decisions are defined in Part 3, Section 2 of this Constitution (Access to Information rules).
12.3 Reports will be produced by the member bodies in accordance with their own internal arrangements, using the agreed report template. Reports should include all relevant information, including professional advice from officers including legal and financial advice. The results of consultation will be included. Reports will also set out suggested reasons for the proposed decision or options.

12.4 The agenda for each ordinary meeting will normally include the following:

- Declaration of interests (see para. 5)
- Approval of minutes of previous meeting (for suggested amendments by Board members, see para. 9.10)
- Public notice questions (see para. 3.4 above for procedure) (up to 15 minutes)
- Reports from the constituent organisations
- An update report from the CTB.
- The work programme of planned future work.
- An action log of previous decisions.

12.5 The agenda will be divided into two sections, one covering formal and decision-making business and one informal non-decision-making business.

12.6 Reports will cover the six main priorities of the Board:

- A: Citizen Involvement
- B: Health and Wellbeing Strategy
- C: Joint Strategic Needs Assessment
- D: Public Health
- E: Early Intervention
- F: Integrated Care

12.7 The Council’s Access to Information rules will apply (Constitution, Part 3, Section 2): copies of the agenda and reports will be made available to the press and public at Lambeth Town Hall and on the council’s website five clear days before the meeting. Agendas will be despatched electronically wherever possible in order to save paper, printing and postage costs.

12.8 There is an expectation that the agenda, reports and minutes will be open to the press and public (see para. 3.2 above). Where, on rare occasion, the Chair agrees a particular issue should not be published, a report setting out as much information in the public domain as possible must also be produced; the confidential information will be set out in a separate short confidential paper.

12.9 Draft minutes will be published within five clear days of the meeting on the Lambeth Council website and despatched electronically wherever
possible in order to save paper, printing and postage costs. If a confidential discussion is held, this will be recorded in a separate confidential minute.

9.10 Any suggested amendments by Board members to draft minutes should be notified as soon as possible and no later than the day before the meeting when they will be considered for approval as a correct record (i.e. the following ordinary meeting).

13. Meeting arrangements

Chair

13.1.1 Meetings will be chaired by the Cabinet Member for Health and Wellbeing (Lambeth Council) or in his/her absence, one of the Vice-Chairs (to be decided by the members present at the beginning of the meeting). In the absence of both Vice-Chairs, the members present shall elect a member to chair the meeting. If the Cabinet Member for Health and Wellbeing is absent for part of the meeting, he/she will take the Chair on arrival.

13.2 It is the role of the Chair to ensure that:

(a) The core business of the meeting is dealt with efficiently and thoroughly.

(b) All members observe high standards of conduct including respect and tolerance of the views of others.

(c) Open and constructive discussion is facilitated.

(d) All Board members are encouraged to contribute.

(e) Decisions are reached by consensus wherever possible.

10.3 In addition, in consultation with the Director of Governance & Democracy of Lambeth Council (the officer designated by Lambeth Council to coordinate the work of and secretarial support to the Board), the Chair is responsible for ensuring that:

(a) The agenda for the meeting reflects the core business of the Board.

(b) Agenda papers are despatched in a timely manner as specified in para. 9 above.

(c) Board members are properly informed in order for them to address the business of the meeting either through written reports, presentations or by the attendance of the relevant professionals to advise the meeting.
(d) Actions and outcomes are properly recorded and circulated.

10.4 The Chair will decide all matters of order, competence, relevancy and interpretation of these governance arrangements. The Chair’s ruling with respect to the conduct of discussion and business at meetings of the Board shall be final.

Quorum

10.5 The quorum will be five members, with at least one Lambeth Council representative and one member not from Lambeth Council. No business shall be transacted unless a quorum is achieved.

Photography and audio/visual recordings of meetings

10.6 Anyone is welcome to record Board meetings through any audio, visual or written methods they find appropriate providing they do not disturb the conduct of the meeting. The Chair of the meeting will have the power to rescind this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography or intrusive camera equipment.

10.7 All those visually recording a meeting are requested to only focus on recording members, officers and the public who are directly involved in the conduct of the meeting. Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

10.8 If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

Exclusion of public and press

10.9 Members of the public and press may only be excluded either in accordance with the Council’s Access to Information Procedure Rules (Constitution, Part 3, Section 2) or disturbance.

Duration of meeting

10.10 Meetings will last for up to two hours from the time the meeting was due to commence (including any period of adjournment). At the expiry of this period, the Chair shall put all outstanding business to the meeting without further debate, unless the Board agrees by majority to continue the meeting for a further period of up to an hour. The remaining business shall then be put to the vote by a show of hands without further debate.
Procedure rules

10.11 Where issues arise that are not covered by these governance arrangements, the Chair and Head of Democratic Services and Scrutiny will have regard to the council’s arrangements as set out in the Council’s Constitution.

Decision-making

10.12 All matters coming before the Health & Wellbeing Board must be decided by a majority of all Board members present and voting on the matter. Each Board Member has one vote.

10.13 The Health and Wellbeing Board may delegate some of its functions to a sub-committee of the Board or an officer of the Council.
Principles for Involving Citizens

Shared Principles

For Citizen Involvement to be effective, the following agreed shared principles across the HWB have been agreed for further testing with citizens during the operation of the shadow HWB.

a. Working together for change [co-production]
   The concept of co-production is that people's needs are better met when they are involved in an equal and reciprocal relationship with professionals, working together to get things done. It is a radically different approach to public services that is built around six characteristics:
   - Recognising people as assets and using the skills and strengths they have to design and run services
   - Building on people's capabilities
   - Promoting mutuality and reciprocity
   - Developing peer support networks
   - Breaking down barriers between professionals and users
   - Facilitating rather than delivering

b. Leadership: in HWB partner organisations will provide an explicit commitment to fostering a local innovation culture that places an emphasis on strong relationships with citizens, local voluntary and social enterprise organisations. This ambition needs to be explicit with clear objectives and measurable impact. Collaboration will be promoted at every level by all partners in HWB:
   - Individual: Involving individuals in the management of their own health and wellbeing
   - Collective: Involving the whole community in different ways e.g. patient cohorts, special interest groups, age groups, BME populations or the wider public
   - Representative: Involving organisations and individuals that are enabled to act as representative of others (e.g. Third sector organisations and Lambeth Healthwatch)
   - Co-operative: Involving Health and Wellbeing agencies from all sectors in joint engagement activities

c. All Involvement will be Purposeful: The Purpose of all Involvement activities will be clearly defined.

d. Accessible
   - Increasing citizen participation in decision making should be both engaging and enjoyable
• Ensuring Equalities issues are addressed
• Working with existing forums and structures to reach people as well as creating new methods of engagement
• Taking place in a variety of locations and using many different methods – working with people in their communities, using different tools and approaches for different audiences
• Ensuring access needs are met to enable participation (e.g. around money, health needs, childcare, language, disability)

e. **Well planned, appropriately resourced and accountable**
   • Allowing adequate time for the planning of activities and the building of relationships
   • Ensuring full and correct information is available to people to respond to
   • Providing appropriate training and support to enable effective participation
   • Ensuring there is no costs for individuals involved – contributions are recognised and rewarded
   • Establishing processes and accountability lines that are clear, concise and productive
   • Developing effective support and project planning mechanisms (e.g. monitoring, establishment of criteria and use of qualitative feedback from citizens)

f. **Transparent**
   • Part of a published plan that sets out the planned activities, targets, and hoped for outcomes
   • Ensuring feedback to participants
   • Monitored and evaluated – showing the difference the engagement has made
   • Testing new ways of involving communities in managing health and wellbeing and transferring this knowledge to other neighbourhoods, through the HWB.

Source:
• Cabinet report (16.04.12-report 348/11-12)
Section 6 – Scrutiny Procedure Rules

1. Scrutiny committee and commission arrangements
The Council will appoint councillors to an Overview and Scrutiny Committee and five Scrutiny sub-committees as follows to discharge the statutory functions:

<table>
<thead>
<tr>
<th>Overview &amp; Scrutiny Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>[10 Councillors incl Chairs of Scrutiny Sub-Committees (SSCs)]</td>
</tr>
</tbody>
</table>

- **Children & Young People’s Service SSC**
  - [5 Councillors + 4 education co-optees]
- **Environment & Community Safety SSC**
  - [5 Councillors]
- **Finance SSC**
  - [5 Councillors]
- **Health & Adult Services SSC**
  - [5 Councillors]
- **Housing SSC**
  - [5 Councillors]
- **Ad-hoc Commissions**
  - To undertake more detailed investigations of specific issues (e.g. metal theft or school exclusions)

2. Proceedings of scrutiny-committees
Overview and Scrutiny Committee, scrutiny sub-committees and joint overview and scrutiny committees (incl. Health) will conduct their proceedings in accordance with the Scrutiny Procedure Rules and other relevant passages of the constitution (such as Joint Arrangements and Access to Information rules).

3. Public involvement
The public can get involved in the work of scrutiny committees in a range of ways including:

- Submitting a public question, petition or deputation
- Suggesting an item for consideration (email: scrutiny@lambeth.gov.uk)
- Contributing to a meeting topic or investigation (web: www.lambeth.gov.uk/scrutiny)
- Via twitter @LBDemocracy
4. General powers and roles

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 summons any member of the Cabinet, the Chief Executive and/or any officer taking delegated decisions to attend before it to explain any particular decision, the extent to which the actions taken implement Council policy and/or their performance

3. 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

4. To consider any matter affecting the borough or those who live or work in it

5. To make reports and/or recommendations to the full Council, the Cabinet or the Council's partners in connection with the discharge of any functions affecting the area or those who live, work or study in Lambeth

6. 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.

7. To consider Councillor Calls for Action.

5. Terms of reference and arrangements for scrutiny committees and commissions

5.1 The Council will have the scrutiny committees set out below and will appoint to them as it considers appropriate from time to time. Such committees may appoint scrutiny commissions to undertake more detailed pieces of work. Scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.
<table>
<thead>
<tr>
<th>Committee</th>
<th>Specific scope</th>
<th>Cabinet portfolio, council department and partner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overview &amp; Scrutiny</td>
<td>See also Paragraph 2 below</td>
<td>Leader, Deputy Leader, CM Equalities and Communities, CM Housing &amp; Regeneration, CM Finance &amp; Resources</td>
</tr>
<tr>
<td></td>
<td>• The council’s; partnerships; external relations including the Government, GLA and other local authorities;</td>
<td>Office of the Chief Executive Planning, Regeneration and Enterprise (HRE)</td>
</tr>
<tr>
<td></td>
<td>• The borough’s growth and regeneration agenda, specifically leading on Vauxhall and Waterloo.</td>
<td>Lambeth First</td>
</tr>
<tr>
<td></td>
<td>• The cooperative council transformation; and ensuring community innovation and resilience is delivered.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Council communications.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Economic development, business, jobs, skills and employment and local economic recovery.</td>
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</tr>
<tr>
<td></td>
<td>• Emergency planning</td>
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<tr>
<td></td>
<td>• Strategic transport, planning policy and regeneration including building control.</td>
<td></td>
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<tr>
<td></td>
<td>• Equality impact assessments; developing innovative ways of communicating with new communities, faith groups</td>
<td></td>
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<tr>
<td></td>
<td>• Community Leadership network</td>
<td></td>
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<td></td>
<td>• Democratic services;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Facilities management; human resources; trade union relations;</td>
<td></td>
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<tr>
<td></td>
<td>• Welfare reform mitigation</td>
<td></td>
</tr>
<tr>
<td>Children and Young People’s Service Scrutiny</td>
<td>The provision, planning and management of children and young people’s services – including education, learning and schools; youth services; early years; education capital estate; children’s social care; safeguarding children; children with learning disabilities; children in care; troubled families; family interventions.</td>
<td>CM Children and Families CYPS dept Children’s Trust</td>
</tr>
</tbody>
</table>
| Environment and Community Safety Scrutiny Sub-Committee | • Environmental services including street and road care and repair; refuse and waste collection; public realm; recycling & parking.  
• Energy, food and sustainability; cycling and road safety  
• Community hubs  
• Public protection model which involves community safety agenda including policing, domestic violence; drugs & alcohol; licensing; Young & Safe; violent crime and trading standards; customer access and service standards  
• Cooperative model for better neighbourhoods through innovative communications and through the Neighbourhood Enhancement programme  
• Parks and green space; to deliver key projects including new leisure centres at Norwood and Streatham; and to ensure the delivery of our cooperative approach for libraries  
• Relations with key cultural partners including the South Bank  
• Decisions made, or other action 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 | CM Environment & Sustainability;  
CM Equalities & Communities;  
CM Safer and Stronger Neighbourhoods; CM Culture and Leisure  
Culture and Communities (ACS)  
Public Realm (HRE)  
Safer Lambeth Partnership |
| 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. | CM Finance and Resources  
Finance and Resources dept  
Valuation and Asset Management Services (HRE) |
<table>
<thead>
<tr>
<th>Health and Adult Services Scrutiny Sub-Committee</th>
<th>CM Health and Wellbeing</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The planning, provision and operation of health and related services in Lambeth (and any substantial variation therein) and consideration of the health and well being of the local population.</td>
<td></td>
</tr>
<tr>
<td>• Public health; adult care services; adults with learning disabilities; older people’s services; residential care; carers; voluntary sector; disabilities; mental health; people with or affected by HIV or AIDS; supporting people services; street homelessness/rough sleeping support services; careline; sheltered housing support; relations with key health partners including hospital trusts and NHS Lambeth.</td>
<td></td>
</tr>
<tr>
<td>• To discharge health scrutiny powers in accordance with the Health and Social Care Act 2012 and relevant regulations under which the committee may:</td>
<td></td>
</tr>
<tr>
<td>(a) Review any matter relating to the planning, provision and operation of health services in their area;</td>
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<tr>
<td>(b) Request information from NHS bodies and relevant health service providers;</td>
<td></td>
</tr>
<tr>
<td>(c) Require attendance of NHS staff and members of relevant health service providers at scrutiny meetings;</td>
<td></td>
</tr>
<tr>
<td>(d) Make reports and recommendations to NHS bodies, relevant health service providers and the local authority, and expect a response where one is requested within 28 days;</td>
<td></td>
</tr>
<tr>
<td>(e) Respond to consultations by NHS bodies and relevant health service providers on matters of substantial variations or developments to health services. They must publish timescales for making such responses;</td>
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</tr>
<tr>
<td>(f) Refer contested service changes to Secretary of State on specific grounds. The committee must provide robust evidence in support of this and publish clear timescales within which the referral will be made.</td>
<td></td>
</tr>
<tr>
<td>(g) Co-opt representatives onto their health scrutiny arrangements;</td>
<td></td>
</tr>
<tr>
<td>(h) Delegate health scrutiny powers to another local authority, or to a joint committee of a number of local authorities</td>
<td></td>
</tr>
<tr>
<td>(i) Form joint scrutiny arrangements with other local authorities. This is mandatory in relation to</td>
<td></td>
</tr>
</tbody>
</table>
### Part 3 – Procedure Rules – Section 6 Scrutiny Procedure Rules

| Housing Scrutiny Sub-Committee | Housing management including relations with Lambeth Living and TMOs; HRA; rent and service charges; tenants’ and leaseholder engagement; housing management services including RSLs and private sector.  
| HRE (excl. Public Realm and Planning Regeneration and Enterprise) |
| Housing Scrutiny Sub-Committee | Strategic housing including housing supply and physical housing development; strategic partnerships with RSLs and private sector; housing strategy including allocations policy; homelessness; |

#### 5.2
Scrutiny committee/commission meetings shall be open to the press and public except on the rare occasion that the committee/commission needs to pass a resolution at the meeting to exclude them. The resolution shall specify the item(s) of business and reason(s) for exclusion in each individual case. The reasons for which the press and public may be excluded from the meeting are set out in the Access to Information Procedure Rules [insert link?](#).

#### 5.3
In these Rules, references to a 'scrutiny committee' also includes sub-committees unless otherwise stated.

#### 5.4
Specific functions of scrutiny committees:

(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; and

(vi) question and gather evidence from any person (with their consent).

5.5 **Finance.** Overview & Scrutiny Committee and its sub-committees may exercise overall responsibility for the finances made available to them.

5.6 **Officers.** Overview & Scrutiny Committee and its sub-committees may exercise overall responsibility for the work programme of the officers employed to support their work.

5.7 **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.

6. **Overview and Scrutiny specific terms of reference**

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:
6.1 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.

6.2 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.

6.3 The provision, planning, management and performance of any other
Council function not otherwise addressed by any other committee.

6.4 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.

6.5 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.

6.6 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.

6.7 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.

6.8 To make decisions about the organisation and operation of scrutiny sub-
committees.

6.9 To co-ordinate the operation of the scrutiny sub-committees to ensure that
they perform in the most efficient, economic and effective manner.

6.10 To ensure proper and effective liaison between scrutiny and the Cabinet.

6.11 To advise the Chief Executive about scrutiny matters at Council meetings
in accordance with Council Procedure Rule 2(xii).

6.12 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.
7. **Who may sit on scrutiny committees/commissions?**

All councillors except members of the Cabinet, Cabinet Deputies and Administration Whips may be members of a scrutiny committee/commission. However, no councillor may be involved in scrutinising a decision which he/she has been directly involved.

8. **Co-optees**

Each scrutiny committee shall be entitled to recommend to Council the appointment of up to three people as non-voting co-optees.

**Co-optees to the crime and disorder committee**

The borough’s designated crime and disorder committee (the Environment and Community Safety Scrutiny Sub-Committee) may co-opt additional members to serve on the committee where it considers it appropriate. A co-opted person’s membership may be limited to the committee’s powers in relation to a particular matter or type of matter and their voting rights will be determined by the committee. The number of co-opted members shall not be greater than the number of permanent committee members.

9. **Education representatives**

Each relevant scrutiny committee dealing with education matters shall include in its membership the following voting representatives:

- (a) [1] Church of England diocese representative (at least one);
- (b) [1] Roman Catholic diocese representative (at least one);
- (c) [2] parent governor representatives (between 2 and 5); and
- (d) [a] representative of other faiths or denominations.

A relevant scrutiny committee/sub-committee in this paragraph is a scrutiny committee or sub-committee of a local education authority, where the committee or sub-committee’s functions relate wholly or in part to any education functions which are the responsibility of the authority’s executive (and therefore includes Overview & Scrutiny Committee). If the scrutiny committee/sub-committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak. In addition, there are other restrictions on the ability of these representatives to vote (e.g. in relation to matters affecting the school which they represent). Details of these are provided to all Education representatives upon appointment.

10. **Meetings of the scrutiny committees**

The number of ordinary meetings of each scrutiny committee in each year will be decided by the Council at its Annual Meeting, following consultation with all political groups. Accordingly, any proposed variation from the agreed annual
programme of ordinary meetings will be deemed as exceptional and only considered if the circumstances justify the calling of an additional meeting and if there is unanimous agreement of the Party Whips.

With the exception of extraordinary meetings to deal with a call-in pursuant to Rule 22 below or a Councillor Call for Action (CCFA) pursuant to Rule 23, an extraordinary meeting of a scrutiny committee may be requested by the Chair of the relevant scrutiny committee or by any 2 members of the committee. In addition, an extraordinary meeting may be called by the Chief Executive if he/she considers it necessary or appropriate.

When the Chief Executive has received a request to call an extraordinary meeting of a scrutiny committee, he/she shall refer it to the Party Whips within 2 clear days and the meeting shall be called if no objection is received from any of them within nine clear days of receiving the request.

The Chief Executive will consult the Monitoring Officer and Party Whips and decide whether to call the extraordinary meeting on the same date as the next scheduled ordinary meeting of the committee (as will ordinarily be the case) or on an earlier date in exceptional circumstances. Among the factors that shall be taken into account when so deciding are:

(a) Whether the subject matter of the requisition is a one-off and major issue or an emergency which has arisen in unforeseen circumstances that prevented it from being placed on the agenda for the last scheduled ordinary meeting;
(b) Whether any significant decision to which the subject matter relates has yet to be taken and, if so, any deadlines relating thereto;
(c) The degree of urgency, if any, and the consequential ability to have a matter considered by the committee before it is too late to alter a course of events. The greater the urgency, the earlier the meeting should be held.
(d) Subject to the above, administrative convenience/inconvenience and maximising the attendance of members.

Following the making of a decision, the Chief Executive should keep his/her decision under review in case of any substantial changes in circumstances which might require or justify a meeting to be called earlier.

11. Quorum

The quorum for a scrutiny committee shall be as set out for committees in the Council and Committees Procedure Rules. (insert link?)

The quorum for a commission shall be no less than 2 members.

12 Who chairs scrutiny committee meetings?

The Chair of the Overview and Scrutiny Committee will be nominated by the main opposition party on the Council and all committee and sub-committee memberships will reflect the political balance on the Council.
Chairs of scrutiny committees will be drawn from among the councillors sitting on the committee, and subject to this requirement the committee may appoint such a person as it considers appropriate as chair having regard to the recommendations of the Council at its Annual Meeting.

At the first meeting of each scrutiny committee in each cycle, the committee will have regard to the principle that the vice-chair should

(i) be a member of one of the parties forming the administration if the chair is not such a member; or
(ii) not be a member of one of the parties forming the administration if the chair is such a member.

13. Work programme

The scrutiny sub-committees will, subject to any guidance or directions from the Overview & Scrutiny Committee, be responsible for setting their own work programme and in doing so they shall take into account, as far as possible, the wishes of all members of the committee.

14. Agenda items

Councillors requesting items

10.1. Any member of a scrutiny committee shall be entitled to give notice to the Head of Democratic Services and Scrutiny that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.

Non-Scrutiny Committee members requesting items

10.2. Any 2 councillors who are not members of the scrutiny committee may give written notice to the Head of Democratic Services and Scrutiny that they wish an item to be included on the agenda of the relevant scrutiny committee. If the Chief Executive receives such a notification, then he/she will include the item on the first available agenda of the relevant scrutiny committee for consideration by the committee. (Note: this right relates to any matter other than a ‘call-in’ of a key decision, which is dealt with separately in Rule 22 below).

10.3. If the Head of Democratic Services & Scrutiny receives such a request, s/he will ensure that a committee report is prepared by the relevant officer and that it includes comments from all relevant departments, including finance and legal.

Councillor Call for Action (see Rule 23 below)

10.4. Any councillor may refer to a scrutiny committee any matter relevant to the functions of the committee which:

(a) affects all or part of the electoral area for which the councillor is elected or any person who lives or works in that area, and
(b) is not an excluded matter (see Rule 23 below).
Such a reference will be called for consideration as a Councillor Call for Action (CCfA). The process for dealing with a CCfA is set out in Rule 23 below.

Requests from Cabinet or Council

10.5. The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular matters. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the scrutiny committee within 2 months of receiving it.

15. Policy review and development

(a) The role of the scrutiny committees in relation to the development of the Council’s budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules (Insert link?).

(b) In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, scrutiny committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

(c) Scrutiny committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

16. Reports and recommendations from scrutiny committees

(a) Once it has formed recommendations on proposals for development, the scrutiny committee will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

(b) If a scrutiny committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
(c) The Council or Cabinet shall consider the report of the scrutiny committee within 2 months of it being submitted to the Chief Executive.

17. Making sure that scrutiny reports are considered by the Cabinet

(a) Once a scrutiny report on any matter which is the responsibility of the Cabinet has been completed, the Cabinet will consider the report, together with a prepared action plan by officers of the Council, within 2 months of the report having first been agreed by the scrutiny committee. The report shall be included on the agenda of the next available meeting of the Cabinet, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of 2 months of the report having first been agreed by the scrutiny committee. In such cases, the report of the scrutiny committee shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the scrutiny report within the 2 month period, the matter will be referred to Council for review, and the Chief Executive will ensure that it is included on the agenda for the next Council meeting to consider the report and make a recommendation to the Cabinet. In any event, when presenting the report to the Cabinet, officers will brief Cabinet members on the recommendations. Officers will not introduce any new material facts on the service(s), as these should already have been made available to the scrutiny committee. The Cabinet will receive the comments of the scrutiny committee as part of their deliberations.

(b) Where scrutiny reports or recommendations have arisen as a result of a reference from a Councillor call for action the lead member will be provided with a copy of the Cabinet’s response.

(c) Subject to the specific instructions of the Overview and Scrutiny Committee, the Chair of the relevant Scrutiny Committee or Commission will be requested to present the findings of the Scrutiny Committee or Commission to the Cabinet. In the event of the Chair’s absence, the Vice-Chair or another appointed member of the Scrutiny Committee or Commission will present the findings to the Cabinet.

(d) Scrutiny committees will in any event have access to the Cabinet’s Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Cabinet’s consultation process in relation to any key decision.
18. **Making sure that scrutiny reports and recommendations are considered by partners**

(a) Partner authorities receiving reports and recommendations from an overview and scrutiny committee or commission may be required to have regard to the report or recommendation in question in exercising their functions. Where such a report or recommendation arises partner authorities will be requested to respond within a period of two months. Arrangements will be made to ensure that relevant bodies receive copies of such reports or recommendations directly.

(b) In responding to such a report or recommendation partner authorities will set out whether or not they agree with the recommendation. If it does agree it will be expected to set out what actions it will take in response, when by and who the relevant lead will be. If it disagrees it will be expected to set out why it disagrees and if any alternative action is proposed.

(c) Scrutiny committees will monitor the implementation of agreed recommendations – this is normally undertaken six and then twelve months after their adoption. At that time the relevant partner authority will be requested to provide updates on the implementation of agreed recommendations.

19. **Health Scrutiny**

NHS bodies and relevant health service providers must:

a) provide information requested by local authorities, subject to certain exemptions;

b) attend before local authority scrutiny meetings to answer questions, subject to exemptions;

c) on request, respond to reports and recommendations made by local authorities within 28 days of the request being made;

d) consult the local authority (including joint committees) on proposals for substantial variations or developments to health services;

e) publish timescales for consulting on and implementing substantial variations or developments to services

20. **Scrutiny Commissions**

1 Except for:

1. Health service bodies which are obliged to respond within 28 days in relation to matters considered in accordance with the Health and Social Care Act 2001 and subsequent regulations; and

2. Members of the Safer Lambeth Partnership which are obliged to respond within one month to matters considered in accordance with the Police and Justice Act 2006.
20.1 Arrangements for Commissions

(a) The Overview and Scrutiny Committee or relevant scrutiny sub-committee will establish all scrutiny commissions and determine their constitution, the appointment of co-optees, terms of reference and tenure of each commission.

(b) The scrutiny commission will, subject to any guidance or directions from the Overview & Scrutiny Committee, or relevant scrutiny sub-committee, be responsible for appointing their Chair and finalising their own work programme. In doing so, the commission shall take into account, as far as possible, the wishes of all members of the commission.

(c) In establishing scrutiny commissions, consideration needs to be given to the intended outcomes of the commission, agreed and clear terms of reference, defined timescales, resources required (internally and externally), relevance to Council priorities including the Corporate Plan and criteria for inclusion as a Scrutiny work programme item.

(d) In view of the fact that a scrutiny commission is not a formal committee under the terms of the Local Government Acts 1972 and 2000, agendas and minutes will be produced for a commission in accordance with the Council and Committees Procedure Rules (insert link?) where this is practical.

(e) There will be occasions, such as the preparation of the commission’s final report, where working sessions will be required for members to consider and finalise their recommendations. These sessions will not be open to the public.

(f) Rule 10 above, will not apply to commission meetings in view of the specific nature of commission meetings. The contents of commission agendas shall be prepared in accordance with the commission’s terms of reference, the wishes of commission members and have regard to the guidance or directions from the Overview and Scrutiny Committee.

20.2 Commission Reports

(a) Commission reports will be submitted to Overview and Scrutiny Committee or the relevant Scrutiny Sub-Committee for consideration, prior to the submission of the report to the Cabinet in accordance with rule 13 above, unless otherwise specified by Overview and Scrutiny Committee.

(b) If a scrutiny commission cannot agree on one single final report to the Overview and Scrutiny Committee or the relevant Scrutiny Sub-Committee as appropriate, then up to one minority report may be prepared and submitted for consideration by the Overview and Scrutiny
Committee or the relevant Scrutiny Sub-Committee, with the majority report.

(c) Where a scrutiny commission does not complete its work prior to the start of the Pre-Election Period in any year in which the election of councillors is held, the unfinished work will fall. In such cases it will be the responsibility of the committee that established the commission to decide (a) whether the commission should be reconstituted to complete its work and (b) if it is reconstituted whether any members of that commission not returned as councillors should be invited to take part as co-optees.

21. Rights of scrutiny committee/commission members to documents and information

(a) In addition to their rights as councillors, elected members of scrutiny committees or commissions have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules (insert link?).

(b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and scrutiny committees or commissions as appropriate, depending on the particular matter under consideration.

(c) Partner authorities must provide certain information to scrutiny committees or commissions when requested. Such requests will be made in accordance with the relevant legislation, regulations and the External Scrutiny Protocol (insert link?).

22. Members and officers giving account

(a) Any scrutiny committee or commission may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any officer taking delegated decisions to attend before it to explain in relation to matters within their remit:
   i) any particular decision or series of decisions;
   ii) the extent to which the actions taken implement Council policy; and/or
   iii) their performance.
   and it is the duty of those persons to attend if so required.

(b) Where any member or officer is required to attend a scrutiny committee or commission under this provision, the Chair of that body will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least 14 clear days notice of the meeting at which he/she is required to attend. If the meeting or item is identified at shorter notice than 14 clear days then the member or officer will be
notified at the earliest opportunity. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee/commission. Where the account to be given will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee/commission may agree to the attendance of a suitable substitute, (i.e. respectively, the relevant Cabinet Deputy or another Chief Officer or Deputy Chief Officer) or shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of 1 month from the date of the original request.

In making a request for officer attendance, councillors should have regard to the Members Code of Conduct and the Protocol on Officer/Member Relations.

23. Attendance by others

A scrutiny committee or commission may invite people other than those people referred to in Rule 17 above to address it, to discuss issues of local concern and/or answer questions.

The crime and disorder committee (Environment and Community Safety Scrutiny Sub-Committee) may require the attendance before it of an officer or employee of a responsible body or a co-operating person or body (as defined by s5 of the Crime and Disorder Act 1998) in order to answer questions or otherwise to provide information. At least two weeks notice of the requirement to attend will be provided unless the person agrees to a shorter period of notice.

24. The Party Whip

(a) The party whip does not apply to any councillors who are members of a scrutiny committee, sub-committee or commission. All scrutiny activity will be conducted in a non-partisan spirit.

25. Procedure at scrutiny committee meetings

(a) Scrutiny committees shall consider the following business:
   i) declarations of interest;
   ii) minutes of the last meeting;
   iii) public notice questions in accordance with Rule 10 of the Council Procedure Rules;
   iv) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
v) responses of the Cabinet to reports of the scrutiny committee; and
vi) the business otherwise set out on the agenda for the meeting.

(b) Where a CCfA is accepted, to consider the CCfA and accompanying committee report from officers and/or partner, and decide whether to submit recommendations or a report, establish a commission, or decide that no further action is needed. Full information on this process is set out in Rule 23 below.

(c) Where the scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
   i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
   ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
   iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(d) Following any investigation or review, the committee shall prepare a report, for submission to the Cabinet or partner agency as appropriate, and shall make its report and findings public.

26. Matters within the remit of more than one scrutiny committee

Where a matter for consideration by a scrutiny committee falls within the remit of one or more other scrutiny committees, the decision as to which scrutiny committee will consider it will be resolved by the Overview & Scrutiny Committee or, if the matter is such that it cannot reasonably be delayed until the next scheduled meeting of the Overview & Scrutiny Committee, by the Chair (or in his/her absence the Vice-chair) of the Overview & Scrutiny Committee, in consultation with the Monitoring Officer (or in his/her absence, the Chief Executive).

27. Call-in

27.1 Process

(a) When a key decision is made by the Cabinet collectively or by an officer, any member may call in that decision for a scrutiny committee to consider. This is subject to the ‘urgency’ provisions set out at Rule 22.2 below. The power of call in does not apply to day to day management and operational decisions made by officers under delegated powers or in principle decisions and may only be exercised in relation to non-key decisions as part of a review of service plans.

(b) When a key decision is made by the Cabinet, or by an officer with delegated authority from the Cabinet, the decision shall be published either:
• by way of the minutes of the meeting for The Cabinet: 3 clear days; or
• for officer decisions by updating the entry in Officer Decisions normally within 2 clear days of being made. The decision may then be implemented on the expiry of 5 clear days from the publication of the decision, unless it is called in.

(c) During that period of 5 clear days, the Chief Executive shall call in a decision for scrutiny by the committee if so requested and shall then notify the decision-taker of the call in. He/she shall call a meeting of the committee on such date as he/she may determine, after consultation with the Chair (or in his/her absence, the Vice-Chair of the committee, and in any case within 5 clear days of the decision to call-in. The meeting to consider the call in will be held within 14 clear days of the date being set and notified to all members of the scrutiny committee unless a later date is agreed by all three party whips. If a meeting of the scrutiny committee is already scheduled to take place during that period of 14 clear days, then the call in will be added to the agenda for that meeting (with the special circumstances justifying urgent consideration which are applicable if 5 clear days notice cannot be given within these time-scales (see Rule 4 of the Access to Information Procedure Rules (insert link?)) and only if the Chair of the committee indicates that there is adequate space on that agenda.

(d) If, having considered the decision, the scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. The matter may only be referred to full Council if the scrutiny committee is of the opinion that the decision is contrary to the Council’s Budget and Policy Framework (insert link?) If referred to the decision maker they shall then reconsider within a further 14 clear days, amending the decision or not, before adopting a final decision. A decision maker can only be asked to reconsider a decision once.

(e) Should the scrutiny committee resolve not to refer the decision back to the decision-making person or body for reconsideration, it can nevertheless submit such recommendations to the decision-making person or body as it sees fit. The making of such recommendations shall not however prevent the decision from being implemented.

(f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together
with the Council’s views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within 14 clear days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 clear days of the Council request.

(g) If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

27.2 Call-In and urgency

In accordance with statutory guidance, the Council is required to “ensure that any call in procedure is not abused or used unduly to delay decisions or slow down the process of decision making. In particular, the executive will, from time to time, need to take decisions which need to be implemented quickly”. Having given due regard to this, and related, guidance, the following provisions will apply to the operation of the call in procedure in relation to urgent decisions.

(a) The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent, i.e.

(1) Any decision which is taken in accordance with the “Special Urgency” procedure (see Rule 16 of the Access to Information Procedure Rules (insert link?): or

(2) Any decision in respect of which any delay likely to be caused by the call in process would substantially prejudice the Council’s or the public’s interests.

In relation to (2) above, the report relating to the decision or, alternatively, the record of the decision, and notice by which it is made public shall state whether the decision is an urgent one, and therefore not subject to call-in (i.e. a ‘statement of urgency’). In addition, the Monitoring Officer or, in his/her absence the Chief Executive, if necessary in consultation with the Executive Director of Finance and Resources and/or the Chair of the Overview & Scrutiny Committee, must agree both that the decision in question is reasonable in all the circumstances and to it being treated as a matter of urgency.

In the event that, due to unforeseen circumstances, no such ‘statement of urgency appears on the report or the record of the decision or if it otherwise becomes apparent that any delay in implementing the decision would substantially prejudice the Council’s or the public’s interests, then the Monitoring Officer or, in his/her absence the Chief Executive, if necessary in consultation with the Executive Director of
Finance and Resources, has the power to decide that the decision is to be treated as urgent and not subject to call in.

Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. The procedure for dealing with urgent key decisions which have not been included in the Forward Plan is set out in Rules 15 and 16 of the Access to Information Procedure Rules (insert link?).

(b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

28. **Councillor Call for Action (CCfA)**

28.1 **Description and purpose**

(a) 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.

(b) 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)

(c) 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.

28.2 **CCfA process**

(a) If a councillor believes that they have a valid issue to raise as a CCfA they will be requested to complete a pro forma 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’).

(b) The completed pro forma should be submitted to the Head of Democratic Services and Scrutiny. Guidance on the completion of the pro forma will be available from the Scrutiny Team.

(c) Upon receipt of the pro forma 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.

(d) The following are excluded matters for the purpose of a CCfA:
   (i) any matter relating to a planning decision;
   (ii) any matter relating to a licensing decision;
   (iii) any matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal;
   (iv) any matter which, in the opinion of the Head of Democratic Services and Scrutiny, 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.

(e) A matter described in (i)-(iii) 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.

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

(g) 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.

28.3 Role of Cabinet members, officers and partners at CCfA meeting
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.

28.4 Summoning of CCfA meetings

(a) Following receipt of a valid CCfA the Chief Executive 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 27 clear days, and the Chief Executive 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 Rule of the Access to Information Procedure Rules [insert link?]).

(b) 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.

28.5 At the CCfA 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.
28.6 After a CCfA scrutiny meeting

(a) 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.

(b) 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.
Section 7 – Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations
   i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
   ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment.
   i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
   ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
   iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will in consultation with the Director of Human Resources:

(a) draw up a statement specifying:
   i) the duties of the officer concerned; and
   ii) any qualifications or qualities to be sought in the person to be appointed;
   iii) any further relevant information to enable the applicant to determine if they meet the requirements.

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.

3. Appointment of Chief Executive

(a) The full Council will approve the appointment of the Chief Executive following the recommendation of such an appointment by the Appointments Sub-Committee of the Appointments Committee appointed for this purpose or the Appointments Committee.
Committee and sub-committee must include at least one member of the Cabinet
(b) The full Council may only make or approve the appointment of the Chief Executive where no well-founded objection has been made by any member of the Cabinet.

4. Appointment of Chief Officers and Deputy Chief Officers

Appointment of Chief Officers
(a) The Appointments Sub-Committee of the Appointments Committee will normally appoint Chief Officers. The Appointments Sub-Committee must include at least one member of the executive.
(b) An offer of employment as a Chief Officer shall only be made where no well-founded objection from any member of the Cabinet has been received.
(c) Posts designated as Chief Officer posts are those set out in the Scheme of Delegation in Section 2 Part 4 of this Constitution.

Appointment of Deputy Chief Officers
(a) Appointment of Deputy Chief Officers is the responsibility of the Chief Executive or his/her nominee. However, where the Chief Executive (in consultation with such Councillors as s/he deems necessary) so determines in any individual case, the Appointments Sub-Committee will undertake this role.
(b) An offer of employment as a Deputy Chief Officer shall only be made where no well-founded objection from any member of the Cabinet has been received.
(c) Deputy Chief Officer posts are defined in the Local Government and Housing Act 1989. A list of Deputy Chief Officer posts shall be kept by the Director of Human Resources.

5. Other appointments
(a) Officers below Deputy Chief Officer Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Chief Executive or his/her nominee, and may not be made by councillors.

(b) Assistants to political groups Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary action
(a) Suspension. The Chief Executive, Director of Governance and Democracy (Monitoring Officer) and Executive Director of Finance and Resources may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months unless a designated independent person
Part 3 – Procedure Rules – Section 7 Officer Employment Procedure Rules

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directs that it should continue beyond that date; any such suspension would not exceed six months on full pay.

(b) **Independent person.** No other disciplinary action may be taken in respect of any of the officers referred to in 6(a) above except in accordance with a recommendation in a report made by a designated independent person.

(c) Councillors will not be involved in the disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

7.1 **Dismissal of Chief Executive, Director of Governance and Democracy (Monitoring Officer) and Executive Director of Finance and Resources on grounds of discipline/capability**

The Council will approve the dismissal of the Chief Executive, Director of Governance and Democracy or Executive Director of Finance and Resources following the recommendation of such action by a designated independent person appointed by the Investigating Committee. (The Investigating Committee will be appointed by the Council on an ad hoc basis as required, with the terms of reference set out in Part 3, Section 1 of the Constitution).

The full Council may only approve the dismissal of the Chief Executive, Director of Governance and Democracy or Executive Director of Finance and Resources where no well-founded objection has been made by any member of the Cabinet.

7.2 **Dismissal of other Chief Officers on grounds of discipline/capability.**

(a) The Council will approve the dismissal of any other Chief Officer following a disciplinary/capability hearing and following a recommendation by the Investigating Committee.

(b) Dismissal shall only be made where no well-founded objection from any member of the Cabinet has been received.

7.3 **Dismissal of Chief Executive or other Chief Officer on grounds other than discipline/capability grounds**

(a) The Council shall approve the dismissal of the Chief Executive on grounds other than discipline/capability grounds following a recommendation from the Cabinet.

(b) The Council shall approve the dismissal of any other Chief Officer on grounds other than discipline/capability grounds following a recommendation from the Cabinet in consultation with the Chief Executive.
7.4 Dismissal of Deputy Chief Officers

(a) Dismissal of Deputy Chief Officers is the responsibility of the Chief Executive or his/her nominee. However, where the Chief Executive (in consultation with such Councillors as s/he deems necessary) so determines in any individual case, and subject to any terms governing the dismissal of deputy chief officers, contained or incorporated into their contract of employment, the approval of the deputy chief officer shall only be made by the Chief Executive following a disciplinary/capability hearing and following a recommendation by the Investigating Committee, where appointed.

(b) Dismissal of Deputy Chief Officers shall only be made where no well-founded objection from any member of the Cabinet has been received.

7.5 Other Dismissals

(a) Officers below Chief Officers: Dismissal of Officers below Deputy Chief Officer, other than assistants to political groups, is the responsibility of the Chief Executive or her/his nominee, and may not be made by Councillors.

(b) Assistants to Political Groups: Dismissal of an assistant to a political group shall be made in accordance with the wishes of that political group.
### Section 8 – Operating Procedures for Various Bodies

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1 LEGAL STATUS

1.1 Admission Appeals Panels are established in accordance with S. 94 of the Schools Standards and Framework Act 1998 (as amended by the Education Act 2002) and the School Admissions (Appeals Arrangements) (England) Regulations 2012. The Admission Appeals Panel has a statutory duty to act in accordance with the current School Admission Appeals Code issued by the Secretary of State.

2 TERMS OF REFERENCE

2.1 To consider appeals by the parent of a child against any decision as to the school at which education is to be provided for the child, except where a child has been permanently excluded from two or more schools within the last two years in accordance with s. 95 of the School Standards and Framework Act 1998.

3 CONSTITUTION

3.1 The Appeals Panel shall consist of three members as follows:-

- At least one person eligible to be a Lay member. This means someone without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity);
- At least one person with experience in education, who is acquainted with educational conditions in the Local Authority (LA)’s area, or who are parents of registered pupils at a school; and
- One member to be taken from either of these two groups.

Eligibility for membership

3.2 Persons that cannot be members of the Appeals Panel:-

- Any member of the LA or of the governing body of the school in question or any former member of the governing body of the school in question;
- Anyone, other than a teacher or a teaching assistant, employed by the LA or the governing body;
- Any person who has, or has ever had, any connection with the LA or the school in question, or with any employee of the LA or governing body, such that doubts might be reasonably raised over his or her ability to act impartially. Employment by the LA or by the governing body of another school maintained by the LA as a teacher or teaching assistant is not in itself a reason for disqualifying someone from membership – unless there is another reason to call into question their ability to act impartially. A
person who is a teacher or a teaching assistant at a school may not be a member of an appeal panel for the consideration of an appeal for that school;
- A person who was among those who made the decision or took part in discussions as to whether the decision should be made or who provided information which contributed to the decision.
- Anyone who does not satisfy the relevant training requirements.

4 OBJECTIVES

4.1 To determine the outcome of Admission Appeals for Lambeth Community Schools including 6th Forms.

5 ADMINISTRATIVE SUPPORT

5.1 To be provided by Finance & Resources (Governance & Democracy).

6 RULES OF PROCEDURE

Meeting frequency

6.1 Meetings shall be scheduled as required.

Consultation requirements

6.2 Parents or guardians should send a notice in writing setting out the grounds of their appeal within 20 school days from the date of notification that their application was unsuccessful and must receive at least fourteen days (ten school days) notice of the date and time of their appeal and arrangements for the hearing.

6.3 Approximately seven days before the appeal, the agenda papers for the appeal will be dispatched. These will include:-

(a) The parent(s)'/guardian(s)' notice of appeal;
(b) A written statement from the Department of Children & Young People’s Service, to state why the application for a place has been refused;
(c) Copies of any information or documents which are to be submitted to the Panel by either by the LA or the parent(s)/guardian(s).

6.4 Any parties wishing to present evidence to the Panel should send one copy to Governance and Democracy at least eight days in advance of the hearing date, in order that it can be dispatched with the agenda. Governance and Democracy should be advised of any instances where this may not be possible.
Who is entitled to attend the Appeal

(a) The parent(s) or guardian(s) and if over compulsory school age, the pupil;
(b) A representative from the LA;
(c) The Headteacher of the school in question (as a witness for the LA);
(d) The Clerk(s) to the appeal (who will take notes of the proceedings and advise the Panel on any procedural matters).
(e) A legal adviser who will advise the Panel on matters of law, if the LA considers this necessary.
(f) Parent(s) or guardian(s) may also wish to call witnesses to support their case.
(g) Parent(s) or guardian(s) can also be accompanied by a friend or to have a legal representative or other person to represent them. There is no requirement for professional legal representation.

In order to protect the privacy of the child, the appeal is normally heard in private but the Panel can decide to allow:

One observer from the LA

One observer from the Governing Body

One observer from the Council on Tribunals

Quorum

6.5 The appeal hearing may not take place if less than three members are present.

The Appeal Hearing

(a) A Chair will be elected at the commencement of the hearing.
(b) Representatives from the LA and the parent(s) or guardian(s) (or their representatives) and the Headteacher of the school in question (if present) will be shown in.
(c) The Chair will welcome everyone to the Appeal, and explain the procedures to be followed.
(d) The LA’s representative will state their case.
(e) The parent(s) or guardian(s) (or their representative) will be given the opportunity to ask questions of the LA’s representative.
(f) The parent(s) or guardian(s) (or their representative) will state their case.
(g) The LA’s representative will be given the opportunity to ask questions of the parent(s)/guardian(s).
(h) The LA’s representative will sum up their case.
(i) The parent(s) or guardian(s) (or their representative) will sum up their case.
(j) Members of the Appeal Panel may ask questions of any of the parties at any time during the appeal hearing.
(k) Once each party has been given the opportunity to state their case, they will be asked to withdraw from the meeting to enable the Panel to take its decision. The Panel clerk and legal adviser will remain in the meeting to advise the Panel as required.

How the Panel makes its Decision

Junior/Secondary Schools (Year 3 upwards)

6.6 There is a two-stage process.

Stage One - The Factual Stage

The Appeals Panel should decide as a matter of fact whether the applicable admission arrangements were correctly and impartially applied in the individual child’s case, and decide whether “prejudice” to the provision of efficient education or the efficient use of resources would arise were the child to be admitted.

If the Panel decides that the LA’s representative has proven its case, that the applicable admission arrangements were correctly and impartially applied and that admitting the child would prejudice the provision of efficient education or the efficient use of resources, then it will move on to Stage Two of the decision process.

Stage Two - The Balancing Stage

The Panel will decide whether, even though it has been proven that the school is full to capacity, the parent(s)/guardian(s) have put forward reasons for the child to be admitted to the school in question that outweigh the prejudice that the school would suffer.

6.7 If the Panel decides that the parent(s)/guardian(s) has put forward such reasons, then the appeal will be upheld.

Organising Admission Appeals Panels for Junior and Secondary Schools where there is more than one appeal for that school

6.8 Where more than one appeal for the same school has been received, they will be held, where possible, consecutively.

6.9 The Panel will consider each case individually when deciding whether the case put forward by the parent(s)/guardian(s) outweighs the prejudice to the school. If the Panel finds that there are more cases which outweigh prejudice than the school can admit, it will then compare cases and uphold those with the strongest case for admission.
Infant Schools (Reception up to Year 2)

6.10 The panel must comply with the law in relation to the restrictions limiting the size of infant school classes. Where the admission of a pupil would not contravene such legislation the two-stage process outlined above should be applied. Where the legislation would be breached an Appeal Panel may only uphold an appeal if:

(a) The decision was not one which a reasonable admission authority would make in the circumstances; or
(b) The admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the admission arrangements had complied or had been correctly and impartially applied.

Voting

6.11 Each member of the Panel has one vote.

6.12 In the event of a disagreement between the members of the Panel, the appeal under consideration shall be decided by a simple majority of votes.

Finding out the decision

6.13 Parent(s)/guardian(s) are usually advised that they may ring Governance and Democracy Services the day after the appeal to find out the Panel's decision.

6.14 A formal written decision which will list the factors which the Panel took into account in reaching its decision, and if necessary the reasons for the rejection of the appeal will be sent to the parent(s)/guardian(s) within five school days of the appeal, although this may not always be possible where there are multiple appeals for one school.

Minutes and decision letter

6.15 A record of the proceedings will be prepared by Governance and Democracy.
RULES OF PROCEDURE FOR INDEPENDENT REVIEW PANEL - APPLICATIONS FOR REVIEWS OF PERMANENT EXCLUSION (MAINTAINED SCHOOLS AND PUPIL REFERRAL UNITS) -

1 LEGAL STATUS


2 TERMS OF REFERENCE

2.1 To consider applications for reviews by the parent/representative of a child/children where the Governing Body of the school in question upheld the Headteacher’s decision permanently to exclude a pupil, or where a pupil has been permanently excluded from a Pupil Referral Unit.

3 CONSTITUTION

3.1 The Independent Review Panel will consist of three members as follows:-

- The Chair who must be a lay member, defined as someone who has not worked in a school in a paid capacity, although they may have been a school governor or been a paid volunteer.

- One member who must be, or have been, a governor of a maintained school provided they have served in this capacity for at least 12 consecutive months in the last 5 years (provided they have not been a teacher or head teacher during this time).

- One member who must be, or have been within the last 5 years, a head teacher of a maintained school. If the exclusion is from a Pupil Referral Unit (PRU) then this representative can be either a head teacher of a maintained school, or a teacher in charge of a PRU.

Eligibility for membership

3.2 Persons who cannot be members of the Independent Review Panel:-

- Those who are a member of the Local Authority (LA) or of the Governing Body of the excluding school or the management Committee of the excluding PRU.

- Those who are an employee of the LA or of the Governing Body, unless they are employed as a head teacher in another school in the same LA or
as a teacher in charge of a PRU in the same LA where the exclusion is from a PRU.

- Those who have, or at any time have had, any connection with an interested party which might reasonably be taken to raise doubts about their ability to act impartially.
- Those who are the head teacher of the school, the teacher in charge of the PRU or have been the head teacher of the school or teacher in charge of the PRU in the last five years.
- Those who do not satisfy the relevant training requirements.

4. OBJECTIVES

4.1 To determine the outcome of Exclusion Reviews for Lambeth maintained Schools and PRUs.

5. ADMINISTRATIVE SUPPORT

5.1 To be provided by Finance & Resources (Governance & Democracy).

6 RULES OF PROCEDURE

Meeting frequency

6.1 Meetings shall be scheduled when required.

Consultation requirements

6.2 The Independent Review Panel will meet within 15 school days after Governance and Democracy receives the application for a review. The application for a review must be in writing and set out the grounds of the application. Reasonable steps shall be taken to ensure that the parent and other parties are able to attend the hearing.

6.3 All parties to the review application will receive approximately 14 days’ notice of the date and time of the review hearing.

6.4 Approximately seven days before the review hearing, the agenda papers for the hearing will be dispatched. These will include:-

(a) The parent(s)/guardian(s)’ application for a review; and any supporting documentation;
(b) Any papers submitted by the School in support of its case;
(c) A summary of the Department for Education Guidance relating to exclusions.
(d) Any parties wishing to present additional evidence to the Panel should send one copy to Governance and Democracy at least eight days in advance of the hearing to be dispatched with the agenda. Governance and Democracy should be advised of any instances where this may not be possible.
Who is entitled to attend the Review

(a) The parent(s) or guardian(s) (or if aged over 18 years, the pupil) who may be represented by legal or other representatives;
(b) A nominated LA officer, who may make oral representations;
(c) A nominated governor, who may make oral representations;
(d) the Head teacher, or teacher-in-charge of the Pupil Referral Unit who may make oral representations;
(e) Legal advisors to the governing body, LA and the Headteacher (it is normal for the Governing Body and Headteacher to be jointly represented);

In order to protect the privacy of the child, the Review shall generally be heard in private, except:-

(i) If the Panel so directs, one member of the LA may attend as an observer;
(ii) If the Panel so directs, one Member of the Council on Tribunals may attend as an observer.

An excluded pupil under the age of 18 should also be allowed to attend and speak on his or her behalf.

An alleged victim or representative may be invited to attend or submit a written statement.

Witnesses in support of any party’s submissions shall be allowed to attend to give evidence at the discretion of the Panel.

If requested by parents/guardians the LA must appoint a Special Educational Needs (SEN) expert to attend the Panel and cover the associated costs of this appointment. Parents/guardians have a right to request the attendance of an SEN expert at a review irrespective of whether the school recognises that the child in question has SEN. Guidance to the SEN expert on their role is contained in the Department for Education Guidance.

Quorum

6.6 The hearing may not take place if less than three members are present.

The Review Hearing

(a) The lay member will take the Chair at the commencement of the hearing.
(b) Representatives from the LA, Governing Body and the parent(s) or guardian(s) (and/or their representative) will be shown in.
(c) The Chair will welcome everyone to the Review, and explain the procedures to be followed.
(d) The school’s or Pupil Referral Unit’s representative(s) will state their case.
(e) The parent(s) or guardian(s) (or their representative) will be given the opportunity to ask questions of the school’s or Pupil Referral Unit’s representative.
(f) The parent(s) or guardian(s) (or their representative) will state their case.
(g) The school’s or Pupil Referral Unit’s representative(s) will be given the opportunity to ask questions of the parent(s)/guardian(s).
(h) (If present) the SEN expert addresses the Panel and responds to any questions from the Panel and the parties.
(i) The school’s or Pupil Referral Unit’s representative(s) sums up their case.
(j) The parent(s) or guardian(s) sum up their case.
(k) Members of the Panel may ask questions of any of the parties at any time during the appeal hearing.
(l) Once each party has been given the opportunity to state their case, they will be asked to withdraw from the meeting to enable the Panel to take its decision. The Panel clerk and legal adviser will remain in the meeting to give the Panel any advice it requires.

6.7 Although these procedures must be followed for each appeal, the Panel will make every effort to make the meeting as accessible and non-adversarial as possible.

How the Panel makes its Decision

6.8 Once each party has been given the opportunity to state their case, they will be asked to withdraw from the meeting to enable the Panel to take its decision. The Panel clerk and legal adviser will remain in the meeting to give the Panel any advice it requires.

6.9 The role of the Panel is to review the Governing Body’s decision not to reinstate a permanently excluded pupil. In reviewing the decision the Panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

Evidence may be presented to the Panel which was not before the Governing Body although the school may not introduce new reasons for the exclusion (the use which may be made of new evidence is explained further below).

Where an SEN expert is present the Panel must have regard to the SEN expert’s view of how SEN might be relevant to the pupil’s exclusion.

6.10 The Panel can take one of the following decisions:-

- to uphold the exclusion decision;
- to recommend that the Governing Body reconsiders their decision; or
- to quash the decision and direct that the Governing Body considers the exclusion again. In these circumstances the Panel also has the power to order that a readjustment of the school’s budget in the sum of £4000
must be made if the Governing Body does not offer to reinstate the pupil within 10 school days of receiving notice of the Panel’s decision.

The Panel may only quash the decision where it considers that it was flawed when considered in the light of principles that would be applicable on an application for judicial review. This could include where the exclusion is unlawful, or the decision of the Governing Body not to reinstate the pupil is so unreasonable that it was not one a sensible person could have made, or where the process of exclusion was so unfair or flawed that justice was clearly not done. Further guidance about the relevant test is contained in the Department for Education Guidance.

In deciding whether to quash the Governing Body’s decision the Panel must take account only of the evidence that was available to the Governing Body at the time of making their decision or evidence that the Panel considers should have been available to the Governing Body had they been acting reasonably. If new evidence is presented to the Panel which it was not reasonable to expect the Governing Body to have taken into account, that evidence can be taken into account by the Panel in deciding whether to recommend that the Governing Body reconsider their decision.

Where the criteria for quashing a decision have not been met the Panel should consider whether it would be appropriate to recommend that a Governing Body reconsiders their decision not to reinstate the pupil. This should be done where the Panel believes that evidence or procedural flaws have been identified that justify a reconsideration of the Governing Body’s decision.

In all other cases the Panel should uphold the exclusion.

Voting

6.11 Each member of the Panel will have one vote.

6.12 In the event of a disagreement between the members of the Panel, the review will be decided by a simple majority of votes.

Finding out the decision

6.13 Parent(s)/guardian(s) are usually advised that they may ring Governance and Democracy the day after the hearing to find out the Panel's decision.

6.14 A formal written decision will be sent to parent(s)/guardian(s) within 2 working days of the decision of the Independent Review Panel being made.
EDUCATION APPEALS BY A GOVERNING BODY AGAINST A LA DECISION TO ADMIT A CHILD WHO HAS BEEN PERMANENTLY EXCLUDED FROM TWO OR MORE SCHOOLS (LAMBETH COMMUNITY AND CONTROLLED VOLUNTARY SCHOOLS) - MEMORANDUM OF PROCEDURE

1 LEGAL STATUS

1.1 Appeals against a direction to admit a child who has been permanently excluded from two or more schools are established in accordance with Section 87(2), and 95 of the School Standards and Framework Act 1998 and the School Admissions (Appeals Arrangements) (England) Regulations 2012. The Admission Appeals Panel has a statutory duty to act in accordance with the current School Admission Appeals Code issued by the Secretary of State.

2 TERMS OF REFERENCE

2.1 To consider appeals by a Governing Body against a decision by the Local Authority (LA) to direct a School to admit a child who has been permanently excluded from two or more schools.

3 CONSTITUTION

3.1 The Appeals Panel must be constituted in the same way as a panel hearing an appeal against a decision not to admit a child and shall consist of three members as follows:-

- At least one person eligible to be a Lay member. This means someone without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity);

- At least one person with experience in education, who is acquainted with educational conditions in the LA’s area, or who are parents of registered pupils at a school; and

- One member to be taken from either of these two groups.

Eligibility for membership

3.2 Persons that cannot be members of the Appeals Panel:-

- Any member of the LA or of the governing body of the school in question or any former member of the governing body of the school in question;
- Anyone, other than a teacher or a teaching assistant, employed by the LA or the governing body;
- Any person who has, or has ever had, any connection with the LA or the school in question, or with any employee of the LA or governing body, such that doubts might be reasonably raised over his or her ability to act
impartially. Employment by the LA or by the governing body of another school maintained by the LA as a teacher or teaching assistant is not in itself a reason for disqualifying someone from membership – unless there is another reason to call into question their ability to act impartially. A person who is a teacher or a teaching assistant at a school may not be a member of an appeal panel for the consideration of an appeal for that school;

- A person who was among those who made the decision or took part in discussions as to whether the decision should be made or who provided information which contributed to the decision.
- Anyone who does not satisfy the relevant training requirements.

4. OBJECTIVES

4.1 To determine the outcome of Appeals against a direction by the Local Authority to admit a pupil.

5. ADMINISTRATIVE SUPPORT

5.1 To be provided by the Finance & Resources (Governance & Democracy).

6 RULES OF PROCEDURE

Meeting frequency

6.1 Meetings shall be scheduled when required.

Consultation requirements

6.2 The Appeal Panel will meet within 15 school days of Governance and Democracy receiving the appeal in the form of a written notice setting out the grounds of the appeal. If any party requests more time and there are exceptional circumstances, this period may be extended.

6.3 All parties to the appeal will receive approximately 14 days' notice of the date and time of the appeal hearing.

6.4 Approximately seven days before the appeal, the agenda papers for the appeal will be dispatched. These will include:-

(a) The Governing Body's appeal form and any supporting documentation.
(b) Any papers submitted by the Local Authority in support of its case.

6.5 Any parties wishing to present additional evidence to the Panel should send one copy Governance and Democracy at least eight days in advance of the hearing to be dispatched with the agenda. Governance and Democracy should be advised of any instances where this may not be possible.
**Who attends the Appeal**

(a) A representative of the School Governing Body;
(b) A representative from the Children’s and Young People’s Service Department;
(c) The clerk(s) to the Appeal and any legal adviser to the Appeal Panel;

((a) and (b) above are the "parties to the Appeal").

Governance and Democracy should be advised in advance if either of the parties to the Appeal is intending to bring additional witnesses.

6.6 In order to protect the privacy of the child, the Appeal shall generally be heard in private, except:-

(i) If the Panel so directs, one member of the Local Authority may attend as an observer.
(ii) If the Panel so directs, one Member of the Council on Tribunals may attend as an observer.

**Quorum**

6.7 The appeal hearing may not take place if less than three members are present.

**The Appeal Hearing**

(a) A Chair will be elected at the commencement of the hearing.
(b) Representatives from the LA and Governing Body will be shown in.
(c) The Chair will welcome everyone to the Appeal, and explain the procedures to be followed.
(d) The LA's representative will state their case, with the support of any witnesses.
(e) The Governing Body's representative will be given the opportunity to ask questions of the LA's representative.
(f) The Governing Body's representative will state their case, with the support of any witnesses.
(g) The LA's representative will be given the opportunity to ask questions of the Governing Body.
(h) The LA's representative sums up their case.
(i) The Governing Body's representative sums up their case.
(j) Members of the Appeal Panel may ask questions of any of the parties at any time during the appeal hearing.
(k) Once each party has been given the opportunity to state their case, they will be asked to withdraw from the meeting to enable the Panel to take its decision. The Panel clerk and legal adviser will remain in the meeting to give the Panel any advice it requires.
6.8 Although these procedures must be followed for each appeal, the Panel will make every effort to make the meeting as informal and relaxed as possible.

**How the Panel makes its Decision**

6.9 Once each party has been given the opportunity to state their case, they will be asked to withdraw from the meeting to enable the Panel to take its decision. The Panel clerk and legal adviser will remain in the meeting to give the Panel any procedural advice it requires, as will the Administrator to provide any further support.

The Panel must consider the following factors *inter alia*:-

- The reasons for the LA’s decision that the child in question should be admitted.
- Any reasons put forward by the Governing Body as to why the child’s admission would be inappropriate.

6.10 The Panel should, in making their decision, consider the facts of the individual case, the application of relevant law and all relevant matters, and should discount all irrelevant matters.

**Voting**

6.11 Each member of the Panel will have one vote.

6.12 In the event of a disagreement between the members of the Panel, the appeal under consideration shall be decided by a simple majority of votes.

**Finding out the decision**

6.13 The parties are usually advised that they may ring Governance and Democracy the day after their appeal to find out the Panel’s decision.

6.14 A formal written decision will be sent to all parties by the end of the second school day after the conclusion of the appeal hearing.
CORPORATE PARENTING BOARD

Overview

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

The Corporate Parenting Board (CPB) acts strategically to ensure that children looked after and care leavers are effectively supported to reach their potential through the provision of excellent parenting, high quality education, opportunities to develop their talents and skills, and effective support for their transition to adulthood.

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

Membership

The Corporate Parenting Board is chaired by the Lead Member for Children and Young People. Membership of the CPB is from councillors, officers and organisations who are responsible for providing services directly to children looked after and/or care leavers.

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

Membership of the Corporate Parenting Board consists of:

Councillor membership:
- Six councillor representatives from across all political parties including the lead member for children and young people

Service User Membership:
- Chair and Deputy Chair of the Children in Care Council
- Lambeth Foster Carer

Officer membership:
- Divisional Director Social Care
- Assistant Director Children and Young People, Primary Care Trust
- Principal, Lambeth Community College
• Assistant Director Multi-Agency Looked After Children & Corporate Parenting Services
• Assistant Director Inclusion
• Assistant Director Community Learning
• Service Manager Independent Reviewing Team
• Corporate Parenting Team Manager

Senior Officers to attend when required as advisors to the board:
• Head of Service Children Looked After
• Head of Service Leaving Care
• Strategic Commissioning Manager CYPS
• Assistant Director Housing
• Assistant Director Cultural Services
• Head of Enterprise, Student Services and Connexions
• Head of Service Community Children’s Service

The quorum is two councillors and two senior officers (Head of Service and above).

Meetings

• The CPB meets five times per year.

• Each CPB meeting is themed as one of the five outcomes of Every Child Matters.

• This body is serviced administratively by Governance and Democracy and supported by the Corporate Parenting Team.

• The CPB agrees an annual work programme setting out its key priorities and areas for action, and records outcomes of these actions.

• The chair of the CPB meets with the Divisional Director Social Care, Corporate Parenting Team Manager and Chair of the Children in Care Council separately five times per year before each CPB meeting to agree the agenda and review actions and progress.

• In order to protect the privacy of the young people, the meeting is held in private and not open to members of the public and papers are not released to the public. The agenda is published on the Council’s private Intranet seven working days ahead of the meeting. The minutes of the CPB are also published on the Council’s private Intranet five clear days after the meeting.

• As a matter of course, there shall be no audio or visual recording of meetings, unless agreed by the CPB.
Reporting Mechanisms

- The CPB has a constitutional requirement to submit an annual corporate parenting report to Full Council

- Minutes of the CPB are to be sent to the Executive Director of Children and Young People’s Service, Children Looked After and At Risk Commissioning Group and to the Strategic Leadership Board when required.

- The CPB has a requirement to submit an annual corporate parenting report to the following bodies:
  1. Lambeth Safeguarding Children’s Board
  2. Departmental Leadership Team, Children and Young People’s Service
  3. Lambeth First Board

The Corporate Parenting Board has a responsibility:

- To oversee the implementation of the Lambeth Council Corporate Parenting Strategy and Action Plan and monitor the quality and effectiveness of services to ensure they fulfil the council’s responsibilities and achieve good outcomes for CLA.

- To monitor and evaluate progress of relevant legislation and government guidance and its implementation in Lambeth to ensure services are responsive to the needs of CLA in line with the national Every Child Matters agenda.

- To monitor and review the quality and effectiveness of services across the council, partner agencies and commissioned services to achieve continuing improvements in outcomes for looked after children and care leavers.

- To ensure that the voice and opinions of as wide a range as possible of children looked after and care leavers are heard and that their views are used to shape policy and monitor performance.

- To directly receive the views of children and young people looked after and leaving care via the Children in Care Council mechanisms and annual consultation to ensure their views and experiences directly influence decisions made at this level.

- To receive reports on all aspects of children looked after and care leaver’s welfare as required from the local authority and partner agencies in sufficient detail to enable it to undertake its strategic responsibilities for planning, monitoring and evaluation.
• To monitor the performance of the Council by receiving progress reports on the key performance indicators relating to children looked after and care leavers.

• To monitor Lambeth’s whole authority commitment to joint-working arrangements between council departments and partner agencies and examine ways in which holistic, integrated and cross-cutting practice can be further embedded and priorities and objectives agreed.

• To maintain a strategic overview on the developmental of all new policies, procedures and initiatives to ensure these are in line with local and national priorities and objectives including the Corporate Parenting Strategy; and that they will effectively meet the needs of children looked after.

• To make recommendations to decision makers in Lambeth Council and its strategic partners as it deems appropriate to fulfil its Corporate Parenting duty.

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

Terms of Reference:

Status
Operating as any panel, The Corporate Equality Impact Assessment Panel does not need to be politically balanced or made up of only Cabinet members. The Corporate Equality Impact Assessment Panel has no formal decision-making powers and may include any member of the Council (such as Deputy Cabinet Members or Champions), officers, stakeholders, etc. Meetings of the Corporate Equality Impact Assessment Panel will be held in private in order to enable early collective discussions on a wide range of options and issues (within the identified scope of responsibilities).

Equality impact assessments and other reports presented to the Corporate Equality Impact Assessment Panel will be published Further, and accordingly, the provisions of the Access to Information Procedure Rules and of the Cabinet Procedure Rules (Part 3 of the Council’s Constitution) shall not apply unless expressly indicated to the contrary.

Governance context
The Corporate Equality Impact Assessment Panel operates within the council’s wider corporate governance framework. It formally reports to the Chief Executive who is empowered to refer issues to either the Cabinet (all policies\(^2\) except staffing ones) or Corporate Committee (staffing policies only) as appropriate. This power may, in turn, be delegated to an Executive Director or Divisional Director.

The Strategic Leadership Board oversees delivery of actions and recommendations from the Panel.

Purpose
The Equality Act places a statutory requirement on public authorities to adhere to the three aims of the equality duty

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

\(^2\) This includes all business activities such as strategies, functions, procedures, practices, decisions, procurement, commissioning, workforce change, and projects.
The protected characteristics covered by the Equality Duty are:

- age
- disability
- gender reassignment
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

Although not covered in law, the Council has committed to also consider socio-economic issues as a further equality strand.

Within this context, the Corporate Equality Impact Assessment Panel will manage and steer the equality impact assessment process across the Council by:

- Undertaking independent reviews of the equality impact assessments carried out in relation to key council policies and changes in policy.
- Providing advice and recommendations on equality issues relating to the effectiveness of policies and changes in policy arising out of the individual review.
- Reviewing general and specific arrangements for equality impact assessments across the council.
- Reviewing annual service and financial plans to help minimise risk and maximise opportunities to strengthen work to promote equality.
- Monitoring key mitigating actions agreed to address any identified potential negative or positive impact of proposed and reviewed policies.

**Constitution**

The Corporate Equality Impact Assessment Panel will be chaired by the Cabinet Member with responsibility for equality and/or cohesion. The core Panel members will be a mixture of elected members, partnership representatives, voluntary sector and community representatives and Council officers. The 2009/10 panel member composition is as follows:

- 6 x Councillors, Labour Group
- 1 x Councillor, Liberal Democrat Group
- 1 x Councillor, Conservative Group
- Divisional Director, Policy, Equality and Performance
- Head of Strategy and Equalities
- 1 x representative from Voluntary and Community Sector
• 1 x representative from Trade Unions Committee

Experts with specialist skills or knowledge will be invited to attend panel meetings as and when a specific need is identified.

Meetings

The Panel will meet at least 10 times during the financial year, April to March. The Forward Plan of meetings will be agreed and published in April. Panel meetings will be serviced by the Policy Equalities and Performance Division.

Working Arrangements

At each meeting the Panel will review three to four policies or Equality Impact Assessments. The selection criteria are based upon the scale and scope of the impact the policies might have on equalities groups, socio economic factors and human rights. These will be policies that have been identified as having a high or medium relevance to promote equality and community cohesion, and eliminate discrimination. All proposals going on to Cabinet for decision will need to have been subject to an Equality Impact Assessment and considered by the Corporate EIA panel.

The outcome of the review meeting and recommendations will be recorded and submitted to the responsible Executive Director and lead officer for action. An update period will be agreed to consider progress of any agreed actions.

All papers relating to the EIA process will be retained in line with the Council’s record management policy and statutory equality requirements.

Full details of the Council’s equality impact assessment process can be obtained by emailing equalities@lambeth.gov.uk.

Member Training

All members of the Corporate Equality Impact Assessment Panel must attend equality impact assessment training. A programme of regular training sessions will be provided with the aim of ensuring that no member of the Corporate Equality Impact Assessment Panel attends the meeting without having had the benefit of appropriate training.
PENSION FUND INVESTMENT PANEL

1. Terms of Reference

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

1.2 Determining the Statement of Investment Principles, subject to approval by the Corporate Committee and modification as appropriate.

1.3 Ensuring adequate monitoring and compliance with the overall investment strategy and the Statement of Investment Principles.

1.4 To make recommendations to Corporate Committee with regard to the appointment of investment managers and any external service providers and advisors felt to be necessary.

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

2. Constitution

2.1 In accordance with those recommendations made by the CIPFA and the Myners Report, the Panel will comprise the following voting members:

- Five elected members (plus three substitutes)

2.2 Co-opted Members: Representatives from the following groups will be co-opted onto the Panel:

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

2.3 In accordance with Best Practice, only elected members shall have voting rights. Pensioner representatives have been elected for a term of 3 years (until May 2013) by a ballot of Pensioners of the Fund. Staff representatives have been elected for a term of 3 years (until May 2013) by a ballot open to all members of staff who are members of the Fund.
3 Member training

All council and co-opted members of the Pension Fund Investment Panel, including councillor substitute members, must attend training sessions provided by the Council. A programme of regular training sessions will be provided with the aim of ensuring that no member of the Pension Fund Investment Panel attends a meeting without having had the benefit of appropriate training.

4. Legal framework

4.1 The Panel is constituted under Paragraph 4 of the Terms of Reference of the Corporate Committee (Part 2, Section 1C of the Constitution).

4.2 Operating as any panel, it does not need to be politically balanced or made up of only Cabinet members.

5. Working Arrangements

5.1 Meetings will be held quarterly, and will be open to the press and public.

5.2 Notice of the meeting will be sent to all members of the Council.

5.3 Members sit as Borough-wide representatives, and where necessary, declare any ward interest.

5.4 In the absence of the Chair, the meeting shall be chaired by another Councillor elected by the meeting.

5.5 At the Chair’s discretion, speaking rights can be granted to members of the public (maximum of three minutes).

5.6 The quorum of the Panel is 3 members, including at least two voting members (as is required by Council Procedure Rule (Standing Order) 8 in relation to committees and sub-committees).

5.7 The Panel will be serviced by Democratic Services & Scrutiny. All reports (including appendices) must reach Democratic Services & Scrutiny not later than 5pm, 12 clear (working) days prior to the date of the scheduled meeting. The agenda shall be published at least 5 working days prior to the meeting and shall be available for public inspection in accordance with the requirements of the Access to Information Procedure Rules (Part 3, Section 2 of the Constitution).

5.8 The Panel will submit a report, detailing any actions taken or recommendations made, to the Corporate Committee on a quarterly basis.
5.9 The following Council Procedure Rules (Standing Orders) will apply:

2. Ordinary meetings
3. Extraordinary meetings
4. Appointment of substitute members
5. Date, Time and place of meetings
6. Notice of and summons to meetings
7. Chair of meeting
8. Quorum
9. Duration of meeting: Guillotine
15. Motions without notice
16. Rules of debate
17. Voting
18. Minutes
19. Record of attendance
20. Exclusion of public and press
21. Members’ conduct
22. Disturbance by public
1. LEGAL STATUS

1.1 Section 85A of the School Standards and Framework Act 1998 as amended requires the local education authority to establish an Admissions Forum.

1.2 The constitution of that Forum and the voting arrangements are governed by the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008.

1.3 The Admission Forum is not a Committee of the Council within the meaning of Section 101 of the Local Government Act, 1972.

2. TERMS OF REFERENCE

2.1 The role of the Forum is to consider and advise on the fairness of admission arrangements for schools in the relevant area, and in particular:

(a) the extent to which the current admission arrangements in the relevant area serve the interests of looked after children, children with disabilities and children with special educational needs;

(b) the effectiveness of any fair access protocol in place in the relevant area;

(c) the effectiveness of any scheme for co-ordinating admission arrangements made or adopted in the relevant area and, where relevant, any adjoining local authority area; and

(d) details of any other matters which affect the fair operation of admission arrangements for relevant schools in the relevant area.

2.2 A forum must—

(a) advise the authority and the governing bodies of all voluntary aided and foundation schools in the area by 30th November each year which persons or bodies in the area the forum considers have an interest in proposed admission arrangements for the purposes of regulation 12(2)(h) of the Admission Arrangements Regulations;

(b) consider and advise on any proposed qualifying scheme for the co-ordination of admission arrangements referred to it by the authority pursuant to regulation 5 of the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008;

(c) consider admission arrangements referred to it under regulation 12(2)(f) of the Admission Arrangements Regulations for the purposes of consultation and must consider whether to exercise its power to refer an objection to any such arrangements to the adjudicator pursuant to section 88H(2);
(d) consider any composite prospectus published by the authority and advise the authority on whether this might be improved to raise the standard of information provided to parents; and

(e) consider whether to produce a report for the purposes of section 85A(1A).

3. **CONSTITUTION**

   **Membership**

3.1 The Admission Forum may have a maximum of 20 members.

3.2 The recommended membership for Lambeth Forum:

<table>
<thead>
<tr>
<th>Membership Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillors</td>
<td>2</td>
</tr>
<tr>
<td>Schools - Community</td>
<td>5 (Head Teachers or Governors)</td>
</tr>
<tr>
<td>Schools - Voluntary controlled</td>
<td>1 (Head Teacher or Governor)</td>
</tr>
<tr>
<td>Schools - Foundation</td>
<td>1 (Head Teacher or Governor)</td>
</tr>
<tr>
<td>Schools - Voluntary Aided</td>
<td>3 (Head Teachers or Governors)</td>
</tr>
<tr>
<td>Schools – Academies</td>
<td>1 (Head Teacher or Governor)</td>
</tr>
<tr>
<td>Diocesan Board Church of England representative</td>
<td>1 determined by Diocesan Board</td>
</tr>
<tr>
<td>Roman Catholic Diocese representative</td>
<td>1 determined by Diocesan Board</td>
</tr>
<tr>
<td>Islamic Faith</td>
<td>1 determined by the Faith</td>
</tr>
<tr>
<td>Parent representatives</td>
<td>3</td>
</tr>
<tr>
<td>Representatives of the local community</td>
<td>1</td>
</tr>
</tbody>
</table>

People may be invited to attend to give expert advice to the Forum. They will be permitted to make a contribution without the need to vote.

3.3 A member must vacate office—
- (a) where the person was appointed as a member of the authority, if he ceases to be a member of the authority in question;
- (b) where the person was appointed as a head teacher or governor, if they cease to be a head teacher or governor of a school falling within that school group;
- (b) where the person was appointed by a Diocesan Board or faith, if the body who nominated the member are of the opinion that the member should no longer be a member of the forum and notify the secretary accordingly;
(c) where the person was appointed as a parent, if they cease to be a parent member;
(d) where the person was appointed as a representative of the local community, if the authority, following a recommendation from the other members, are of the opinion that the member should no longer be a member of the forum.

3.4 A person appointed as a member shall hold and vacate office in accordance with the terms of his appointment and, on ceasing to be members of the forum, are eligible for reappointment.

Tenure of members shall be for a fixed period not exceeding four years

Substitution Rights

3.5 Any member may nominate an alternate to attend meetings of the forum in their absence, by giving written notice to the secretary, and such nomination remains effective until it is withdrawn as follows:

A local authority member may only nominate an alternate member who is a member of the local authority;

A Parent Representative may only nominate an alternate member who is a Parent of a child who has attained the age of two and is receiving primary education or is of compulsory school age

A Member representing a school or academy may only nominate an alternate member who is a Head teacher or governor, other than a local authority appointed governor from the same school group as the school of which the member in question is a Head teacher or governor;

A Faith Representative may not nominate an alternate member unless the person or body by which the member was nominated consents to the proposed nomination;

A Representative of the Local Community may only nominate an alternate member with the consent of the local authority.

4. CODE OF CONDUCT

4.1 In carrying out their functions, members of the Forum are expected to act in accordance with the principles of public life set out in the report of the Forum on Standards in Public Life and the Members Code of Conduct.

4.2 Individual members of the Forum shall declare any personal interest in any individual proposal where they may have a prejudicial interest in the decision made.
4.3 Any member with a prejudicial interest shall withdraw from the discussion of the proposal concerned and take no part in the decision reached.

5 OBJECTIVES

5.1 Promulgating advice and recommendations to admission authorities of maintained schools and academies within its area and making such advice to other persons with an interest.

5.2 Providing a report to the Adjudicator include the forums analysis of the extent of admission arrangements, or any aspect of the admission arrangements in its area ensure fair access to educational opportunity and any recommendations which the forum wishes to make to improve fair access as a result of such analysis.

6. ADMINISTRATIVE SUPPORT

6.1 To be provided by the Local Education Authority, who, if necessary or appropriate, will establish a budget for the Admissions Forum.

7. RULES OF PROCEDURE

Meeting frequency

7.1 Meetings shall be scheduled at least two times a year, to agree a draft Admissions plan, with written and oral submissions relating to the plan.

7.2 Additional meetings to take decisions on individual statutory proposals will be scheduled when necessary.

Consultation requirements

7.3 The Admissions Scheme shall be the subject of local consultation.

7.4 Reports to meetings shall be published and distributed at least 7 working days before scheduled meetings.

7.5 Members and officers shall ensure that consultation has taken place with all key stakeholders and any other persons required by virtue of legislation or who, in the opinion of the members, should be consulted.

Minutes

7.6 Decision proposals will be published within 10 days after a Forum meeting.
Chairing

7.7 At the first meeting of the forum and each meeting referred to the members must elect two members of the forum to be the chair and vice-chair.

7.8 The Chair and Vice-Chair shall hold office until the next meeting which falls after the date which is a year after the meeting at which they were elected, and on ceasing to hold office shall be eligible for re-election.

7.9 A person ceases to hold office as the chair or vice-chair –
(i) on ceasing to be a member of the forum, or
(ii) if they resign office by written notice given to the secretary.

7.10 In the event of a casual vacancy occurring in the office of chair or vice-chair the members must at their next meeting elect one of their members to fill that vacancy and a member so elected shall hold office until the date of the meeting at which the chair or vice-chair would have held office had the vacancy not occurred.

7.11 It is the responsibility of the Chair and Vice-Chair to:

- Chair meetings
- Oversee the preparation of the minutes of the meeting
- Submit a budget for the Local Education Authority’s approval (where applicable).
- Be accountable for expenditure against that budget (where applicable)
- Take responsibility for action, including oversight of the provision of relevant papers to the Office of the Schools Adjudicator

Appointment of a Secretary

7.8 The members must appoint a person, nominated by the authority, who is not a member of the forum, to act as secretary to the forum.

7.9 It will be the responsibility of the Secretary to:

- Take the minutes of the meetings; these should be in the form which could be passed to the Adjudicator if necessary
- Pass complete copies of relevant papers to the Adjudicator, where the Forum has not been able to reach a unanimous decision
- Provide impartial advice on the proceedings
- Convene meetings of the Forum, giving at least seven working days notice, with a full agenda.
Voting

7.10 Each core member of the forum represented shall have a single vote.

7.11 In the event of a tie, the Chair will have the deciding vote.

7.12 A member of the Forum may decide to abstain from voting on a particular issue.

Quorum

7.13 It is for the Forum to establish a quorum at its first meeting. It has been agreed that the quorum will be 7 members.

Delegations to the Forum

7.14 The Forum may elect to see a delegation about a particular issue.

7.15 Where oral evidence in respect of a delegation is given on one view, the Forum should also seek representations on a range of views.

7.16 In some circumstances, the Forum may wish to seek oral evidence in a series of fact-finding meetings. It is important for the Forum to ensure that, where new points are raised or new information is given which will influence the decision that the proposers, or others with a key interest, are given the opportunity to comment.

Open meetings

7.17 It is for the Forum to decide whether meetings should be open to the public.
LAMBETH TENANTS’ COUNCIL

1. Purpose

Tenants’ Council’s role is to be the overarching body representing the views of Lambeth Council’s tenants and leaseholders on any matters of concern regarding the delivery of housing services across the Borough.

2. Aims and objectives

(a) To be the recognised consultative body between the Area Housing Forums, Executive Director of Housing, Regeneration & Environment and Lambeth Council within the criteria laid out in the borough-wide Tenant Participation Compact.

(b) To receive referrals from Area Housing Forums and make representations on any issues of borough-wide concern to relevant officers; to consider matters submitted by Lambeth Council and its agents and respond to these as appropriate.

(c) To encourage positive and effective tenant participation in the Borough by supporting the formation of new tenant and resident associations and assisting existing groups.

(d) To work with Lambeth Council to ensure excellence in the delivery of its landlord services.

(e) To be recognised by Lambeth Council as a strategic partner in developing, implementing and monitoring the Council’s housing strategy.

(f) To nominate representatives to attend appropriate meetings on behalf of Tenants’ Council.

(g) To seek to work with all those for whom Lambeth Council has a responsibility to house, to ensure their needs are identified and represented.

3. Terms of Reference

(a) To monitor, scrutinise, question and investigate the policy and performance of Lambeth Council as a social housing provider and to make recommendations to the relevant Council committees with responsibility for housing matters in order to drive improvement in services.

(b) To request the attendance at any of its meetings of any Member of the Executive and relevant officers.

(c) To consider all referrals received from Area Housing Forums, holding the responsible Members and officers to account and ensuring that appropriate answers are supplied.

(d) To receive and respond to reports (including performance reports) in respect of Housing, Regeneration, Planning and any other issues relating to the discharge by Lambeth Council of its social housing
provision and regeneration functions that affect tenants of the Council or those in housing need.

(e) To develop its own work programme in relation to the provision and delivery of a housing service to the community of Lambeth.

(f) To receive presentations from individuals or organisations within or outside of the Council structure to achieve better understanding of any issues that concern Tenants’ Council.

(g) To periodically review the Borough-wide Tenant Participation Compact and, in partnership with the Executive Director of Housing, Regeneration & Environment and Executive Member for Housing, make appropriate recommendations as to the implementation, effectiveness and requirements of the Compact being delivered.

(h) To disseminate and respond to any consultative document or information as it may see fit in the furtherance of the aims and objectives.

(i) To consider training needs of delegates and further the knowledge base of delegates by encouraging attendance at seminars and housing associated meetings, in addition to both in house and external training.

4. Membership

(a) Each Area Housing Forum shall nominate voting delegates who must be members of a registered tenants’ and residents’ association, within Lambeth and the Area they represent. These delegates shall be elected for annual terms of office at the annual meetings of the Area Housing Forum.

(b) Three tenant TMO delegates shall be elected at a meeting of the joint TMO Liaison Committee. These delegates shall be subject to an annual re-election. These delegates may be members of the TMO.

(c) Only tenants or leaseholders of residential property owned by Lambeth Council shall be eligible to represent their Area or TMO on the Tenants’ Council. Freeholders shall be ineligible.

(d) Directors of the ALMO boards are not eligible to be members of Tenants Council, although are welcome to attend meetings

(e) Officers of Lambeth Council shall attend at the invitation of Tenants’ Council.

(f) Housing spokespeople from all political parties on Lambeth Council shall be invited to attend meetings and shall receive papers.

(g) Leaseholders’ Council shall be invited to nominate representatives on an observer status basis, with speaking rights.

(h) Both the Cabinet Member for Neighbourhood Services and the Executive Director of Housing, Regeneration and Environment (or nominated officer) shall be nonvoting ex-officio members of Tenants’ Council.

(i) Tenants’ Council shall be able to invite co-optees, who, in their opinion, have a specialist interest, knowledge or expertise which would be of benefit to Tenants’ Council, to attend meetings. Co-opted members shall have no voting rights.
(j) All delegates to Tenants’ Council will be required to complete a registration form which will include a declaration of interests and Code of Conduct along with contact details. Delegates thereby consent to their contact details being made available to other members of Tenants’ Council, Members and/or officers of Lambeth Council, where appropriate.

5. Voting

(a) Each delegate nominated by the Area Housing Forum shall have one vote.
(b) Each delegate from the TMO board members group (Liaison Committee?) shall have one vote.
(c) Officers of Lambeth Council and Council Members shall have no voting rights.
(d) Voting shall be by a show of hands, other than in exceptional circumstances when a secret ballot may be held at the request of the Chair, and the issue shall be determined by a simple majority of those present.
(e) In the event of an equality of votes the person presiding shall have no second or casting vote and the proposal concerned shall be deemed lost.

6. Meeting Procedures

(a) Meetings of Tenants’ Council shall be open to the public, subject to the exclusion clause set out below, and members of the public shall be entitled to speak at the discretion of the Chair
(b) The venue for Tenants’ Council meetings shall be Lambeth Town Hall or another central location with the agreement of Tenants’ Council Executive
(c) No business shall be transacted at any meeting of Tenants’ Council unless a quorum of one quarter of the voting members are present.
(d) There shall be a minimum of four (4) meetings per year. The first meeting of the financial year shall be described as the Annual General Meeting.
(e) Meetings will be expected to deal with issues of a strategic nature
(f) Amongst the business of the Annual General Meeting shall be elections for the positions of Chair and Vice-Chair(s) of Tenants’ Council and a report from the Chair or the Executive Group on the previous year’s work.
(g) The time for meetings to commence shall be 7:00 p.m. and the duration shall not exceed two and a half hours, but may be extended by half an hour at the discretion of the Chair, having taken into account the views of those delegates present.
(h) Extraordinary meetings may be called by Tenants’ Council Executive or the Executive Director of Housing, Regeneration & Environment in consultation with Tenants’ Council Executive at any time.
(i) Twelve (12) voting delegates may, by written request to the Chair, call for a special meeting of Tenants’ Council to be held for a purpose specified in that request. The special meeting should be called by the Chair within 28 days of receipt of the request.

(j) Administrative support to Tenants’ Council, including agenda preparation, notice of meetings and production of minutes, will be provided by Lambeth Council in consultation with Tenants’ Council Executive.

(k) At least five (5) working days before all intended meetings notice shall be delivered to every nominated delegate listing the date, time, location and business to be conducted.

(l) The notice of meetings, agendas and minutes shall be made available to the public upon request at Area Housing Offices.

(m) Draft minutes shall be drawn up by the relevant officer and presented to the chair within ten (10) working days of a meeting.

(n) The draft minutes shall be submitted to the next possible meeting for approval.

(o) Tenants’ Council may establish working parties to deal with specific matters, as it thinks fit. The membership of such working parties shall be decided by Tenants’ Council and may be open to non-delegates, but the Working Party chair must be a Tenants’ Council delegate. Working parties may be set up to discuss a particular issue and will cease to exist when that task is complete. Any report or recommendations of the working party shall be submitted to Tenants’ Council in a written report.

(p) All such working parties shall be responsible to Tenants’ Council and shall report back on all work undertaken at appropriate times or when requested to do so. It will be incumbent upon the chair of Tenants’ Council that delegates are informed of the business transacted by its appointed working parties.

7. Tenants’ Council Executive

(a) The chair and vice chair(s) shall be elected annually for a period of one year at the annual general meeting (AGM) and shall not be eligible to seek re-election after two years in office, for either respective position, unless by the agreement of Tenants’ Council in exceptional circumstances.

(b) The outgoing chair will preside at the AGM and the new chair shall take office upon conclusion of the meeting.

(c) The Executive will comprise the chair, the vice chair(s) and the immediate past chair to facilitate the management responsibilities.

(d) The chair shall, if present, preside at every meeting of Tenants’ Council. In the absence of the chair one of the vice chairs shall, if present, preside. In the absence of any of the above, Tenants’ Council shall elect another delegate to preside at the meeting.

(e) The chair shall decide all matters of order and relevancy; their decision in this respect shall be final.
8. Code of conduct

Delegates must abide by the Code of Conduct as outlined in the Tenants’ Compact.

9. Exclusion of the press and public

The press and public shall be excluded from a meeting of Tenants’ Council during an item of business whenever it is likely that confidential or sensitive information would be disclosed.

1 All references to “Lambeth Council” include Lambeth Council and any agency acting on its behalf that delivers services to its tenants.
LAMBETH LEASEHOLDERS’ COUNCIL

1. AIMS AND OBJECTIVES

1.1. To act as the formally recognised representative of Lambeth leaseholders and provide continuity of contact between leaseholders and the Council.

1.2. To act as a consultative body on issues of borough wide concern to leaseholders.

1.3. To make and receive referrals to and from the Leaseholders Area Forums and to consider matters submitted by officers of the Council and provide appropriate responses.

1.4. To nominate representatives to attend meetings within the Council structure and at outside bodies on behalf of the Lambeth Leaseholders Council.

1.5. To seek resolution by discussion and debate between leaseholders and the Council on matters of difference.

2. SCOPE

2.1. To monitor, question and investigate, through consideration of relevant documentation and undertaking in depth investigations, the policy and performance of the Council and its managing agents as service providers to leaseholders.

2.2. To request the attendance at meetings of Cabinet Members and relevant officers to enhance the undertaking of functions set out at 2.1.

2.3. To recommend the formation of sub-committees, when deemed relevant, and to set their scope, terms of reference and membership.

2.4. To consider referrals from Area Forums by ensuring appropriate answers are provided.

2.5. To receive consultation and report documentation in respect of issues and decisions affecting leaseholders.

2.6. To make any necessary recommendations to the Cabinet for Member for Housing, Housing Scrutiny Sub-Committee and Lambeth Tenants Council.

2.7. To be consulted on, and input into, any service reviews being conducted by the Council or its managing agents that affect leaseholders.
3. MEMBERSHIP, ATTENDANCE AND OFFICES

3.1. Each Area Leaseholders Forum shall annually elect delegates to Leaseholders Council using the proportional representation formula, in the composition outlined at 3.2. All delegates shall be leaseholders of the Council in the area they represent.

3.2. The composition of Lambeth Leaseholders Council will be four representatives from each of the Area Leaseholder Forums: Streatham, Stockwell and Vassall, North Lambeth, Norwood, Brixton, Clapham; and one TMO delegate elected by the TMO Liaison Committee.

3.3. The position of Chair or Vice Chair may not be held by the TMO delegate.

3.4. The Cabinet Member for Housing, the Leaseholders Champions (for each Political Party), and the Executive Director Housing, Regeneration and Environment (or nominated officer) shall be ex-officio non-voting, Members of Lambeth Leaseholders Council.

3.5. Attendance:

- Members and Officers will be expected to attend at the request of Lambeth Leaseholder Council.
- Freeholders who pay a service charge will be able to present issues through their Area Leaseholders Forum delegate to be raised on their behalf and will be invited to attend meetings as an observer.
- Lambeth Tenants’ Council shall be invited to nominate representatives on an observer status basis, with speaking rights.
- Lambeth Leaseholders Council may invite individuals who have specialist interest, knowledge or expertise to attend meetings in an observer capacity.

3.6. At the annual general meeting delegates from the Area Leaseholders Forums shall elect the Chair, Vice Chair, Secretary and delegates to represent Leaseholders Council. In the event of a tie for the Chair, the delegates will be asked to cast their votes again, at which point the candidates for Chair will leave the meeting until the votes are counted.

3.7. Lambeth Leaseholders Council shall nominate one representative to attend Housing Scrutiny Sub Committee and one representative to attend Lambeth Tenants Council and speak on its behalf.
4. PROCEDURES

4.1. The quorum shall be six delegates.

4.2. All delegates shall have one vote.

4.3. There shall be a minimum of four meetings per year.

4.4. Voting will be decided by a majority of delegates present. If there are equal numbers of votes for and against, the Chair will have a casting vote.

4.5. Meetings shall last for up to two hours from the time the meeting was due to commence. After two hours has elapsed delegates can agree, by majority, to continue the meeting for a further period of up to half an hour.

4.6. Five clear working days before all intended meetings notice shall be delivered to delegates detailing the date, time, location and business of the meeting.

4.7. The notice of meetings, agendas and minutes of all meetings shall be made available to the public at request and on the Council’s website.

4.8. Minutes will be cleared by the Chair but remain draft until formally approved at the following scheduled meeting of Lambeth Leaseholders’ Council.

5. LAMBETH LEASEHOLDERS COUNCIL EXECUTIVE

5.1. The Executive will consist of the Chair, Vice Chair, Secretary, at least one representative from each of the area forums and the TMO representative. The Chair shall preside at meetings and in the absence of the Chair and the Vice Chair delegates will appoint an appropriate substitute.

5.2. The preparatory work between meetings shall be carried out by the Executive to ensure the appropriate running of the Lambeth Leaseholders Council.

5.3. The Chair at any time, as a matter of urgency, may call a special meeting of Leaseholders Council Executive.

5.4. Six delegates may, by written request to the Chair, call for a special meeting of Lambeth Leaseholders Council to be convened for a specified purpose. If the special meeting is not convened within 28 days of the receipt of the request delegates may instruct Officers to convene the requested meeting.
6. CODE OF CONDUCT

6.1. Delegates must abide by the Code of Conduct as outlined in the Tenants’ Compact.
Section 9 – Petition Scheme

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1. Introduction

The council welcomes petitions and recognises that petitions are one way in which people can raise their concerns and have an influence on the political process.

Paper petitions can be sent to:

Head of Democratic Services and Scrutiny
London Borough of Lambeth
Lambeth Town Hall
Brixton Hill
SW2 1RW

A petition submitted to any other officer or department within the Council will be referred to Democratic Services for logging and consideration, in accordance with this Petition Scheme.

Please use the paper petition template.

Alternatively set up an electronic petition on the Council’s website via the following link:

http://www.lambeth.gov.uk/moderngov/mgePetitionListDisplay.aspx

Petitions can be presented to a meeting of the Council, either by yourself or your local ward councillor. Dates and times of Council meetings can be found on the calendar of meetings webpage. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services and Scrutiny on 020 7926 2170 at least 10 working days before the meeting who will take you through the process. Where a petition is presented at a Council meeting, whether by a member of the public or a councillor, details of the petition should be outlined briefly – just the subject matter and the number of signatures. No other speech may be made. Such petitions will then be referred to the relevant Executive Director for response.

All petitions sent or presented to the Council will be logged by Democratic Services and the lead petitioner as well as the lead councillor (where a petition is presented to a meeting of full Council) will receive an acknowledgement from the council within 2 working days of receipt. A further response to the petition will be sent within 10 working days, setting out what we plan to do with the petition.

We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition. Anything which does not
appear to be submitted as a petition will be dealt with through one of the alternative engagement procedures used by the Council, and you will be informed accordingly.

Electronic petitions should ideally be submitted through the Council’s e-petitions facility (see further information in section 8 of this Scheme). Electronic petitions not submitted through the council’s online e-petitions facility, e.g. any other externally produced e-petition, must provide all necessary information to be accepted as a petition by the council. For necessary information, see details in section 8 of this Scheme or contact Democratic Services on 020 7926 2170

The council will, from time to time, submit a petition itself to gauge public opinion on a particular issue.

2. **What are the guidelines for submitting a petition?**

A petition can be signed by anyone who lives, works and/or studies in Lambeth. The list of signatories will be checked by officers and any duplicate signatures or obviously frivolous responses will be removed.

Petitions submitted to the council must include:

- A clear and concise statement covering the subject of the petition.
- A request for a specified action which you wish the council to take in response to your petition. A list of possible actions can be found within this scheme.
- The name, qualifying address\(^3\) and signature (for e-petitions this includes valid email address and postcode) of any person supporting a petition.
- The petition must clearly state the name, address and signature of the lead petitioner. This is the person the council will contact to explain how we will respond to the petition. If no lead petitioner has been identified, the council will contact signatories to the petition to agree who should act as the petition organiser.
- Any information which you think is relevant to the petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites.

Your petition may be rejected if the Head of Democratic Services and Scrutiny considers it:

- Contains intemperate, inflammatory, abusive or provocative language.
- Is defamatory, frivolous, vexatious, discriminatory or otherwise offensive or inappropriate.
- Is identical or too similar to a petition submitted within the past six months.

\(^3\) This could be either your work, college or home address in Lambeth.
• Discloses confidential or exempt information, including information protected by a court order or government department.
• Discloses material which is otherwise commercially sensitive.
• Provides information relating to the personal and private lives of individual officers of public bodies or makes criminal accusations.
• Contains advertising statements.
• Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings.
• Relates to a specific issue where there is already a right of appeal (for example council tax banding for a property).
• Relates to a matter over which the council or one of its partners (as listed below) has no control.

Petitions on Planning or Licensing matters

A petition which refers to any matter relating to a planning or licensing decision, will not be dealt with under this Scheme. There are separate statutory processes in place within the Council for dealing with these matters, including deadlines for making representations in relation to Licensing or Planning matters which are 28 days and therefore differ significantly from the deadlines within this scheme. (see further details Planning or Licensing). Any petition received by Democratic Services, either by letter or via the electronic petitions facility, will be notified accordingly and advised on the proper procedure.

If your petition is rejected, the council will contact the lead petitioner, explaining the reasons for rejecting the petition.

During political sensitive periods, such as the period leading up to an election or a referendum, some material may be restricted, impacting on our ability to respond to your petition. The council will contact you to outline the reasons for any delay to the response to your petition and a new timeframe.

3. Use of data

A description of all petitions (paper and electronic) along with the name of the lead petitioner and number of signatures will all be displayed on the website. The Council's response will also be published.

Please note that petitions are a matter of public record and so any individual is entitled to visit the Town Hall to request to view the full details of a particular petition.

4. What issues can my petition relate to?

The council, in its role as community leader and a Cooperative Council, will aim to respond to a petition relating to any matter relevant to an issue within the borough. Therefore, your petition can relate to a function or service of the
council or of one of the council’s partners or any other matter for which any other organisation or group has responsibility. The council will aim to make representations on behalf of the community to the relevant body, if the petition is not related to a service or function for which the council has direct responsibility. The council works with a large number of local partners and where possible we will work with these partners to respond to your petition.

5. **How will the Council respond to petitions?**

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

- A written response to the petition organiser setting out the authority’s views on the request in the petition.
- Taking any action requested in the petition.
- Considering the petition at a Council meeting (please see below for further guidance).
- Holding an enquiry into the matter.
- Undertaking research into the matter.
- Holding a public meeting.
- Commissioning research.
- Referring the matter to a relevant scrutiny committee*.
- Asking a senior officer to give evidence as a response to the petition at a public meeting of a scrutiny committee (please see below for further guidance).

*Scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council’s decision makers to account.

6. **Officer evidence at Scrutiny Committees**

Your petition may ask for a senior council officer to give evidence at a public Overview and Scrutiny Committee meeting about something for which the officer is responsible as part of their job. For example your petition may ask for a senior officer to explain progress on a particular issue.

For a senior officer to be called to account at a public meeting, your petition must be supported by at least 1500 signatures. If the subject matter falls within the remit of more than one scrutiny committee, officers, in consultation with committee chairs, will decide which is the most relevant committee, unless this is specified in the petition. However, please note that the scrutiny committee can decide to ask a different officer to give evidence if they feel this is more appropriate. They may also decide to call the relevant councillor to account at the meeting. You will be able to ask questions at the meeting.

A list of officers that can be called to give evidence can be found in Part 6 of the Council Constitution.
Please note that a petition requesting an officer to give evidence at a public meeting will not be debated at full Council even if it exceeds 3000 signatures.

If your petition fails to reach the number of signatures triggering a council debate or a senior officer giving evidence at a meeting, and this has been requested in the petition, you will still receive a response to the petition which will be provided by an officer.

7. Full Council debates

If a petition contains more than 3000 signatures, and if the petitioner agrees, the petition will be debated at a meeting of full Council. This means that the petition will be discussed at a meeting which all councillors can attend. The petitioner will be given 5 minutes to present the petition at the meeting and a maximum of 15 minutes will be used to debate the petition. The Council will decide how to respond to the petition at its meeting, with the decision depending on what is requested in the petition. The Council could for example refer the matter to be reviewed by one of the council’s committees, or if it relates to an executive decision, refer the matter to the Cabinet. The petition organiser will receive written confirmation of the decision and this will also be published on the website.

8. E-petitions

In addition to the required information listed above, your e-petition will also need to include:

- A date for when you wish your e-petition to go live on the website. Please bear in mind that it may take officers up to five working days to process your e-petition request.
- A closing date for your e-petition when the petition will stop collecting signatures. We will host your e-petition for up to 12 months but expect that most petitions to be shorter than this (3 months is usual).

How to start an e-petition:

1. To create an e-petition, you will need to be a registered user on the council’s website. Registration is a simple process which requires you to provide us with your name, address and contact details. To register, follow the link below:
2. On the e-petitions homepage, select the ‘submit a new e-petition’ option.
3. You will be prompted to enter a title which the system will automatically check against existing e-petitions.
4. A drop down box allows you to link your petition with any existing issue in the council’s Forward Plan, which details all forthcoming key decision within the council.

5. Fill in the online form which will be submitted to Democratic Services and Scrutiny.

**How to sign an e-petition:**

1. Go to www.lambeth.gov.uk
2. Click on ‘Council and Democracy’
3. Click on ‘Democracy and Elections’ and then on ‘e-petitions’
4. Choose the petition which you wish to support and click on ‘sign a petition’
5. You will need to provide contact details in order to sign the petition. Once you have signed an e-petition, your name will be displayed on the website but your contact details will not be displayed.

All petitions (both electronic and paper petitions) currently available can be found here: e-petitions

A petition may gather names and addresses both in electronic and paper form, although repeat names will still be removed. Both forms must run for the same time and must be submitted together.

The council accepts no liability for the petitions published on its website and the views expressed in the petitions do not necessarily reflect those of the council.

For further information on how to submit an e-petition, please contact Democratic Services and Scrutiny on 020 7926 2170.

9. **What can I do if I feel that my petition has not been dealt with properly?**

If you feel that your petition has not been dealt with properly, you have the right to request that the relevant scrutiny committee review the steps that has been taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council’s response is not considered to be adequate.

The scrutiny committee will endeavour to consider your request at its next scheduled meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine that we have not dealt with the petition adequately, they make decide to use their powers to deal with the matter, including making recommendations to the Cabinet or arranging for the matter to be discussed at a full Council meeting.
The petition organiser will be informed of the result of the review and this will also be published on the website.
## Part 4 – Codes and Protocols

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Section 1 – Code of Conduct for Members and for Co-opted Members of Council Committees, Sub-Committees and Scrutiny Commissions

When acting in my official capacity as a member or co-opted member of Lambeth Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act (the Act) provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS**: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY**: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY**: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY**: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS**: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY**: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEadership**: Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in Lambeth Council this will be done in accordance with Part 2 of this Code of Conduct. Members are required to register these interests within 28 days of their election and keep the register up to date by notifying any changes with 28 days to the Monitoring Officer.
As a Member of Lambeth Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.

- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of Lambeth Council or the good governance of the authority in a proper manner.

- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.

- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

- Contributing to making this authority’s decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.

- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority’s resources.

- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

- Treating people with due respect, including the organisations and public I engage with and those I work alongside.

- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.
Part 2
Interests

This part explains the requirements of the Act and of The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in relation to disclosable pecuniary interests. These are enforced by criminal sanction.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’.

A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Prescribed description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</td>
</tr>
<tr>
<td>Contracts</td>
<td>Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</td>
</tr>
<tr>
<td>Land</td>
<td>Any beneficial interest in land which is within the Council’s area.</td>
</tr>
<tr>
<td>Licences</td>
<td>Any licence (alone or jointly with others) to occupy land in the</td>
</tr>
</tbody>
</table>
Council’s area for a month or longer.

Corporate tenancies
Any tenancy where (to your knowledge)—
(a) the Council is the landlord; and
(b) the tenant is a body in which you or your partner has a beneficial interest.

Securities
Any beneficial interest in securities of a body where—
(a) that body (to your knowledge) has a place of business or land in the Council’s area; and
(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

In the above schedule:

“body in which you or your partner has a beneficial interest” means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly with another) to occupy the land or to receive income;

“relevant period” means the period of 12 months ending with the day on which you notify the Monitoring Officer of any disclosable pecuniary interest;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2 Register of interests
Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council’s website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Act.

4 Non-participation in case of disclosable pecuniary interest

(a) If you are present at a meeting of the Council, or any committee, sub-committee, joint committee or joint sub-committee of the Council, or any meeting of the Cabinet or a committee of the Cabinet, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

- You may not participate in any discussion of the matter at the meeting
- You may not participate in any vote taken on the matter at the meeting
- If the interest is not registered, you must disclose the interest to the meeting
- If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days

Note: In addition, Standing Order 4.4 requires you to leave the room where the meeting is held while any discussion or voting takes place.

(b) Where a Cabinet Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Cabinet Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The Monitoring Officer may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
6 Offences

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As a Cabinet Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.
Section 2 – Memorandum of Councillors’ Rights, Responsibilities and Officer Relationships

1. INTRODUCTION

1.1. This memorandum sets out the rights and responsibilities of councillors and explains how the relationship between councillors and officers is to be governed.

1.2. The memorandum supplements the Members' Code of Conduct and the statutory and common law rights of councillors. It does not replace them. Any breaches of this memorandum by councillors will be treated as if they were breaches of the Members’ Code of Conduct on the basis that any breach may bring the Council or councillor into disrepute.

2. COUNCILLORS' RIGHTS

2.1. Councillors’ rights to support from officers and to access to information do not stem from the seniority of their position in the Council, their role as a Cabinet Member or their membership of the Party Group or Groups which form the Council's administration.

2.2. Councillors are entitled to support by virtue of their position as elected representatives of the people of Lambeth. As such all councillors irrespective of political party have a right to receive support from officers and to receive information provided that that support and information is necessary for the performance of their function as a councillor.

2.3. Clearly it will be easier for a Cabinet Member to establish a 'need to know' something than for a back bench councillor. Where, however any councillor can demonstrate a need to know something in connection with a committee on which they serve or in connection with a ward matter or constituent's query then they will be entitled to that information. In cases of dispute about the right to information or support the Director of Governance and Democracy shall decide the issue.

Reference should be made to Annex A for further clarification of councillors’ Rights of Access to Information
3. OFFICERS AND COUNCILLORS’ RELATIONSHIP

3.1. Councillors and officers are required to act in a manner that engenders mutual respect; to avoid over familiarity; and to recognise the duties that officers owe to the Council as a whole.

3.2. Councillors and officers shall strive to preserve the distinction between policy making which is the preserve of councillors and management and implementation of policy which is an officer responsibility. This should lead to efficiency of decision making and clarity of responsibility.

3.3. A more detailed Protocol on Councillor and Officer Relations is set out in Annex B

4. OFFICERS DUTIES

4.1. The Council’s arrangements give officers delegated powers and it is reasonable that all councillors should have the opportunity to scrutinise the way that those decisions are made and the decisions themselves.

4.2. Senior officers exercising delegated powers recognise that the public has a right to know that those decisions are not influenced by private considerations. All officers must complete and keep updated the declaration of interest form that applies to officers. The forms will be kept by Human Resources and further details are set out in the Officer Code of Conduct.

4.3. Officers will keep written records of the decisions that they make under delegated authority in accordance with the requirements of the Council's Constitution. In cases requiring consultation they shall ensure that all relevant parties' views are sought before taking any action. Officers shall take particular care to ensure that Ward Members are aware of substantial (non-key) decisions affecting their Ward, as key decisions are included in the Forward Plan in any event.

4.4. Officers (save those employed in the political group offices) are employed by the Council to act on behalf of the whole Council. They are not employed as the servants of a particular political party or a particular councillor. Officers shall ensure that their professional advice is made available to the whole Council even if that is unpalatable to any particular sectional interest. Councillors will respect officers’ responsibilities to the whole Council.
Annex A

Councillors’ rights of access to information

1. Section 2 of this memorandum broadly details councillors’ rights of access to information. This annex attempts to clarify those rights further.

2. The rights of access relate to 'Council documents'. They do not therefore cover documents or information which are not the property of the Council and, in the case of the statutory right to access, which are not in the possession or under the control of the Council. In practical terms, therefore, communications between councillors of one political party would not be disclosable to another party.

3. The common law right is also founded on the principle of the "need to know". A councillor’s motives are therefore relevant in deciding whether information should be disclosed to them. If the information is necessary for a councillor to carry out their function as such then a need to know can be established. If however the request is made out of simple curiosity or for some other ulterior motive the Council is entitled to consider whether access should be granted.

4. Confidentiality is also an issue that needs to be considered. Councillors who receive information in confidence take on a personal responsibility and liability not to improperly disclose that information to other persons. In the case of councillors who can establish a need to know confidential information, to avoid unwarranted disclosure of confidential matters, the Council may from time to time arrange for access to documents to be given but not provide for copies to be taken.

5. In practical broad terms, under the Council's decision making arrangements, rights of access are as follows:

Leaders of parties and members of the Cabinet are entitled to sight of documents and information relating to matters that are to be considered by the Cabinet in the near future.

Cabinet Members and designated opposition councillors are entitled to briefings by officers about Council business. The only caveat is that the councillor concerned would need to be able to show that the briefing is necessary for them to carry out their duties as a councillor.

Arrangements may need to be made from time to time to protect confidential information the disclosure of which would damage the Council. Those arrangements would be discussed on a case by case basis with party leaders.
A councillor is not entitled to inspect any document or have access to any information about a matter in which he or she has a Disclosable Pecuniary Interest or where to do so would be in breach of the Data Protection Act 1998.

There is no right of access to papers which do not 'belong' to the Council. Inter member correspondence and papers are not therefore open to others.

6. A councillor may appeal to the Director of Governance and Democracy against a decision to refuse them access to documents.
Protocol on councillor/officer relations

1. Principles underlying councillor officer relations

The principles underlying this protocol are as follows:

a. There shall be mutual respect and a professional working relationship between councillors and officers with regard to their respective roles set out below.

b. Both councillors and officers shall carry out their respective duties in the best interests of the Council.

2. Roles of councillors

a. To comply with policies relating to equality issues, as agreed by the Council, in addition to legal requirements.

b. To establish a strong working partnership with officers to facilitate the provision of high quality services to the community of Lambeth.

c. To work cooperatively with the community on the co-design and co-development of Council policy.

d. To monitor and review performance in implementing policy and delivering services.

e. To provide guidance to officers on how those policies are to be implemented, either if councillors wish to do so, or if officers ask for guidance.

f. Councillors will not seek to involve themselves in the day-to-day management or operational activities of the Council.

g. To represent the views of their ward constituents.

h. To be responsible to the electorate and to serve until their term of office expires.

i. To act in accordance with the Members' Code of Conduct.

j. To consult with the Monitoring Officer and the Chief Finance Officer about vires, maladministration, financial impropriety and probity or where they have any doubt as to whether a particular decision is, or is likely to be, contrary to the policy framework, or contrary to, or not wholly in accordance with the budget.
k. Councillors must respect the obligations of staff who have legal responsibilities over and above their obligations to the Council and councillors. Councillors must not obstruct officers in the discharge of these responsibilities or victimise them for discharging these legal duties.

l. Councillors must respect officers' political impartiality and must not ask them to undertake work of a party political nature, other than in relation to officers employed in the political group offices.

m. Councillors must not do anything which compromises, or which is likely to compromise, the impartiality of officers or those who work on behalf of the Council, other than in relation to officers employed in the political group offices.

n. Councillors must not abuse or seek to undermine officers or subject them to rudeness or ridicule in open meetings and forums or on any other occasions either through the press or otherwise. Councillors are not prevented from being critical of an officer or of the advice that they receive or of the quality of reports before them. But the manner of the criticism should have regard to this guidance.

o. Councillors must not bully Officers or put them under undue pressure.

p. Councillors must have regard to the seniority of officers in determining what is a reasonable request for information or action and must not take advantage of the power relationship between councillors and officers, and the potential vulnerability of officers, particularly at junior levels.

q. Councillors must not allow close personal familiarity with an officer to adversely affect the good working relationship that should be held with all officers.

r. When Councillors are involved in the appointment, disciplining or dismissal of staff they will be mindful at all times of their duty to act fairly. When involved in the appointment of staff they will comply with their legal duty to appoint the best person for the job and they will not let personal or political preferences sway them. They will not canvass colleagues to support any particular candidate. Special rules apply to the appointments of assistants to political groups.

s. Only the Cabinet, a committee, a sub-committee or an officer or Cabinet Member with delegated authority can instruct an officer to do anything. An individual councillor, other than a Cabinet Member with delegated authority, cannot. If such a councillor wishes a particular matter carried out it should be raised at the Cabinet or the appropriate committee. This will allow all councillors to be involved in this matter and will avoid the impression that scarce resources are being inappropriately used.
t. Councillors must not use their position or relationship with officers to advance their personal interests or those of others to influence decisions improperly.

3. Roles of officers

a. To comply with policies relating to equality issues, as agreed by the Council, in addition to legal requirements.

b. To implement the policies set by councillors.

c. To ask for guidance on implementation of the policies set by councillors if they are unclear about any aspect of those policies.

d. To give such professional advice to councillors as may be required of them from time to time, which must include all relevant options.

e. To carry out their delegated functions to the best of their ability and in the interests of the Council.

f. To be and be seen to be politically impartial and act in a politically impartial way, other than in relation to officers employed in the political group offices.

g. Officers are under a duty to help all councillors and all parts of the Council equally.

h. Officers must not set policy other than as may have been delegated under the Scheme of Delegation.

i. Officers must not act or fail to act where this would be unlawful or illegal or which would be likely to amount to maladministration.

4. Relationships between Chairs and Members of Overview and Scrutiny Committees and Officers

The Chair and Members of the Council’s Overview and Scrutiny Committees shall:

a. Seek the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision, or the Monitoring Officer and other appropriate officers where they consider a decision of the Cabinet might be contrary to the policy framework.

b. Consider the seniority of the officers asked to appear before the Committee, to ensure that more junior officers are not put under undue pressure.
c. Where they consider it appropriate, ask officers to explain and justify advice given to councillors prior to decisions being taken and justify decisions they themselves have taken under the Scheme of Delegation.

d. Not question officers in such a way as to be in breach of the Councillors Protocol on councillor/officer relations, above, nor deal with matters which are of a disciplinary nature.

e. At all times respect the political impartiality of the officers, other than those employed in the political group offices.

Officers shall:

f. Maintain political impartiality at all times when commenting on the Council’s policies and actions, other than those employed in the political group offices.

g. Be prepared to explain and justify advice given to councillors prior to decisions being taken and justify decisions they themselves have taken under the Scheme of Delegation.

h. Ensure that an officer of sufficient seniority appears before the relevant committee.

5. Officer relationships with party groups

With the exception of officers employed in the political group offices, all officers shall comply with the following:

a. Meetings of political groups are essentially political forums and as such are not attended by officers.

b. Officers may attend these meetings to provide briefings only with the express permission of the Chief Executive, Executive Director or Divisional Director and in such instances a similar briefing should be offered to all the political groups on the Council.

c. Officers shall exercise care when giving briefings or commenting on the policies and actions or any of the Council’s committees or panels and maintain political impartiality at all times.

d. Officers shall respect the confidence of the group discussions.

e. Officers cannot represent the views of a group to a Council or outside body.

f. Councillors shall ensure they do not do anything which may compromise officer impartiality.
g. Members shall recognise that Party Groups are not empowered to make decisions on behalf of the Council and that any conclusions reached by such Groups will not be allowed to be actioned by officers.

6. Relationships between councillors in their Ward role and Officers

When acting in their ward role, councillors need to:

a. be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on officer time.

b. recognise the officers’ right to suggest that senior officers, the Council, Cabinet or a Committee should authorise additional work requested by individual councillors.

7. Other individuals who are members of Council Bodies.

a. This protocol applies to all those people who are not councillors but who are members of or attend any of the Council’s committees or any other bodies.

8. Press Releases

All press releases should:

a. Be issued through the Council's Press Officer

b. Be concerned with matters of policy and/or which relate to the Council's functions

c. Comply with the Code of Practice on Local Authority Publicity

9. Correspondence

a. When councillors are writing they must make it clear whether they are writing on behalf of the Council or as the Ward Member.

b. Individual councillors, other than Cabinet Members, do not have the delegated authority to commit the Council to any contract or course of action and need to take care not to give the impression that they have such authority.

c. All correspondence should be open to inspection by the public and in accordance with the Council's adopted policies. This does not apply to correspondence written in connection with legal proceedings, contractual matters or any other matter where papers can remain ‘exempt’ within the
meaning of Rule 10.4 of the Access to Information Procedure Rules or if this is in conflict with the data protection legislation.

10. Breach of Protocol

Any breaches of this memorandum by councillors will be treated as if they were breaches of the Members’ Code of Conduct on the basis that any breach may bring the Council or councillor into disrepute. Similarly, any breaches by officers will be treated as if they were breaches of the Officer Code of Conduct.
Section 3 – Protocol for Use of Council Resources by Councillors

1.0 INTRODUCTION

1.1 The Council’s Members’ Code of Conduct states as follows:

“As a Member of Lambeth Council, my conduct will in particular address the statutory principles of the code by:

Behaving in accordance with all legal obligations, alongside any requirements contained within this authority’s policies, protocols and procedures, including on the use of the authority’s resources.”

1.2 The purpose of this Protocol is to assist councillors in discharging the responsibilities set out under paragraph 1.1 above.

1.3 This Protocol should be read specifically in conjunction with the Memorandum of Members’ Rights, Responsibilities and Officer Relationships and any other Code or Protocol as may be appropriate, which are set out in Part 4 of the Council’s Constitution.

2.0 SUPPORT SERVICES FOR COUNCILLORS

2.1 General Principles

2.1.1 The Council only has power to provide support services to councillors to assist them in the effective and efficient discharge of their duties and role as members of the Council. Such support services can therefore only be used for the efficient discharge of Council duties and not for private purposes or in connection with party political or electoral campaigning activity. For the avoidance of doubt, any expenditure by the Council on activities designed to affect public support for a political party would be unlawful.

2.1.2 Councillors must not abuse these facilities. This Protocol sets out the general principles that should be followed by councillors.

2.1.3 This Protocol does not affect the activities of councillors using other resources, for example, using support and resources provided by their political parties.

2.1.4 Councillors must not use any facilities for their own private purposes, unless they are just using spare capacity at no cost to the Council and in accordance with any instructions given by the Council.

2.2 Stationery, photocopying and postal services
2.2.1 Council stationery and photocopying, despatch and postal facilities, wherever provided, are available to provide support to councillors. These services are provided to assist councillors in the performance of their official Council duties and with constituents' casework only. Councillors must not use these resources in connection with party political matters.

2.2.2 The Council’s postal facilities are available to councillors on matters relating to their duties as councillors, specifically:

(a) responding to an individual or small group of constituents on specific matters raised by them.
(b) communication with an individual or small groups of constituents on specific matters directly affecting them.
(c) communication with other organisations as part of dealing with issues raised by constituents.

2.2.3 Council post is not available for mail shots, circular letters, the distribution of leaflets or the posting of general information to constituents other than in the circumstances described above. Neither is it available for posting any material which could not be lawfully produced by the Council.

2.2.4 Other than responses to casework and in exceptional circumstances post should be sent second-class.

2.3 IT facilities and equipment

Councillors must abide by the guidance that has been issued by the Council regarding the use of IT facilities and equipment and which may be varied from time-to-time.
2.4 **Councillors’ allowances**

Councillors’ allowances, and subsistence and travel expenses, are paid in accordance with the Members’ Allowance Scheme. Councillors may only claim expenses that they have actually incurred, and that they needed to incur for Council activities.

3.0 **POLITICAL PUBLICITY**

3.1 Subject to the laws on defamation and discrimination, a councillor is entitled to express his/her political views in communications with constituents, the public, the media and otherwise provided that s/he does not use Council resources or support to do so.

3.2 The Council is subject to legal constraints and it is unlawful for the Council to publish material which in whole or in part appears to be designed to affect public support for a political party. “Publicity” has a very wide legal definition and includes any communication to any section of the public.

3.3 Any information produced using Council facilities and resources:

(a) must not promote or denigrate a political party;
(b) must not promote or denigrate policies that are clearly those of a political party;
(c) must not draw attention to the political group to which a councillor belongs;
(d) must not emphasise the political party to which a member belongs by the use of a large font, unnecessary repetition, design features, etc. A single incident, low-key reference to the political group only is permissible.
(e) must not include slogans, strap lines, logos or other design features identifiable with a political party;
(f) must be objective, balanced, informative and accurate;
(g) must not consist of campaigning or persuasive material, as opposed to informative material, except where this is a legally acceptable Council function, for example; it is permissible to encourage a person to register to vote.

3.4 In considering whether material appears to be designed to affect public support for a political party, regard should be had to the:

(a) content and style of the material
(b) time and other circumstances of publication
(c) likely effect on those to whom it is directed
(d) whether the material

(i) refers to a political party or persons identified with a political party;
(ii) promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.

(e) where the material is part of a campaign, the effect the campaign appears to be designed to achieve.

3.5 If the material could be considered to be “party political” under the above criteria, then any expenditure by the Council could be challenged as being unlawful. It could, however, be issued by the political party at its own expense.

3.6 The recipient of any information must be able to clearly distinguish between information coming from the Council and information coming from a party political source. Neither the material produced using Council resources nor the envelope in which it is sent should contain party political material including:

(a) tear off slips to join a political party;
(b) response facility via freepost to a political party office;
(c) political posters;
(d) political party address or website, local or national;
(e) political party literature;
(f) recruitment literature.

3.7 Under no circumstances should the Council logo be used as part of any political publicity produced by or on behalf of councillors, using non-Council resources.

3.8 Officers must not be asked to prepare documents which are: for a councillor’s private purposes; party political; defamatory; discriminatory; or which purport to be on behalf of another councillor.

4 BREACHES OF THIS PROTOCOL AND INTERPRETATION

4.1 Allegations of any breach of this Protocol must be made in writing to the Monitoring Officer.

4.2 A breach of this Protocol may also amount to a breach of the Members' Code of Conduct.

4.3 The Monitoring Officer will determine questions of interpretation of this Protocol.
Section 4 – Gifts and Hospitality Protocol for Councillors

The acceptance of gifts and hospitality by councillors is not merely an administrative issue. It reflects directly upon the perception of councillors and of the Council as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit councillors can get out of their position.

The law on the acceptance of gifts and hospitality is primarily set out in the Bribery Act 2010. By way of summary, in order for hospitality to be considered bribery under the Act, the prosecution will need to show that it was given with the intention of inducing improper conduct from the recipient with regard to their business, trade or profession. In other words, such hospitality and gifts need to be given with the intention of persuading the other party to improperly award business to him. Gifts and hospitality are not criminal under the Act if provided simply to improve a relationship and/or network. Bona fide hospitality, promotion or expenditure seeking to improve a company's image, present products or establish cordial relations is a legitimate and an important part of doing business. Such behaviour is not intended to be criminalised.

In addition, the Council’s Code of Conduct for Members states:

As a Member of Lambeth Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.

- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources.

These requirements are then supplemented by this Protocol, to provide a clear set of rules for the protection of both councillors and the authority.

This Protocol sets out:

(a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality

(b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it
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This Protocol does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority. For the avoidance of doubt, this Protocol applies to all councillors, although there are specific procedures in respect of activities relating to the Mayor’s Charity Fund. Any breaches of this Protocol by councillors will be treated as if they were breaches of the Members’ Code of Conduct on the basis that any breach may bring the Council or councillor into disrepute.

1 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

(a) Never accept a gift or hospitality as an inducement or reward for anything you do as a councillor

As a councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

(b) You should only accept a gift or hospitality if there is a commensurate benefit to the authority.

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to network or to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation

The appearance of impropriety can be just as damaging to the authority and to you as a councillor as actual impropriety. The authority’s ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or
the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

(i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.

(ii) determinations of planning or licensing applications or planning or licensing policy, in respect of any person or organisation which stands to gain or lose from the determination,

(iii) funding decisions, when the authority is determining a grant application by any person or organisation.

(d) Never accept a gift or hospitality which puts you under an improper obligation

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

(e) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a councillor unless the acceptance of that gift or hospitality would be permitted under this Protocol. You should also take care to avoid giving any indication that you might be open to any such improper offer.

2 Consent regimes

(a) General consent provisions

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

(i) civic hospitality provided by another public authority.

(ii) modest refreshment in the ordinary course of your duties as a councillor
(iii) tickets for sporting, cultural and entertainment events which are sponsored or promoted by the authority or any body to which you have been appointed by the authority, and the tickets are offered in relation to that sponsorship or promotion.

(iv) small gifts of low intrinsic value

(v) modest souvenir gifts given on the occasion of a visit by or to the authority.

(vi) other unsolicited gifts not covered above, where it is impracticable to return them to the person or organisation making the gift, will be donated to the Mayor’s Charity Fund, or dealt with under the Special Consent provisions below.

(b) Special consent provisions

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

(i) the nature and your estimate of the market value of the gift or hospitality

(ii) who the invitation or offer has been made by or on behalf of

(iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved

(iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority

(v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will arrange for details of any approval to be entered in a register maintained by the Head of Democratic Services & Scrutiny which will be available for public inspection on the occasion of the public inspection of the authority’s accounts for the relevant year.
3 Reporting and Registration of Gifts and Hospitality

Where you accept any gift or hospitality in accordance with this Protocol you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Head of Democratic Services & Scrutiny setting out the information set out in Paragraph 2(b) above. A form for this purpose is attached to this Protocol, but you can send the same information by any convenient means. The Head of Democratic Services & Scrutiny will acknowledge receipt and retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

If you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

4 Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.
**Member’s Declaration of Receipt of Gifts or Hospitality**

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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>What was the gift or hospitality?</td>
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<tr>
<td>What is your best estimate of its market value or cost?</td>
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<tr>
<td>Who provided it?</td>
<td></td>
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<tr>
<td>When and where did you receive it? Describe the circumstances, including when made and accepted.</td>
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<tr>
<td>Does it come within one of the general consents set out in the Gifts and Hospitality Protocol for Members? If so, which?</td>
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<tr>
<td>Did you get the consent of any officer before accepting it? If so, who?</td>
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<tr>
<td>Were there any special circumstances justifying acceptance of this gift or hospitality?</td>
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<tr>
<td>Do you have any contact in your role as a Councillor with the person or organisation providing the gift or hospitality?</td>
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<tr>
<td>Signed</td>
<td>Date</td>
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Section 5 – Protocol for Members of the Planning Applications Committee

This Protocol requires revision in light of the changes in the rules relating to interests and predetermination introduced by the Localism Act 2011. Pending the adoption of a revised Protocol, members of the Committee are requested to seek advice from the Director of Governance and Democracy or his representative.

1. PURPOSE OF THIS PROTOCOL

1.1 The purpose of this Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.

1.2 The role of members of the Planning Applications Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable planning reasons.

1.3 This Protocol applies to Members at all times when involving themselves in the planning process, including meetings of the Planning Applications Committee, meetings with officers, site visits and meetings with developers and objectors.

1.4 This Protocol supplements the Members’ Code of Conduct for the purposes of planning control. Any breaches of the protocol will be treated as if they were breaches of the Members’ Code of Conduct on the basis that any breach may bring the Council or Member into disrepute.

2 MEMBER TRAINING

2.1 All members of the Planning Applications Committee, including substitute members, must attend member training sessions provided by the Council. A programme of regular training sessions will be provided with the aim of ensuring that no member of the Planning Applications Committee (including substitutes) attends the meeting without having had the benefit of appropriate training.

3 DECLARATIONS OF INTEREST

3.1 Particular care should be taken by members of the Planning Applications Committee when declaring interests because of the large amount of interest in, and potential financial consequences of many planning decisions.
Within 28 days of becoming a member, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’. Section 1, Part 2 of the Members’ Code of Conduct provides guidance on the definition of ‘disclosable pecuniary interests’.

3.2 If you have a disclosable pecuniary interest

i) You should not take part in the consideration of any planning application. You should not attend any site visits. You should not participate, or give the appearance of trying to participate, in the making of any decision on the matter.

ii) You should not lobby fellow members of the Planning Applications Committee or those involved in the process. You should not discuss the matter with fellow members.

iii) You should not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think that you are receiving preferential treatment because of your position as a councillor.

3.3 When making your own application or when acting as agent for another you should take no part in the decision making process.

3.4 If you are present at a meeting of the Planning Applications Committee and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

i) You may not participate in any discussion of the matter at the meeting

ii) You may not participate in any vote taken on the matter at the meeting

iii) If the interest is not registered, you must disclose the interest to the meeting

iv) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days

In addition, Procedure Rule 4.4 (see Part 3 Section 1 of the Constitution) requires you to leave the room where the meeting is held while any discussion or voting takes place.

4 POLITICAL AFFILIATION

4.1 Whilst you may be aware of the views of others and of your party in particular, it is your responsibility alone to decide what view to take on any question which councillors have to decide. You must approach decision making with an open mind in the sense that you must have regard to all material considerations and be prepared to change your views if
persuaded that you should after consideration of the relevant material planning considerations.

4.2 Voting along political lines is not a material consideration to the grant of planning permission and serves to make the debate at the Planning Applications Committee meaningless. Agreed voting in the consideration of a planning application has been held to be maladministration by the Ombudsman.

4.3 With regard to any group discussions that fall short of party group voting, it should be remembered that the public perception of your behaviour is important. It is not enough to avoid actual impropriety, you should avoid any occasion for suspicion and any appearance of improper conduct.

5 LOBBYING

5.1 If you are lobbied in connection with a planning application, at whatever stage of that application you should suggest to those who are lobbying you that they contact the relevant officer in order that their opinions can be included in the officer's report to the Committee. You should not normally express an opinion in relation to a planning application until the matter is presented to the Committee. However, if in exceptional circumstances you feel compelled to express an opinion, you should make it clear that your views are provisional and that you will only make up your mind once you have heard all the facts and evidence at the Planning Applications Committee meeting.

5.2 Explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.

5.3 Do not accept gifts or hospitality wherever possible. If a degree of hospitality is unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 (in accordance with the Gifts and Hospitality Protocol for Councillors).

5.4 Unless you have a disclosable pecuniary interest this Protocol does not prevent you from:

- Being able to listen/receive viewpoints from residents or other interested parties.
- Expressing a view about the merits of an application to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind.
- Seeking information through appropriate channels.
5.5 Whenever you enter into correspondence, including emails, with officers in relation to a particular planning application or related matter, such as enforcement, it is important that you do not copy the correspondence to any residents or other interested parties without the prior agreement of the officer. This is to ensure that officers have sufficient time to provide appropriate advice and to avoid any risk of prejudice to the outcome of the application or related matter.

6 REPRESENTING WARD INTERESTS

6.1 If you respond to lobbying in connection with a planning application in your ward by deciding publicly to support a particular outcome, and campaign actively for it, you should make an open declaration at the meeting and not vote.

6.2 If you have decided to support a particular item, and you do not have a disclosable pecuniary interest, you may exercise your right to speak at the meeting as a ward member to represent your views or those of local residents. If you do so:

- You should advise the proper officer’s representative at the meeting that you wish to speak in this capacity before the commencement of the item.
- You should remove yourself from the member seating area for the duration of that item.

6.3 If you do have a disclosable pecuniary interest you must not be present in the room when that item on the agenda is being considered regardless of whether or not you are a member of the Committee. Further a member of the Committee with a disclosable pecuniary interest must not be present at any pre-agenda or other meeting of members whilst the item is being discussed.

7 CONTACT WITH APPLICANTS/DEVELOPERS

7.1 Refer applicants/developers who approach you for planning or procedural advice to officers wherever practicable.

7.2 Do not agree to a meeting with applicants or developers, except where this is part of a meeting organised by an officer and at which an officer is present. If you attend a meeting with a constituent and a planning application is discussed make it clear that you have not pre-judged the issue and that you keep an open mind.

7.3 Ensure that you report to the Head of Development Management any significant contact with the applicant and other parties and explain the nature and purpose of the contacts and your involvement in them. Ensure that this is recorded on the planning file.
8 SITE VISITS

8.1 Site visits should only take place where the Committee would gain substantial benefit in their consideration of the application and where at least one of the following criteria applies:

i) the impact of the proposed development is difficult to visualise from the plans and any supporting material.

ii) there is a good reason why the comments of the applicant or objectors cannot be expressed adequately in writing.

iii) the proposal is particularly contentious.

8.2 The Lambeth Members’ Code of Conduct applies to site visits as it does to any other meeting.

8.3 When attending a site visit:
- Ensure that you treat the site visit only as an opportunity to seek information and to observe the site
- Ask questions or seek clarification of matters which are relevant to the site inspection
- Do not express opinions or views to anyone
Section 6 – Protocol for Members of the Licensing Committee

1. PURPOSE OF THIS PROTOCOL

The purpose of this Protocol is to ensure that in the licensing process there are no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.

The role of members of the Licensing Committee is to make licensing decisions openly, impartially, with sound judgement and for justifiable licensing reasons, in accordance with, all relevant national guidance, the Council's Licensing Policy and with a view to promoting the licensing objectives of the Licensing Act 2003, namely:-

(i) the prevention of crime and disorder
(ii) public safety
(iii) the prevention of public nuisance
(iv) the protection of children from harm

This Protocol applies to Members at all times when involving themselves in the licensing process, including meetings of the Licensing Committee and any sub-committee, meetings with officers, site visits and meetings with applicants, interested parties, responsible authorities or their representatives.

This Protocol supplements the Members' Code of Conduct for the purposes of licensing matters. Any breaches of the protocol will be treated as if they were breaches of the Members' Code of Conduct on the basis that any breach may bring the Council or Member into disrepute.

2. MEMBER TRAINING

2.1 All members of the Licensing Committee, including substitute members, must attend member training sessions provided by the Council. A programme of regular training sessions will be provided with the aim of ensuring that no member of the Licensing Committee (including substitutes) attends the meeting without having had the benefit of appropriate training. It should be noted that substitute members of the Licensing Committee are not permitted to sit as members of the Licensing Sub Committee.

3. DECLARATIONS OF INTEREST

3.1 Particular care should be taken by members of the Licensing Committee when declaring interests because of the large amount of
interest in, and potential financial and environmental consequences of many licensing decisions.

3.2 Members of the Licensing Committee or its Sub-Committee(s) must act without bias or predetermination, must have no disclosable pecuniary interest (DPI) in any application before them, and must keep an open mind on all applications until they have considered all of the evidence and arguments presented. They shall not take or express any view on the merits of an application, nor organise support for or opposition to any application in advance of a hearing. Any Member who does so shall not be eligible to serve on the Licensing Sub-Committee [meeting] that hears the application.

3.2.1 All Members must at all times comply with the Members Code of Conduct in relation to the disclosure of disclosable pecuniary interests, participation in hearings related to disclosed interests and the registration of disclosable interests and of gifts and hospitality. The Member Code of Conduct sets out the definition of ‘disclosable pecuniary interest’ and the registration requirements.

3.3 If you have a disclosable pecuniary interest:

(i) You should not take part in the consideration of any licensing application. You should not attend any site visits. You should not participate, or give the appearance of trying to participate in the making of any decision on the matter. Although you may not make representations orally to the Sub-Committee or make representations on behalf of another you may make written representations addressed to officers in your private capacity, provided the existence or nature of your interest is disclosed in the representation. You may also use a professional representative to make an application on your behalf or arrange for another Member of the Authority to represent your interests or that of a representor (see paragraph 3.5).

(ii) You should not lobby fellow members of the Licensing Committee or those involved in the process. You should not discuss the matter with fellow members.

(iii) You should not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think that you are receiving preferential treatment because of your position as a Councillor.

3.4 When making your own application or when acting as an agent for another you should take no part in the decision making process.

3.5 If you are asked to represent the views of a party making a representation and you have a disclosable pecuniary interest in the
application in question, you should advise the representor of your interest and inform them that another Member may represent their views on the issue. Should another Member agree to make such representation it should be made clear to the relevant committee or officers that he or she does so because of the original Members discloseable pecuniary interest.

3.6 If you are present at a meeting of the Licensing Committee [or Sub-Committee] and you have a discloseable pecuniary interest in any matter to be considered or being considered at that meeting,

(i) You may not participate in any discussion of the matter at the meeting

(ii) You may not participate in any vote taken on the matter at the meeting

(iii) If the interest is not registered, you must disclose the interest to the meeting

(iv) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days

In addition, Council Procedure Rule 4.4 (see Part 3 section1) requires you to leave the room where the meeting is held while any discussion of that item takes place.

4. POLITICAL AFFILIATION

4.1 Whilst you may be aware of the views of others and of your party in particular, it is your responsibility alone to decide what view to take on any question that councillors have to decide. You must approach decision-making with an open mind in the sense that you must have regard to all material considerations and be prepared to change your views if persuaded that you should after consideration of the relevant material licensing matters.

4.2 Voting along political lines is not a material consideration to the grant of a licensing application and serves to make the debate at the Licensing Committee meaningless. Agreed voting in the consideration of a licensing application is likely to be held to be maladministration by the Ombudsman and may lead to the appeal of a decision in the Magistrates' Court or to Judicial Review.

4.3 With regard to any group discussions that fall short of party group voting, it should be remembered that the public perception of your behaviour is important. It is not enough to avoid actual impropriety; you should avoid any occasion for suspicion and any appearance of improper conduct.
5. LOBBYING

5.1 If you are lobbied in connection with a licensing application, at whatever stage of that application, you should suggest to those who are lobbying you that they contact the relevant officer. You should not normally express an opinion in relation to a licensing application until the matter is presented to the Licensing Committee. However, if in exceptional circumstances you feel compelled to express an opinion, you should make it clear that your views are provisional and that you will only make up your mind once you have heard all the facts and evidence at the Licensing Committee meeting.

5.2 Explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.

5.3 Do not accept gifts or hospitality wherever possible. If a degree of hospitality is unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 in accordance with the Gifts and Hospitality Protocol for Councillors.

5.4 Unless you have a discloseable pecuniary interest, this Protocol does not prevent you from:

- Being able to listen/receive viewpoints from residents or other interested parties.
- Making comments to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind.
- Seeking information through appropriate channels.

5.5 Whenever you enter into correspondence, including emails, with officers in relation to a particular licensing application or related matter, such as enforcement, it is important that you do not copy the correspondence to any residents or other interested parties without the prior agreement of the officer. This is to ensure that officers have sufficient time to provide appropriate advice and to avoid any risk of prejudice to the outcome of the application or related matter.
6. REPRESENTING WARD INTERESTS

6.1 Members are regarded as interested parties in their own right. They are entitled to make representations or call for reviews in respect of any licensed premises in any ward within the Council’s area.

6.2 Subject to having a discloseable pecuniary interest, being a ward member does not prevent you from sitting on the Licensing Committee when an application in your ward is being considered.

6.3 As a ward member you may be asked to act as the representative of an interested party or responsible authority. You are permitted to act in this capacity unless you have a discloseable pecuniary interest.

6.4 You are only entitled to express an opinion or raise questions at the Licensing Committee hearing if you are either:

- a member of that Committee who does not have a discloseable pecuniary interest; or
- acting as a representative of an interested party or responsible authority.

- If you have a discloseable pecuniary interest, you must not be present in the room when that item on the agenda is being considered regardless of whether or not you are a member of the Committee. Further a member of the Committee with a discloseable pecuniary interest must not be present at any pre-agenda or other meeting of members whilst the item is being discussed.

7 CONTACT WITH APPLICANTS/INTERESTED PARTIES/RESPONSIBLE AUTHORITIES/REPRESENTATIVES

7.1 Refer applicants/interested parties/responsible authorities or their representatives who approach you for licensing or procedural advice to the appropriate officers, wherever practicable.

7.2 Do not agree to a meeting with applicants/interested parties/responsible authorities or their representatives, except where this is part of a meeting organised by an officer and at which an officer is present. If you attend a meeting with a constituent and a licensing application is discussed make it clear that you have not pre-judged the issue and that you keep an open mind. Wherever possible you should avoid such meetings.

7.3 Ensure that you report to the Head of Licensing Services any significant contact with the applicant/interested parties/responsible authorities or their representatives and explain the nature and purpose
of the contacts and your involvement in them. Ensure that this is recorded on the licensing file.

8 SITE VISITS

8.1 Site visits should only take place where the Committee would gain substantial benefit in their consideration of the application and where at least one of the following criteria applies:

(i) the impact of the proposed application is difficult to visualise from the plans and any supporting material.

(ii) there is a good reason why the comments of the applicant or representatives cannot be expressed adequately in writing.

(iii) the proposal is particularly contentious.

8.2 The Lambeth Members’ Code of Conduct applies to site visits as it does to any other meeting.

8.3 When attending a site visit:

• Ensure that you treat the site visit only as an opportunity to seek information and to observe the site

• Ask questions or seek clarification of matters which are relevant to the site inspection

• Do not express opinions or views to anyone
Section 7 – Officers’ Code of Conduct

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1. Introduction

1.1 This code of conduct applies to all Lambeth employees. Contractors, consultants or agency staff working with the Council will be expected to abide by the standards and principles set out in the code.

1.2 The Code is not designed to act as a prescriptive list of expected standards of behaviour, but serves to provide general guidance on how to ensure that actions and behaviour are consistent with the Council’s FRESH values and the high standard of conduct required in maintaining public confidence in the services Lambeth provides.

1.3 The Council expects all its employees, and those engaged on its behalf, to conduct themselves in a professional and lawful manner. The Council expects all employees to abide by the following core principles:

1.4 Honesty, Integrity, Impartiality and Objectivity
   • Employees must perform their duties with honesty, integrity, impartiality and objectivity

1.5 Accountability
   • Employees must be accountable to the authority for their actions

1.6 Respect for Others
   • Employees must treat others with respect and must not unlawfully discriminate against any person

1.7 Stewardship
   • Employees must use any public funds entrusted to or handled by them in a responsible and lawful manner
   • Employees must not make personal use of Council property or facilities unless authorised to do so

1.8 Personal Interests
   • Employees must not allow personal interests to conflict with the Council’s service provision

1.9 Registration of Interests
   • Employees must comply with the Council’s rules in relation to registering interests and declaring gifts or hospitality received; see: Working Arrangements (internal only link).

1.10 Reporting procedures
   • Employees must not treat colleagues less favourably because they have or because they intend to take action under any of the Council’s reporting procedures, for example under the whistleblowing policy
1.11 **Openness**
- Employees must not disclose information given to them in confidence, or any information acquired of a confidential nature, without the express consent of a person authorised to give it, unless they are required to do so by law.
- Employees must not prevent anyone from gaining access to information to which they are entitled by law.

1.12 **Management of Staff**
- Employees who are involved in making appointment or any decisions relating to discipline, promotion, pay or conditions of another employee or prospective employee must take these decisions fairly and impartially.
- Where an employee has any relationship with an employee or a prospective employee, which may cast doubt on their impartiality, they should seek advice from their line manager.

1.13 **Duty of trust**
- Employees must act in accordance with the trust that the public is entitled to place in them.

1.14 The standards of conduct as set out in this code may also extend to your conduct outside work. Employees have the right to undertake private commitments or activities outside of work, if they so wish. However, where these activities may give rise to a possible conflict of interest or could potentially have an adverse affect on their employment with the Council, they should declare these activities to their line manager.

1.15 The Council reserves the right to take action against any employee whose actions and/or behaviour, inside or outside work could reasonably be regarded as bringing the Council into disrepute.

2. **Management of staff**

2.1 Lambeth Council expects integrity and honesty from its employees and prospective employees at all times. Supplying false information or documents, or attempting to deliberately mislead an interview panel, could result in disciplinary action being taken against you and may lead to dismissal.

2.2 Applicants for posts should not approach or attempt to influence officers or Councillors outside of the normal recruitment process. Any such attempt will lead to disqualification from the recruitment process and/or disciplinary action. Canvassing of Councillors of the Council will not be tolerated.
2.3 Where an employee is working in a line management relationship with someone who is or becomes a relative, they must declare this to their line manager. For the purpose of this Code ‘relative’ includes:

- Spouse/partner
- Parent/parent-in-law
- Son/step son
- Daughter/step daughter
- Brother/sister
- Grandparent
- Grandchild
- Uncle/Aunt
- Nephew/niece
- Child of a partner

2.4 Relatives will also include the spouse, civil partner or partner of any persons named above.

2.5 You will be required to provide up to date contact details, which will be kept on your personnel records. As an employee of the Council you are responsible for ensuring that the Council always holds up to date contact details for you and your next of kin.

3. Working with vulnerable clients

3.1 The Council takes very seriously its responsibilities towards the disadvantaged and vulnerable members of the community, in particular children, older persons and disabled persons.

3.2 Council employees are expected to take additional care in dealing with the more vulnerable members of the community and must therefore do nothing which may:

- damage public confidence in your motives
- damage public confidence in your integrity as an employee
- bring the Council into disrepute.

3.3 The Council has a legal obligation under the Protection of Children Act 1999 and the Care Standards Act 2000 to carry out checks for convictions, whether spent or not, where we propose to offer an individual a position working with vulnerable persons. This obligation also extends to existing employees who are moving into such a post.

3.4 Employees, whose employment is subject to a Criminal Records Bureau (CRB) disclosure, will be required to renew their CRB disclosures on a three-yearly basis to ensure that the Council are complying with its obligation to safeguard its vulnerable client group. Employees are also required to renew any other membership to a professional body that is a specific requirement of their job, for example, membership with the General Social Care Council (GSCC).
3.5 Failure to comply with a management/HR request for CRB renewals, or any other professional membership renewal, may be considered a disciplinary offence and will be dealt with under the Council’s disciplinary procedure. Where this occurs, employees may also be suspended from their duties.

4 Disclosure of criminal convictions

4.1 Employees are required to declare any convictions or bind overs received during the course of their employment to their line manager (or in exceptional circumstances someone more senior) at the earliest possible opportunity. Employees should also declare any cautions received during the course of their employment if they relate to fraud or theft, or relate to any matter which would directly or indirectly relate or impact on their responsibilities with regard to children, young persons or vulnerable adults, or if it is likely that the conduct for which the caution was received would have a direct and adverse effect on the employee’s work within the Council. In the event that an employee is unsure whether to disclose a caution or not they should contact Human Resources in confidence to discuss the matter. Failure to declare any such conviction, bind over or relevant caution, for whatever reason, may be regarded as gross misconduct under the Council’s disciplinary rules.

5 Respect for others

5.1 The Council demands a very high standard of conduct from all its employees at all times, particularly when interacting with colleagues and members of the public. Language or behaviour that is rude, offensive, threatening, violent or abusive will not be tolerated from any employee.

5.2 Members of the public have the right to expect courtesy and co-operation at all times. As a Council employee you must:
- treat others with respect
- not discriminate unlawfully against any person and
- treat members and co-opted members of the authority professionally

5.3 If you are an employee who is in receipt of any of Lambeth’s services, you should not expect or seek preferential treatment in the event of any enquiry about any service(s) provided to you by the Council.

5.4 Employees must not improperly use any information gained in the course of their employment for their personal gain or to advantage or disadvantage anyone known to them.
6. **Equalities in employment**

6.1 Employees are expected to conduct themselves in line with the Council’s **Zero Tolerance Statement**, which outlines the council commitment to eliminate harassment or discrimination on the grounds of race, gender, sexual orientation, disability, age, religion or any other factor.

7. **Accountability**

7.1 All employees of the Council are expected to work diligently and to contribute positively to the daily tasks of the Council in the provision of services to Lambeth’s residents. You must therefore undertake your duties as outlined in your job description to the best of your ability and must abide by the terms of your contract of employment. You must comply with all legitimate instructions from your manager and with all operational procedures and regulations.

7.2 As an employee you are accountable to the Council for your actions.

7.3 If you are a manager you will be responsible for setting an example to employees in the application of this code. You must ensure that you familiarise yourself with all the Council’s employment policies and procedures and apply them in a non-discriminatory way. You will be responsible for communicating expected standards of conduct to the employees in your work area, advising them of any particular rules which may apply.

8. **Writing & speaking to the public/media/other agencies**

8.1 Employees must not make any public statement on behalf of the Council or engage in communication with the media in regard to any employment or service matter, without the express consent of their Divisional Director. All enquiries from the press must be referred to the Press Office.

8.2 Only Managers and HR officers may provide an employment reference on Council headed paper. If an employee provides a personal reference for a colleague or former colleague they must make it clear that they are doing so in a personal capacity only. Further details on providing references can be found in the Council’s **reference policy**.

9. **Health and safety**

9.1 **Responsibilities**

9.1.1 All employees have a responsibility, under the Health and Safety at Work Act, to take care in undertaking your duties. It is your responsibility to wear protective clothing and use any safety equipment,
which is issued to you. You must report any accident/incident that you have at work and report any health and safety risks to your manager without delay.

9.1.2 If you are a manager, you also have a responsibility for the health and safety of your staff, taking all reasonable steps to ensure that all activities are carried out with due regard to the Council’s safety policy.

9.2 Alcohol, illegal drugs and substance misuse

9.2.1 Alcohol, drugs and substance misuse impairs judgement and can put you, work colleagues and members of the public at risk. Abuse of any such substance whilst you are at work may be treated as a disciplinary offence, and will be dealt with accordingly.

9.2.2 For further guidance please refer to the Council’s Drug and alcohol in the workplace policy.

10. Outside Commitments, personal interests, and working for outside bodies.

10.1 Your time outside working hours is your own personal concern. However you must not put yourself in a position where your job and your personal interests conflict. Where the slightest doubt exists, and where there is a potential conflict of interest, employees are advised to either decline acceptance of outside work or membership of an external body or organisation, or to seek the advice of their line manager or divisional director before accepting any such outside work.

10.2 It is important for employees to discuss their intention to undertake any other employment with their line manager or any intention to become a member of an external organisation, (whether appointed as the official Council representative on the outside body or otherwise), particularly if they have doubts or concerns, in order that any involvement with the Council and any conflicts of interest can be identified and assessed. This will help to protect the employee should any question of conflict of interest arise subsequently.

10.3 Managers should check with their teams whether employees have existing arrangements of which they are unaware and Directors should seek to review the position in relation to membership of outside bodies and/or outside employment at least annually to ensure that a conflict of interest has not arisen where no conflict existed previously.

10.4 Employees must exercise great care and diligence when undertaking paid or unpaid work outside the Council. Any paid or unpaid work undertaken should not conflict in any way with their Council duties or make use of material to which the employee has access by virtue of his or her position. Employees must not in their official capacity allow their
personal interests to conflict with the Council’s requirements or use their position improperly to confer an advantage or disadvantage on any person.

10.5 Employees must declare any activity, relationship or other personal interests, whether financial or financial, where they may be a conflict of interest between their Council duties and their private interests. Employees will also be required to declare personal or business interests which may, or may be perceived to, influence their judgement; this includes membership of organisations/outside bodies where conflicts may arise or any organisation which may seek to influence the policies of the Council, for example a local campaigning group (but excluding any representative body or professional body membership).

10.6 Employees must declare membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct, for example, Freemasons.

10.7 You must not do private work during your Council work time or whilst you are on sick leave.

10.8 The Council will not prevent employees from undertaking additional employment (paid or unpaid) outside working hours provided it does not conflict with the law, the Council’s interests or in any way weaken public confidence in the Council. You are required to notify the Council in writing before undertaking any other employment and must declare any voluntary or unpaid work. All Council employees are specifically required to obtain consent in writing from their line manager in advance, on each occasion, if they wish to engage in any other business or take up additional employment.

10.9 Many employees undertake valuable voluntary work in the community in their own time and the Council supports this. However, any significant interest in an organisation must be declared, for example, acting as a member of the management committee of a charity) where the Council has some involvement with the organisation. If in doubt the employee should discuss the matter with their line manager.

10.10 Employees must conduct themselves at all times in a manner which is consistent with their obligations under the Officer Code of Conduct when carrying out any external activities so as to avoid bringing the Council into disrepute.

10.11 Employees should avoid putting themselves in a position where their involvement in a local community group puts them, or could reasonably be perceived as putting them, in a position where their involvement is in direct conflict with the best interests of the Council or is likely to bring the Council into disrepute. In these circumstances an employee must
consider whether it is in the best interest of the Council for them to remain involved with the external organisation.

10.12 The Council will not unreasonably require an employee to cease or refrain from other work/employment unless there is a conflict of interest, or there is a reasonable belief that the physical or mental demands of the other work have a damaging effect on the employee’s ability to carry out their normal duties for the Council.

10.13 An employee who fails to declare any personal interests as described above may be subject to disciplinary action being taken against them. Any employee who is in doubt as to whether or not specific outside interests exist and should be declared, should contact HR for guidance.

10.14 Examples of circumstances where there is potential for a conflict of interest to arise would include:

- A Finance Officer also working as a treasurer for a charitable organisation that submits bids to the Council for funding;
- A Housing Officer who is also the Chair of an Estate Management Board;
- A senior manager within the Children and Young Persons Department who is also Chair of Governors of a School in the Borough.

10.15 Conflicts of interest may also arise internally, for example, in circumstances where an employee works in one service which is proactively involved in the delivery of a particular project, as well as another service which has a regulatory role or determines the grant allocation to support such projects.

11. Politically neutrality

11.1 Politically restricted posts

11.1.1 Employees are required to serve the whole Council and its Councillors, not just Members of any party group. Employees must ensure that the individual rights of all Councillors are respected.

11.1.2 Employees, who are required as part of their duties to provide advice to Councillors or other employees, must do so impartially and must not allow their own personal or political opinions to interfere with their work.

11.1.3 Under Section 2 of the Local Government and Housing Act 1989 (“the 1989 Act), the following employees are regarded as holding politically restricted posts:

- Chief Executive
- Chief Officer
- Deputy Chief Officer
- Monitoring Officer
• Political Assistant,
• Any person whose post is P04 or above or specified on the list held by the Human Resources Division

11.1.4 Employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being an MP or MEP and are subject to prescribed restrictions on their political activity. You will be advised on appointment whether your post is politically restricted.

11.1.5 If your post is politically restricted you:
• should not publicly voice support for a political party
• may not campaign for a political party
• may not hold political office
• may not occupy party political posts and
• may not hold particular sensitive or high profile unpaid roles in a political party

11.1.6 A Political Assistant (as defined under the 1989 Act) must not speak to the public in a way that could be perceived as speaking as an authorised representative of a political party nor must they write or publish any written or artistic work that could be perceived in the same way.

11.1.7 Any employee who is a member of a local authority will be permitted paid time off during working hours to perform duties as an elected member. Requests must be made through the employee’s line manager

11.1.8 Employees, whether or not they are politically restricted, must in the course of their employment follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

11.2 Relationships with Councillors and co-opted Members.

11.2.1 Mutual respect and good working relationships between employees and Councillors is essential to the successful delivery of the Council’s services. Close personal familiarity between employees and individual Councillors can damage this relationship and should be avoided. For further guidance please refer to the officer/member protocol; see Constitution Part 4, Section 2: Memorandum of Members’ Rights and Responsibilities.

11.2.2 Employees must not seek to involve Councillors in personal matters which relate to any aspect of their employment, for example, pay and grading, grievances etc.
12 **Gifts and hospitality**

12.1 You should not accept bribes, hospitality or gifts that are offered to you by any organisation or person able to provide work, goods or services to the Council. Similarly, where you are in a position to influence, you must not show favour to anyone in connection with Council business.

12.2 You will be required to record all gifts and hospitality offered irrespective of whether you have accepted it or not (complete relevant form at: [Working Arrangements](#) (internal only link)).

12.3 All employees are forbidden to ask for tips or any payment for service or goods provided except through the Council’s official invoice systems.

13 **Sponsorship – giving and receiving**

13.1 Where an organisation wishes to sponsor or is seeking to sponsor a Local Government activity whether by invitation, tender, negotiation or voluntarily, the basic guidelines concerning acceptance of gifts and hospitality apply.

13.2 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such a sponsorship. Similarly, where the Council gives support in the community, through sponsorship, grant aid, financial or other means, employees should ensure that impartial advice is given and that no conflict of interests exists.

14 **Procurement**

14.1 **Placement of contracts**

14.1.1 If you are required to buy or sell any item or service as part of your duties you must act in accordance with the rules and regulations as set out in the Council’s procurement guide and with any specific instructions in use in your directorate.

14.1.2 All relationships of a business or private nature with contractors, or potential contractors, should be made known to the appropriate manager. If you know you have any interest in any contract which the Council has entered into, or proposes to enter into, you are required, by law, to declare your interest to your manager immediately.

14.1.3 If, in the course of your work, you deal with applications to the Council for planning permission, permits, licences, grant or applications for employment, you must declare to your manager if you have a relationship with any applicant.
14.2 Separation of roles during tendering

14.2.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

14.2.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers and other contractors and sub-contractors.

14.2.3 Confidential information on tenders or costs for internal or external contractors should not be disclosed to any unauthorised party or organisation.

15 Working with the Council’s property and money

15.1 Use of Council equipment/facilities

15.1.1 Employees must not use Council time or facilities, for example, IT equipment, telephones, vehicles or any other Council property in connection with any outside work or activity (paid or unpaid), without the written permission of the relevant Divisional Director. Any telephone usage will only be permitted in very exceptional circumstances and such use must be disclosed and paid for. The misuse or unauthorised use of Council property may result in disciplinary action being taken against an employee.

15.1.2 There is separate guidance on the use of the Council’s computer, e-mail and internet facilities and all employees should abide by this guidance at all times in relation to any work undertaken inside or outside the Council.

15.2 Use of financial resources

15.2.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the authority.

15.2.2 Managers (the nominated budget holder for an Oracle business unit or cost code) are responsible for managing their budgets. Where they are forecasting overspends, they must formally request a virement for their business unit, their division or their department to secure an increase to their budgets.

15.2.3 Budget holders who overspend significantly without alerting the Council may be subject to disciplinary action in accordance with the Council’s disciplinary rules.
15.3 Overpayment to employees

15.3.1 Where it occurs that you are receiving an overpayment in salary, allowances or overtime, it is your responsibility to notify your manager as soon as possible after becoming aware of the overpayment, in order to make arrangements for repayment. The Council reserves the right to take steps to recover any overpayment of salary.

15.4 Debt to the Council

15.4.1 The Council owes a duty of fiduciary care to all residents of the Borough. This means taking action against any person who has a debt to the Council. Employees are required to set a good example by not allowing themselves to become indebted to the Council. It is therefore not acceptable for employees to be in arrears on Council rent or tax. Where this occurs, and there is no prior arrangement in place to clear these arrears, the employee may be subject to disciplinary action.

15.5 Theft from the Council

15.5.1 Stealing from the Council, its clients or fellow employees will not be tolerated. Waste, loss, fraud, unauthorised use or wilful negligent damage to Council property are considered as gross misconduct and may result in your dismissal from the Council. Therefore, employees:

- must not steal or remove without authorisation money or property from the Council, its clients or colleagues
- must carry out their duties with care, particularly when handling the Council’s money or property (including papers)
- must not take responsibility for money or property unless it is part of their official duties
- must not use equipment including computers, Council vehicles, telephones, or money for any unauthorised purpose
- must not copy Council computer software for their own use
- must not take Council equipment home without the express permission of their line manager.

15.6 Ownership of Intellectual Property/Copyright

15.6.1 Employees should be aware of the rules on the ownership of intellectual property or copyright created during their employment. “Intellectual Property” is a wide term which includes inventions, creative writings and drawings. As a general rule, any Intellectual Property created by an employee during the course of their employment with the Council belongs to the Council and as such must not be used by the employee in relation to any work performed outside the Council, including work undertaken after the conclusion of their employment, without the express consent of the Council.
16. Disclosure of information

16.1 The law requires that certain types of information must be made available to Councillors, auditors, government departments, service users and the public. The Freedom of Information Act, for example, requires disclosure of certain information in response to written requests, whilst the Data protection Act requires that the Council comply with statute in relation to the handling and processing of personal data. If you are in doubt guidance should be sought from your line manager before disclosing information.

17 Whistleblowing

17.1 As custodians of public services, local authorities have a duty to ensure that there is no malpractice in the operation or delivery of services.

17.2 The Whistleblowing Procedure (internal only link) covers any significant concerns that an employee may have about malpractice in any aspect of service provision or the conduct of Officers, Members, Contractors or other agents of the Council.

17.3 This procedure is not an alternative process for raising concerns or grievances over managerial decisions or other matters for which there are appropriate existing procedures within the Council.
Section 8 – Protocol on the Role of the Monitoring Officer

1. The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this protocol with determination and a manner which will enhance the reputation of the Council. In general terms his or her ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.

2. The following arrangements and understandings between the Monitoring Officer and colleagues and members are designed to help ensure the effective discharge of their functions:

   (a) The Monitoring Officer will have advance notice of all meetings whether informal or formal between Chief Officers and members of the Cabinet or Chairs of Committees, where any procedural, vires or other constitutional matters are likely to arise;
   (b) Chief Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires or constitutional matters;
   (c) The Monitoring Officer or his/her staff will have copies of all reports to members;
   (d) The Monitoring Officer is expected to develop good liaison and working relations with the external auditors and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise;
   (e) The Monitoring Officer will have a special relationship with the Leader of the Council, Chairs of the Standards and Overview & Scrutiny Committees and will ensure the Chief Executive and Executive Director of Finance have up-to-date information regarding emerging issues;
   (f) The Monitoring Officer will be expected to deal with all complaints made against Members in consultation with the Independent Person.
   (g) The Chief Executive, Executive Director of Finance & Resources and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity;
   (h) In carrying out any investigation the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions;
   (i) The Monitoring Officer will have control of a budget sufficient to enable him or her to seek Counsel’s opinion on any matter concerning his or her functions;
   (j) The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee;
   (k) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following
consultation in particular with the Chief Executive and Chief Finance Officer;

(l) In consultation with the Leader of the Council and the Standards Committee, the Monitoring Officer may defer the making of a formal report under section 5 of the Local Government & Housing Act 1989 where another investigative body is involved;

(m) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources he/she requires to discharge his/her functions;

(n) The Monitoring Officer will appoint a deputy and keep him/her briefed on emerging issues.
Section 9 – Local Code of Corporate Governance for Lambeth Council

Introduction

Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

Lambeth Council is committed to the principles of good corporate governance identified in the 2007 CIPFA/SOLACE guidance “Delivering Good Governance in Local Government” and confirms its on-going intentions through the adoption and monitoring and development of its own Local Code of Corporate Governance. The Council recognises that achieving high standards of corporate governance will encourage stakeholders to have confidence in us and will allow the Council to undertake its Community leadership role effectively.

A Lead Officer has been given responsibility for: -

- Overseeing the implementation and monitoring the operation of the Code
- Reviewing the operation of the Code in practice on an annual basis
- Reporting annually to the Cabinet and full Council on compliance with the Code and any changes that may be needed to ensure its effectiveness in practice
- Reporting any significant revisions of the Code to stakeholders.

The Chief Executive and the Leader will make an Annual Statement of Assurance, following the annual report to Council, giving their position on whether the corporate governance arrangements are operating effectively.

This document sets out Lambeth Council’s Local Code of Corporate Governance and the processes for monitoring its effectiveness. The Code provides the framework for the Council to achieve its aims and objectives.

The Local Code of Corporate Governance for Lambeth can be found:

- On the Lambeth Intranet for Members and Officers
- On the Council’s website
- By contacting the Head of Internal Audit and Counter Fraud or the Director of Governance and Democracy
The role of corporate governance

Corporate governance is the way in which organisations are directed and controlled. It defines the distribution of rights and responsibilities among the different stakeholders and participants in the organisation, determines the rules and procedures for making decisions on corporate affairs including the process through which the organisation’s objectives are set, and provides the means of attaining those objectives and monitoring performance.

The Council’s Code of Practice is underpinned by the following values:

I. **Openness** in the decision-making and management processes of local authorities and of the approach of individuals within them.

II. **Inclusivity** to ensure that all stakeholders and potential stakeholders have an opportunity to engage effectively with decision-making processes and actions of local authorities.

III. **Integrity** based on honesty, selflessness and objectivity and high standards of propriety and probity in the stewardship of public funds and management of the Authority’s affairs.

IV. **Accountability** whereby local authorities and the Members and staff within them, are responsible for their decisions and actions, including their stewardship of public funds and all aspects of performance and submit themselves to appropriate external scrutiny.

**Actions to be taken by the Council in relation to each principle of corporate governance**

The Corporate Governance framework consists of six core principles. The Council's Local Code of Corporate Governance specifically identifies the actions to be taken in relation to each of the six core principles. On a more practical basis, and in order to assist the reader, a single sheet which defines the local framework by reference to key documents and contributory processes is detailed at the end of the Code.

**Core Principle 1 – Focussing on the purpose of the council and on outcomes for the community and creating and implementing a vision for the area**

(a) To exercise strategic leadership by developing and communicating clearly the Council’s purpose and vision, and its intended outcomes for citizens and service users, we will:

- Develop and promote the Council’s purpose and vision
• Review on a regular basis the Council’s vision for its area and its implications for the Council’s governance arrangements
• Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners.
• Publish an annual report on a timely basis to communicate the Councils’ activities and achievements and its financial position and performance.

(b) To ensure that users receive a high quality of service whether directly, or in partnership, or by commissioning, we will:

• Decide how the quality of service for users is to be measured and make sure that the necessary information is available to review service quality effectively and regularly
• Put in place effective arrangements to identify and deal with failure in service delivery.

(c) To ensure that the Council makes the best use of resources and that taxpayers and service users receive excellent value for money, we will:

• Decide how value for money is to be measured and make sure that the Council has the information needed to review value for money and performance effectively
• Measure the environmental impact of policies, plans and decisions.

Core Principle 2 – Councillors and Officers working together to achieve a common purpose with clearly defined functions and roles

(a) To ensure effective leadership throughout the Council and to be clear about “executive” and “non-executive” functions and the roles and responsibilities of the scrutiny function, we will:

• Set out a clear statement of the respective roles and responsibilities of the Cabinet and of the Cabinet Members individually including the Council’s approach towards putting this into practice
• Set out a clear statement of the respective roles and responsibilities of non-executive Members, Members generally and senior officers

(b) To ensure that a constructive working relationship exists between Members and Officers and that their respective responsibilities are carried out to a high standard, we will:

• Determine a scheme of delegation and reserve powers within the Council Constitution including a schedule of those matters specifically reserved to the full Council and update this as required
• Make the Chief Executive responsible and accountable to the Council for all aspects of operational management
• Develop Protocols to ensure that the Leader and Chief Executive have a shared understanding of their respective roles and objectives
• Make a senior officer, the section 151 officer, responsible to the Council for ensuring that appropriate financial advice is given and for maintaining proper records and an effective system of internal financial control
• Make a senior officer, the monitoring officer, responsible to the Council for ensuring that agreed procedures are followed and that all legislation is complied with

(c) To ensure relationships between the Council, its partners and the public are clear so that each knows what to expect of the other, we will:

• Develop Protocols to ensure effective communication between Members and officers in their respective roles
• Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process
• Ensure that effective mechanisms exist to monitor service delivery
• Ensure that the Council’s vision, strategic plans, priorities and targets are developed robustly in consultation with the local communities and key stakeholders and that they are clearly expressed and publicised
• Ensure that Members working in partnership are clear about their roles and responsibilities, individually and collectively, both to the partnership and to the Council
• Ensure that all those working in partnership understand clearly the legal basis of the partnership and the extent of each representative’s authority to commit their parent organisation to partnership decisions

Core Principle 3 – Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

(a) To ensure Councillors and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance, we will:

• Ensure that the Council’s leadership sets a tone for the organisation by creating a climate of openness, support and respect
• Define and publicise the standards expected in the conduct of Councillors and officers and in the work of the Council including work with partners and the local communities
• Put in place and maintain in operation arrangements to ensure that Councillors and officers are not influenced by prejudice, bias or conflicts of interest when dealing with different stakeholders

Part 4 – Codes and Protocols – Section 9 Local Code of Corporate Governance for Lambeth Council
Lambeth Council’s Constitution 2013-14
To ensure that the Council’s values are put into practice and remain effective, we will:

- Develop and maintain shared values, including leadership values, for both the Council and its staff which reflect public expectations and communicate these to Councillors, staff, the community and partners
- Put in place arrangements to ensure that systems and processes reflect appropriate ethical standards and to monitor their continuing effectiveness in practice
- Develop and maintain an effective Standards Committee
- Use the Council’s shared values as a guide for decision-making and a basis for developing positive and trusting relationships within the Council
- Pursue a partnership vision with an agreed set of values for assessing decision-making and actions which must be demonstrated by the partners’ individual and collective behaviour
- Produce an annual report of the work of the Standards Committee

Core Principle 4 – Taking informed and transparent decisions which are subject to effective scrutiny and risk management

To be rigorous and transparent about how decisions are taken and to listen and act on the outcomes of constructive Scrutiny will:

- Develop and maintain an effective scrutiny function which encourages effective challenge and which enhances the Council’s performance overall and that of organisations for which the Council is responsible
- Develop and maintain open and effective mechanisms for documenting the evidence for decisions and for recording the criteria, rationale and considerations behind decisions
- Put in place arrangements to safeguard Councillors and staff against conflicts of interest together with appropriate processes to maintain them in practice
- Develop and maintain an effective Audit Committee (i.e. Corporate Committee) which is independent of the Cabinet and scrutiny functions and which will produce an annual report for the Council
- Make sure that effective, transparent and accessible arrangements are in place for dealing with complaints

To have good quality information, advice and support which ensure that the services wanted and needed by the community are delivered effectively, we will:

- Ensure that decision-makers in the Council and partner organisations have information that is fit for purpose i.e. relevant, timely and with clear explanations of the technical issues
• Ensure that proper professional advice, on matters with financial or legal implications, is available, recorded well in advance of decision-making and used appropriately

(c) To ensure that an effective risk management system is in place, we will:

• Ensure that risk management is embedded into the culture of the Council with Councillors and managers recognising this is part of their respective roles
• Ensure that effective arrangements for whistle-blowing are in place with access for Councillors, staff and those contracting with, or appointed by, the Council. For more information see Whistleblowing

(d) To use the Council’s legal powers for the full benefit of citizens and communities in the Borough, we will:

• Recognise the limits of lawful action while striving to use Council powers for the full benefit of the community
• Comply with the specific requirements of legislation and the general duties placed on local authorities by public law
• Integrate the key principles of administrative law - rationality, legality and natural justice – into the Council’s procedures and decision-making processes

Core Principle 5 – Developing the capacity and capability of members and officers to be effective

(a) To make sure that Councillors and officers have the skills, knowledge, experience and resources they need to perform well in their roles, we will:

• Provide induction programmes tailored to individual needs and also opportunities for Councillors and officers to update their knowledge regularly
• Ensure that the statutory officers (as detailed in the Introduction of the Constitution) have the necessary skills, resources and support to perform effectively
• Ensure that the roles of the statutory officers are properly understood by all in the Council

(b) To develop the capability of those with governance responsibilities and to evaluate their performance individually and collectively, we will:

• Assess the skills required by Councillors and officers and develop those skills to enable their roles to be performed effectively
• Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed
• Ensure that effective arrangements are in place for reviewing the performance of the Cabinet and individual Cabinet Members and for agreeing action plans to address training or development needs

(c) To encourage new talent for membership of the Council so best use can be made of individuals’ skills and resources in balancing continuity and renewal, we will:

• Ensure that effective arrangements are in place to encourage individuals from all sections of the community to engage with, contribute to, and participate in, the Council’s work
• Ensure that career structures are in place for Councillors and officers to encourage participation and development

Core Principle 6 – Engaging with local people and other stakeholders to ensure robust public accountability

(a) To exercise leadership through a robust scrutiny function which effectively engages local people and all local stakeholders and partnerships and which develops constructive and accountable relationships, we will:

• Make clear to all Councillors, staff and the community that we are democratically accountable for this scrutiny function
• Consider those institutional stakeholders to whom the Council is accountable and assess the effectiveness of the relationships and any changes required
• Produce an annual report on the activity of the scrutiny function

(b) To take an effective and planned approach to dialogue with, and accountability to, the public to ensure effective and appropriate service delivery whether directly by the Council, in partnership or by commissioning, we will:

• Ensure that clear channels of communication are in place with all sections of the community and other stakeholders and put in place monitoring arrangements to ensure that they operate effectively
• Hold meetings in public unless there are good reasons for confidentiality
• Ensure that arrangements are in place to enable the Council to engage with all sections of the community effectively.
• The above arrangements will recognise that different sections of the community have different priorities and will establish processes for dealing with these competing demands
• Establish a clear policy on the types of issues where we will consult, or engage the public and service users, including a feedback mechanism to demonstrate to consultees what has changed as a result of consultation
• Publish an annual performance plan with information on the Council’s vision, strategy, plans and financial statements as well as information about its outcomes, achievements and service user satisfaction in the previous year
• Ensure that the Council is open and accessible to the community, service users and its own staff and committed to openness and transparency in its dealings including partnerships subject to the protection of confidentiality where necessary and appropriate

(c) To make the best use of human resources by taking an active and planned approach to meet the Council’s responsibility to its staff, we will:

• Develop and maintain a clear policy on the means for consulting and involving staff and their representatives in decision-making

The key policies and procedures that will compose the core of this process are listed below:

• Effective Administration of Financial Affairs (Financial Regulations)
• Effective Human Resources Policies (link only works internally)
• Equalities & Diversity
• Member Code of Conduct
• Officer Code of Conduct
• Council Constitution (this document)
• Scheme of delegation for officers (Part 2 Section 4 of this document)
• Whistleblowing (link only works internally)
• Anti Fraud & Corruption Strategy
• Risk Management Strategy
• Project Management
• Communications Strategy (link only works internally)
• Partnerships
• Lambeth Sustainable Community Strategy 2008-2020
• Corporate Plan 2011/14
• Local Development Framework
• 2004/15 Community Strategy
• Lambeth Together Strategy (link only works internally)
• Performance and Quality Management Framework (link only works internally)
• Consultation Strategy
• Members Support
• Procurement Rules (link only works internally)
• Health & Safety Policies (link only works internally)
• Lambeth Councils local code of Corporate Governance
• Information Security (Internal Only link – policy available to view on request)
• Risk Policy
• Sustainable Community Strategy 2011-14
• Information Security
• Procurement Rules
Part 4 - Codes and Protocols - Section 9 – Local Code of Corporate Governance for Lambeth Council

Lambeth Council Corporate Governance Framework

Principles, Statutory Obligations and Organisational Objectives

Meeting Statutory Obligations
- Adherence to Ethical Values
- Meeting Organisational
- Taking effective decisions
- Developing Members and Officers
- Maintaining a Community Focus

Key Documents: Annual Review / Production
- Annual Performance Report
- Children and Young People's Plan (CYPP) 2007 – 2010
- Corporate IT Security Policy
- Corporate Plan
- Corporate Risk Register
- Delegation from Directors
- Delegations to Directors
- Departmental Service & Financial Plans
- Internal / External Audit Protocol
- IS/IT Strategy
- Medium Term Financial Strategy
- Members Allowances Scheme
- Risk Management Policy Statement
- Safer Lambeth Partnership Plan
- State of the Borough Report
- Statement of Accounts
- Sustainable Community Strategy

Key Documents: Ad-Hoc Review / Production
- Communications Strategy
- Constitution
- Equal Opportunities Policy
- Financial Regulations
- Freedom of Information Publication Scheme
- Health, Safety and Welfare Policy
- Citizen Focus Programme
- Community Engagement Strategic Action Plan
- Council Policy Framework
- Local Development Framework
- Member / Officer Relations
- Members Code of Conduct
- Officers' Code of Conduct
- Officer Recruitment & Selection Procedures
- Partnership Control Policy
- Performance Management Framework
- Procurement Policy and Strategy
- Rights of the People of Lambeth

Contributory Processes / Regulatory Monitoring

Accountability Statements (Depts)
- Job Evaluation / Pay Implementation

Budget Book
- Lambeth Talk

Council Tax Leaflet
- Lambeth Web

Corporate (Audit) Committee
- Governance and Democracy

Corporate Intranet
- Member Training

Corporate Governance Working Group
- Organisational Development Programme

Principles, Statutory Obligations and Organisational Objectives

Maintaining a Community Focus
Adherence to Ethical Values
Developing Members and Officers
Taking effective decisions
Implementing local vision
Meeting Organisational
Meeting Statutory Obligations
Section 10 – Protocol and criteria for consideration of requests for dispensations

1. The Council has delegated authority to the Monitoring Officer (Director of Governance and Democracy), pursuant to section 33 of the Localism Act, to grant dispensations to councillors allowing them to speak and vote at a meeting when they have a Disclosable Pecuniary Interest. In exercising this delegated power, the Monitoring Officer will consult with members of the Standards Committee, other councillors, or the Independent Person, should he/she deem it necessary. The exercise of this delegated power is subject to a right of appeal to the Standards Committee. This protocol sets out how requests for dispensations should be made, the process that will be followed when the request is considered, and the criteria that will be applied when the request is determined.

2. A councillor seeking a dispensation should submit an application in writing to the Monitoring Officer. The application should explain the reasons why a dispensation is desirable. The application must be written by the councillor concerned and not by another. The application should be submitted as early as possible, and (where the meeting date is known) in any event no later than 10 working days before the meeting in question is due to take place.

3. If less than 10 working days notice is given, reasons for urgency and/or exception must be set out in the application. The Monitoring Officer will consider if exceptional and/or urgent reasons exist and in consultation with the Chair of the Standards Committee determine whether to convene a meeting on less notice.

4. In deciding whether to grant the dispensation the Monitoring Officer will consider:

   a) whether the legal criteria for the grant of a dispensation, as set out in paragraph 5 below, are met;
   b) the reasons why a dispensation is desirable as put forward in the written application;
   c) the additional criteria referred to in paragraph 8 below; and
   d) any other relevant circumstances.

5. The Monitoring Officer may grant a dispensation only in the following circumstances:

   a) That so many members of the decision-making body have a Disclosable Pecuniary Interest in a matter that it would “impede the transaction of the business”. In practice this means that the decision-making body would be inquorate as a result;
b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;

c) That the Monitoring Officer considers that the dispensation is in the interests of persons living in the authority’s area;

d) That, without a dispensation, no member of the Cabinet would be able to participate on the matter (although in the highly unlikely event of this situation arising, the Leader of the Council has authority to make alternative arrangements regarding executive decisions, thus avoiding the need for a dispensation in any event); or

e) That the Monitoring Officer considers that it is otherwise appropriate to grant a dispensation.

The Monitoring Officer will ignore the reasons for any dispensations that have already been granted to other members at the meeting when deciding whether any of these criteria apply.

6. A dispensation may not be granted:

a) To allow a councillor to vote at a meeting of the Overview and Scrutiny Committee or its sub-committees about a decision taken by him/her or by any body they were a member of at the time the decision was taken;
b) To allow a Cabinet member with a Disclosable Pecuniary Interest in a matter to take an executive decision about it on his/her own.

7. Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years. A dispensation may be granted for just one meeting or on an ongoing basis. Any such dispensation will automatically cease to have any effect following the expiry of the councillor’s term of office.

The councillor must advise the Monitoring Officer of any change in their circumstances.

8. Where the Monitoring Officer is satisfied that the criteria set out in paragraph 5 above apply, he/she will also take into account the following criteria, in addition to the reasons put forward in the application and any other relevant circumstances:

a) Is the nature of the councillor’s interest such that allowing them to participate would not damage public confidence in the conduct of the authority’s business? A dispensation is unlikely to be granted where the decision is one having a direct and significant financial effect on the applicant and/or their partner (which means the councillor’s spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they are civil partners).
b) Can the decision be readily taken in an alternative way without damage to public confidence in the conduct of the authority’s business? It may not be in the public interest if the decision, in the absence of dispensations being granted, could be taken only by a small number of councillors, or by members of one political party only, or by an officer under delegated powers. But if a councillor with a Disclosable Pecuniary Interest could be readily substituted by another councillor from the same political party that may be preferable to the grant of a dispensation.

c) Is the interest common to the councillor and to a significant proportion of the general public? It might be appropriate to grant a dispensation if this is the case.

d) Is the participation of the councillor in the business that the interest relates to justified by the councillor’s particular role or expertise?

e) Is the business that the interest relates to about a voluntary organisation or a public body which is to be considered by the Overview and Scrutiny Committee or its sub-committees and is the councillor’s interest not a financial one? In circumstances such as these, the Monitoring Officer might believe that it is in the public interest to allow the councillor to speak and vote.

9. In cases where a dispensation is granted the Monitoring Officer will consider the nature of the dispensation – i.e. whether the dispensation should allow the councillor to speak and not vote, or to fully participate and vote. The Monitoring Officer will also consider how long the dispensation should apply. In some cases, an application for a dispensation may be made before it is known exactly when the meeting will be. In those cases the Monitoring Officer will normally grant the dispensation for a six month period, to permit flexibility.

10. The decision of the Monitoring Officer will be recorded in writing and kept with the Members’ Register of Interests that the Monitoring Officer is required to maintain.

11. If the application for a dispensation is not granted by the Monitoring Officer, the councillor may appeal to the Standards Committee. Any such appeal should be submitted in writing to the Monitoring Officer within 14 days of his/her decision, setting out the grounds of appeal.
Part 5 – Members Allowance Scheme

Application of Scheme in year of local authority election

During the year when there is an ordinary election of councillors, the scheme will be approved at the budget council meeting of the outgoing council and apply until the scheme is confirmed or amended by the incoming council. The incoming council will be asked whether it wishes to backdate approval to the date the incoming council took office (after the third day after the date of the election).

Basic Allowance

Each year a basic allowance of £10,597 will be paid to each councillor. The allowance is intended to cover costs such as:

- Incidental costs such as the use of councillors’ homes
- Intra-borough travel costs
- Most subsistence costs
- Telephony costs (line rental, broadband, call costs etc). The Council will provide (and meet the running costs of) a laptop computer and mobile phone.

The Basic allowance is claimable by all Members of the Council, and payable in monthly instalments.

Special responsibility allowances (SRAs) and civic allowances

The following SRAs and civic allowances are paid:

<table>
<thead>
<tr>
<th>Allowance</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor civic allowance</td>
<td>£15,954</td>
</tr>
<tr>
<td>Deputy Mayor civic allowance</td>
<td>£5,319</td>
</tr>
<tr>
<td>Leader of the Council</td>
<td>£40,617</td>
</tr>
<tr>
<td>Remaining nine Cabinet members:</td>
<td></td>
</tr>
<tr>
<td>Deputy Leader of the Council</td>
<td>£28,518</td>
</tr>
<tr>
<td>Cabinet Member for Children and Families</td>
<td>£28,518</td>
</tr>
<tr>
<td>Cabinet Member for Culture and Leisure</td>
<td>£28,518</td>
</tr>
<tr>
<td>Cabinet Member for Environment and Sustainability</td>
<td>£28,518</td>
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<tr>
<td>Cabinet Member for Equalities and Communities</td>
<td>£28,518</td>
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<tr>
<td>Cabinet Member for Finance and Resources</td>
<td>£28,518</td>
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<tr>
<td>Cabinet Member for Health and Wellbeing</td>
<td>£28,518</td>
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<tr>
<td>Cabinet Member for Housing and Regeneration</td>
<td>£28,518</td>
</tr>
<tr>
<td>Cabinet Member for Safer and Stronger Neighbourhoods</td>
<td>£28,518</td>
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<tr>
<td>Chief Whip</td>
<td>£16,356</td>
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<tr>
<td>Cabinet Deputies:</td>
<td></td>
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<tr>
<td>Deputy Cabinet Member for Housing</td>
<td>£10,905</td>
</tr>
<tr>
<td>Deputy Cabinet Member for Cooperative Council Delivery</td>
<td>£10,905</td>
</tr>
<tr>
<td>Deputy Cabinet Member for Older People</td>
<td>£10,905</td>
</tr>
<tr>
<td>Deputy Cabinet Member for Young People</td>
<td>£10,905</td>
</tr>
</tbody>
</table>
Opposition Groups:
Leader of the Opposition Majority Group 10,905
Leader of the Opposition Minority Group 5,613

Chairs of scrutiny committees:
Overview and Scrutiny 10,905
Children and Young Peoples’ Service 10,905
Environment and Community Safety 10,905
Finance 10,905
Health and Adult Services 10,905
Housing 10,905

Other posts:
Planning Applications Committee: Chair 16,194
Planning Applications Committee: Vice-Chair 5,556
Licensing Committee and Sub-Committee: Chair 5,613
Corporate Committee: Chair 5,613
Adoption & Permanence and Fostering Panels: one member to serve on each. Shared between two members (both from the Administration) 5,613
Standards Committee: Independent Person(s) (non-Councillor) 1061

SRAs are payable in monthly instalments. No more than 50% of the Council may receive an SRA, and one SRA per member only may be paid.

Civic expenses

A civic expenses budget of £2,000 is available to meet the costs of civic gifts and hospitality and maintenance of civic regalia.

Key duties

Councillors will:

- **In the Ward**
  - Represent effectively local people to galvanise Council, voluntary and private resources and action to help meet local needs. Councillors have the elected right to assume a leadership role in their Ward and constituents expect to be assisted.
  - Make themselves known to all residents’ and tenants’ associations, amenity groups, voluntary organisations, schools, places of worship and other societies where community representatives gather.
  - Attend regularly meetings of area housing forums and other area meetings that focus on local concerns over the Council, the police or other authorities.
  - Hold an advice surgery at least once monthly.
  - Ensure their up to date contact details (i.e. ward surgery location (opening dates and times), correspondence address, email address, and telephone number), are provided to the Head of Democratic Services and Scrutiny for publication on the Council’s website.
  - Respond promptly to constituents’ queries.
On the Council

- Attend meetings of the Council as well as Committees, other bodies and outside organisations where appointed by the Council as a member.
- Help decide service priorities and participate in agreeing and setting a budget.
- Monitor performance against targets in all areas of Council activity.

Additionally, Cabinet Members are required to ensure that the Cabinet meets the following objectives:

- To provide advice and guidance to the Chief Executive and Strategic Leadership Board on matters of policy and priorities.
- To monitor the performance of the Council and recommend the targets and standards of performance to be achieved.
- To oversee the budget and policy development process of the Council and ensure that full and proper consultation occurs on policy proposals.
- To make recommendations to the Council on matters of policy and performance.

Childcare and Dependent Care Allowance

This allowance is discretionary, and is payable to reimburse claimants for the actual expenditure incurred (at up to £7 per hour plus a further payment of up to £10 to pay the cost of any taxi journey home for the carer) for the care of children or dependent relatives whilst undertaking the following duties (other than in respect of a carer from the claimant's household) (as specified in the Regulations):

- A meeting of Cabinet
- A meeting of a committee of Cabinet
- A meeting of the authority
- A meeting of a committee or sub-committee of the authority
- A meeting of any other body to which the authority make appointments or nominations
- A meeting of a committee or sub-committee of any other body to which the authority makes appointments or nominations
- A meeting which has both been authorised by the authority, a committee or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups)
- A meeting of a local authority association of which the authority is a member
- Duties undertaken on behalf of the authority in pursuance of any standing order made under section 135 of the Local Government
Act 1972 requiring a member or members to be present while tender documents are opened

- Duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises
- Duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.
- A meeting of an Area Housing Forum.
- Attendance at Ward Surgeries.

The carer must be registered with the local authority or via a recognised professional organisation. Councillors should notify officers in advance when wanting to use a professional organisation other than the local authority to source a carer, and CYPS will confirm whether this organisation is acceptable; 5 working days notice is required. The carer must not be a member of the councillor’s family. The maximum reimbursement will be calculated on the basis of the duration of the qualifying duty plus two hours travelling time. The amount claimed must not exceed the amount actually paid to the care provider. Claims for carer must be submitted on the appropriate claim form, and accompanied by receipts. The care provider will be required to account for any tax liability arising.

**Travel and subsistence expenses**

**Councillors**

Expenses are not normally payable for travel or subsistence incurred within London. However on the grounds of mobility and safety (e.g. travel home from late night meetings), travel expenses (submitted on the appropriate claim form) may be authorised by the Head of Democratic Services & Scrutiny, in consultation with the group whip concerned, for travel which meets the following criteria:

- Meetings of any body formally constituted by the Council.

Alternative modes of transport and shared taxis or mini-cabs should be used whenever possible.

Travel and subsistence costs outside London (but within the U.K.) will be paid, subject to them meeting any of the following criteria (and being submitted on the appropriate claim form):

- Meetings of any body formally constituted by the Council.
- Attendance as the Council's formally appointed representative to an outside organisation.
- Meetings involving Council Officers in connection with the council's legitimate functions.
• Attendance, on behalf of the council, at conferences and meetings, provided that they are not held for commercial or political purposes where the prior approval of the Head of Democratic Services and Scrutiny to the payment of conference, travel and subsistence expenses has been obtained.
• Attendance at any other training session, where the prior approval of the Head of Democratic Services and Scrutiny to the payment of conference, travel and subsistence expenses has been obtained.
• Attendance at a formal meeting of the following associations of which the authority is a member (where the association’s scheme does not enable payment of such expenses):
  - Local Government Association
  - London Councils
and where the prior approval of the Head of Democratic Services and Scrutiny to the payment of travel and subsistence expenses has been obtained.

Co-opted members (non-councillors) and Education Appeal Panel members

Non-councillors serving on the Pension Fund Investment Panel and Education Appeals Panels may submit claims for travel or subsistence as set out below.

The following duties will be reimbursed in accordance with the old ODPM rates (or standards class rail fare and/or underground):

• Attendance at any Panel etc on which they serve.
• Attendance at any training session or interview they are required by the Council to attend.

Rates

The standard class rail fare (or any available cheap fares) may be claimed and the Council encourages the use of public transport. Where car and motorbike expenses may be claimed these may be reimbursed at these rates (rates will be updated in accordance with Government advice):

Motorbike: Casual Users 12.1p
Car: Casual Users 40.5p

Subsistence costs are payable at the current rates specified for officers, upon submission of receipts, unless these costs can be claimed from another source:

up to a maximum of £5.00 per meal
up to a maximum of £7.64 for evening meals

Public transport and subsistence expenses will only be paid where evidence is provided in the form of receipts, bus, tube or train tickets or day travel cards or receipted Oyster cards (see note below). Note that cost of season tickets
(weekly, monthly or annual) will normally not be refundable by the Council as these are primarily purchased for and are available for private use.

**Note**: Reimbursement relating to **Oyster cards** (Pay-as-you-go) applies only to Pre-paid Oyster cards whereby councillors are able to obtain receipts that clearly indicate their journey for Lambeth business purposes, typically work to work journeys. Print-outs can be obtained from Underground Station. Weekly or Monthly Oyster cards, like Travel cards or Season tickets are **available for private use** and are therefore regarded by HMRC as taxable benefits, if costs are reimbursed. Costs of these would not normally be reimbursed by the Council.

Where a claim is submitted for travel by Taxi or min-cab (see above for criteria which applies), the amount of the taxi fare is reimbursable.

**Conferences etc**

Where the cost of attendance at a conference, seminar or training course (registration fee, travel and subsistence) is to be met from the members allowance budget, the approval of the Head of Democratic Services & Scrutiny must be sought prior to the booking being made. Such requests will be considered in accordance with the following criteria:

- Funds being available within the budget allocation (the budget is divided pro-rata between the groups and independent member).
- An explanation of the benefit to the councillor and the Council (to be provided by the councillor concerned in making the application).
- Proof that the conference is not being provided for commercial or political purposes (to be provided by the councillor concerned in making the application). For instance, conferences held under a political banner would need to cover non-political activity and be open to all rather than just party members.

The Head of Democratic Services & Scrutiny will consult the whip of the party concerned before deciding whether or not to approve attendance. If attendance is approved, the councillor concerned is expected to give feedback to the Head of Democratic Services & Scrutiny on the usefulness of the conference. The rules on travel and subsistence expenses are set out in the section above.

**Pensions**

All councillors under 75 may join the Local Government Pension Scheme (LGPS). Pensions are payable in respect of both basic allowance and special responsibility allowance. Detailed advice is set out in the separate Guidance Note for Members, and further detailed advice is set out in a handbook “A Guide to the Local Government Pension Scheme for Eligible Councillors in England”. Elected Members should take independent professional financial advice on their personal decision to join the LGPS scheme. They should check their eligibility to transfer to the LGPS if they
already have a pension provider. Members should also seek advice on their financial position and eligibility if they have been receiving a stakeholder pension. Pension contributions will be deducted from the payroll, and contact details for further information are set out below.

Renunciation

A councillor may by notice in writing given to the Director of Governance and Democracy elect to forego any part of their entitlement to an allowance under this scheme.

Education Appeals Panel members (non-councillors): Financial Loss Allowance

A Financial Loss Allowance will be payable to Education Appeals Panel members as follows:

(a) for a period not exceeding 4 hours - £27.65  
(b) for a period between 4 and 24 hours - £55.31  
(c) the aggregate of £55.31 and such amount in (a) or (b) as is appropriate to the number of hours which the period exceeds 24 hours

Financial Loss allowance is a financial loss payment in recognition of additional expenditure necessarily incurred by the panel member in carrying out approved duties. HM Revenue & Customs (HMRC) accepts that Financial Loss payment does not constitute emoluments from the office and will therefore not be subject to tax or NIC deduction at source. It may however be taxable on members who are self-employed. Recipients must declare it as income on any tax return. Those who are self-employed should treat it as schedule D income. Financial Loss Allowance claims must be submitted by the non-councillor concerned on the relevant claim form and this must be accompanied by written proof from their employer of the financial loss incurred.

Time limit for claims

In accordance with the Council’s standard arrangements, all claims for dependent care allowance, travel or subsistence expenses, or financial loss allowance, must be made within six months of the expenditure being incurred.

Publication of scheme

The Council is required to publish the following in the press and on the website:

• The findings of the London Councils Independent Panel on Member Allowances.
• The annual allowances scheme.
• The actual payments made to each Member each year.
Records of payments to Members covered by this note are open to public inspection.