

Part 1 - Summary and Explanation

1. The Council's Constitution

- 1.1 The London Borough of Lewisham has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.2 The Constitution sets out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

2. How The Council Operates

- 2.1 There are 54 Councillors who are elected to represent areas of the London Borough of Lewisham called wards. The Council also has a Mayor, who is elected by voters across the whole of the borough. Together they make up one body, the Council of the London Borough of Lewisham. In this Constitution, the expression 'Member' includes the Mayor and councillors.
- 2.2 Councillors are elected for a term of four years. Councillors who are elected to represent local wards must both represent the people of the ward that elected them and act in the interest of the whole area. They are all expected to contribute to the good governance of the area and to encourage community participation. They must respond to their constituents' enquiries fairly and without prejudice.
- 2.3 The Mayor is elected to lead the Council. They serve for a period of four years. They must act in the interests of the borough as a whole. The Mayor appoints the political executive (the Executive) and is responsible for taking most of the main decisions, and for giving the power to others to do so.
- 2.4 Council will appoint a Chair, to be known as the Speaker, who will preside at Council meetings and interpret the Constitution at those meetings.

3. Decision Making Structure

3.1 The Council

The Council acts as one body. It holds meetings to which all councillors and the Mayor are invited. By law, some decisions have to be taken at meetings of the Council. The Council is responsible for approving its main policies and budget. More details of the matters which are reserved for Council decision appear in the Constitution. Provisions relating to the types of Council meeting that may be held and the conduct of business at those meetings are set out in the Council's general procedure rules.

3.2 The Mayor

The Mayor makes proposals to the Council about its main policies and the budget. Once agreed the Mayor is responsible for putting those policies agreed by the Council into effect. Within that framework, the Mayor is responsible for all decisions which are not the responsibility of the Council or any of its committees by law.

3.3 The Executive

The Mayor appoints an Executive including themselves and between 2 and 9 other councillors. The Executive is referred to as the Mayor and Cabinet. The Mayor may delegate executive decision making to the Executive.

3.3 Overview and Scrutiny

The Council's Overview and Scrutiny Committee helps the Executive to develop policies and budget. It also holds the Executive to account by scrutinising their decisions, examining performance and asking questions of those who make decisions and provide services. There is one overarching Overview and Scrutiny Committee. Any matter which by law is defined as an Overview and Scrutiny function, which is not delegated elsewhere by this Constitution falls within the remit of the Overview and Scrutiny Committee.

The Constitution recognises that the separation of the executive from the overview and scrutiny function, and the responsibility of the Council for approval of policy and budget creates opportunities for conflict which, if not managed, could undermine effective decision making. To minimise any potential for tension between these roles, the Council has adopted a Scrutiny-Executive Protocol to resolve conflict between them. This is appended to the constitution.

3.4 Committees

The Council has established other committees to deal with, for example, planning and highways matters, alcohol and entertainment licensing under the Licensing Act 2003, other licensing functions, elections, health and safety and pension investment. Their remit and composition are set out in the Constitution.

3.5 Health and Wellbeing Board

The Council has established a Health and Wellbeing Board which will produce an analysis and strategy to meet health and social care needs in the Borough.

3.6 Standards Committee

The Council's Standards Committee has been set up to promote the highest standards of conduct by the Mayor and all members of the Council and to assist and advise on the adoption and application of its Code of Conduct. Details of its composition and remit appear in the Constitution.

3.7 Other committees

The Council is entitled to set up other committees as it considers fit to act in relation to matters which are not the responsibility of the Executive.

3.8 Working Parties

The Council may also set up working parties as it considers appropriate to advise it on matters as it sees fit.

4. Delegating Decisions

- 4.1 Each year at its Annual Meeting, the Council adopts a scheme of delegation which sets out details of those decisions which the Council makes itself, and those which it delegates to committees, including any area committees, individual ward members, its employees, and joint arrangements it has with other authorities.
- 4.2 The scheme of delegation also includes a record of those delegations which the Mayor presents to the Annual Meeting of the Council in each year. During the course of the year, the Mayor is entitled to amend the delegations they have made, and any such amendments will be incorporated into the scheme of delegation.
- 4.3 The Council's current scheme of delegation appears in Part 3 the Constitution. It will be reviewed at each Annual Meeting of the Council. Council delegations may be changed at any time by resolution and incorporated into the Constitution.

5. Principles of Decision Making

- 5.1 Details of how the Council makes decisions are set out in Part 2, Article 16 of this Constitution.

6. Access to Council Meetings and Documents

- 6.1 The Council will draw up and regularly update a plan, which sets out key decisions which are likely to be taken. For at least 28 days before a key decision is made, the plan will be available for public inspection. It will say how views may be expressed on matters in the plan.
- 6.2 When the Executive meets to consider a key decision, then subject to some exceptions such as when confidential matters are under discussion, it will meet in public. Prior to meetings where a key decision is likely to be made, reports about key decisions will be made available to the public unless they relate to confidential matters. There are special provisions which apply when urgent matters arise.

7. Finance, Contracts and Legal Matters

- 7.1 The Council is subject to an independent audit of all Council accounts and appoints an Audit and Risk Management Committee to advise it on its accounts. The Council carries out its financial affairs in accordance with its Finance Procedure Rules set out in the Constitution. Those rules may be amended from time to time as set out in those rules.
- 7.2 The Council has adopted a procedure for the award of contracts. This is set out in the Constitution. The Council's Director of Law and Corporate Governance is authorised to take, defend, settle or otherwise participate in legal proceedings where they consider it appropriate to protect the Council's interest.

8. General Rules of Procedure

- 8.1 The Council has adopted a set of general rules of procedure. They are incorporated into the Constitution and its appendices. Those documents govern the conduct of all Council business. These rules may be changed by Council resolution from time to time and will be operated as flexibly as possible to facilitate free and inclusive debate. They may be augmented by the use of protocols to encourage best practice.

9. Staff

- 9.1 The Council has people working for it (called officers) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A diagram of the Council's management structure is appended to the Constitution. The following Council employees have special statutory responsibilities: -
- Head of Paid Service (the Chief Executive) – who is responsible for the overall corporate management of the Council
 - Monitoring Officer (the Director of Law and Corporate Governance) – who is responsible for ensuring that decisions are lawful, the Constitution is kept up to date and there is proper access to Council information.
 - Chief Finance Officer (the Executive Director for Corporate Resources) – who is responsible for the proper administration of the Council's finances and ensuring that expenditure is lawful and prudent.
 - Director of Children's Services (the Executive Director for Children and Young People) – who is responsible for services to children and young people.
 - Director of Adult Services (the Executive Director for Adult Social Care & Health) – who is responsible for the carrying out of adult social services.
 - Scrutiny Officer (Head of Scrutiny and Policy) - who is responsible for promoting the role of overview and scrutiny and providing support and guidance to members and officers in relation to the Council's overview and scrutiny functions.
 - Director of Public Health – who is responsible for producing an annual report on the health of people in the area.
 - Data Protection Officer (Head of Information Governance)– who is responsible for ensuring compliance with data protection legislation.

- 9.2 The Council has adopted provisions relating to the recruitment and dismissal of staff and disciplinary matters, which mean that all but the most senior members of staff are appointed by the Chief Executive. Those provisions appear in detail in the Constitution. Council employees are bound to comply with an Employee Code of Conduct, which is attached to the Constitution.

10. Residents' Rights

- 10.1 Residents have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.

- 10.2 Where members of the public use specific Council services, for example, as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

- 10.3 Residents have the right to: -

- Vote at local elections if they are registered and entitled to do so;
- Contact their local councillor about any matters of concern to them. Contact details are available on the Council's website;
- Obtain an electronic copy of the Constitution;
- Attend meetings of the Council and its committees except where exempt matters are being discussed;
- Petition to request a referendum on the Council's form of governance;
- Find out, from the Council's Key Decision List, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- Attend meetings of the Cabinet where key decisions are being discussed or decided;
- Submit petitions to the Council;
- See relevant reports and background papers, and any record of decisions made by the Council;
- Complain to the Council within the formal complaints scheme;
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- Complain to the Councillor Conduct Committee if they have evidence which they think shows that a Councillor has not followed the Council's Member Code of Conduct;
- Inspect the Council's accounts and make their views known to the external auditor.

11. Ethics

- 11.1 The Council is committed to promoting the highest standards of behaviour amongst its members and staff. To reflect this, it has adopted a Members' Code of Conduct. The Mayor and all councillors must comply with it. Similar standards are expected of Council staff who must comply with the Council's Employee Code of Conduct.

12. Allowances and Pay

- 12.1 The Council has adopted a scheme, which sets out the allowances and expenses which it will pay to the Mayor and councillors. They will be entitled to receive remuneration in accordance with it. The Council has also adopted a pay policy in relation to the remuneration of its employees. It reviews this annually and pays in accordance with it.

13. Publication of the Constitution

- 13.1 Copies of the constitution are available for public inspection at the Council's main offices, Catford SE6 4RU. The Mayor and all members of the Council will be given an electronic copy on their first declaration of acceptance of office and given a copy of any amendments as soon as practicable after they have been agreed.

14. Review of the Constitution

- 14.1 The Council will monitor and review the constitution periodically.