

For General Release

REPORT TO:	COUNCIL 15 JULY 2014 Cabinet 14 July 2014
AGENDA ITEM NO:	10
SUBJECT:	PROPOSED CHANGES TO THE CONSTITUTION AND RELATED CONSTITUTIONAL MATTERS
LEAD OFFICER	Julie Belvir Director of Democratic & Legal Services
CABINET MEMBER	Councillor Tony Newman Leader of the Council
WARDS	All
CORPORATE PRIORITY/POLICY CONTEXT	The report details the technical changes to the Constitution necessitated by the changes introduced by the Open and Transparent Council report. In addition, this report recommends that in respect of Members Allowances, Croydon should consider tracking closely the recommendations of the Independent Panel on the Remuneration of Councillors in London dated June 2014.

FINANCIAL SUMMARY	The Direct Costs arising from the recommendations are detailed in full in the Open and Transparent Council report. In addition, there are cost implications due to the Council being required to adopt a Scheme for Members Allowances however the nature of the Allowances Scheme proposed to be adopted by Members will result in a saving of £4k for the coming year. Beyond these costs, there are no direct costs arising from this report.
KEY DECISION REFERENCE NO.:	This Not a Key Decision

<p>RECOMMENDATIONS</p> <p>That Cabinet recommend the following to full Council:</p> <ol style="list-style-type: none"> 1. That the Terms of Reference as set out in Appendices 1, 3 and 11 be approved; 2. That Full Council confirm that, in terms of representation on the Pensions Committee, that the number of Members on the Pensions Committee is increased to 8 Members plus 1 Staff Side and 2 Pensioner Side non-voting co-opted Members appointed on an annual basis following consultation with the
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Staff Side and Pensioners of the Pension Fund and furthermore that the 8 Council Members shall comprise 5 Majority Group Members and 3 Minority Group Members.

3. That the changes to the Planning and Planning sub-Committee Procedure rules at Part 4K of the Constitution as set out in Appendix 2 be approved;
4. Note the Leaders' Draft Scheme of Delegation at Appendix 4 and the Cabinet Member Portfolios at Appendix 5;
5. Note the order of Business for both the Ordinary meeting and the Council Tax meeting as are set out at Appendix 6 and 7 respectively;
6. That the provisions of the Constitution be updated to reflect the ability of members of the public to report on the meetings via social media;
7. That the revised Scrutiny arrangements set out at Appendix 8, 9 and 10 be approved;
8. That the Tenders and Contracts Regulations at Part 4.I of the Constitution be amended to reflect the changes to related decision making arrangements as set out in Appendix 13 attached;
9. That the Chief Financial Officer be given delegated authority to make amendments to the Financial Regulation and the Corporate Scheme of Financial Delegations and note that the Financial Regulations at Part 4.H of the Constitution are being updated to reflect the above changes.
10. That in the light of the recommendations of the Independent Panel on the Remuneration of Members in London ("The Independent Panel the Scheme of Members' Allowances as set out at Appendix 12 be approved; and
11. That a delegation to the Director of Democratic and Legal Services be given to make the agreed changes and any consequential amendments to the Constitution needed to effect the recommended changes within this report including changes to Part 4D – Executive Procedure Rules and elsewhere in the Constitution.

2. EXECUTIVE SUMMARY

- 2.1 This report summarises the proposed changes to the Constitution as well as constitutional related matters such as Terms of reference, the Transparency Code and Members' Allowances.

3. DETAIL

Terms of Reference

- 3.1. It is proposed that the new Terms of Reference for the various revised committees be presented to Council for approval at the next meeting.
- 3.2. The draft Terms of Reference are set out at Appendix 1 and relate to the following Committees: General Purposes and Audit Committee, General Purposes and Audit Urgency Sub-Committee, Mayoralty and Honorary Freedom Selection Sub-Committee, Appointments Committee, Pensions Committee, Planning Committee and Minor Applications Planning Sub-Committee.

- 3.3. In relation to the General Purposes and Audit Committee, Council will be asked to confirm that for Audit Functions only, that there be two Independent non- voting Co-opted Members on the Committee as referenced in the report to General Purposes and Audit Committee dated 25 June 2014.
- 3.4. In respect of the Appointments Committee, to note that
- (a) The previous references within the Staff Employment Procedure Rules in Part 4 of the Constitution to Appointments Sub-Committee will now be references to Appointments Committee;
 - (b) The reference to Corporate Services Committee in the previous Appointments Sub-Committee terms of Reference, which have now been incorporated into the Appointments Committee terms of reference, is to be removed.
- 3.5. In respect of Pensions Committee, to note that:
- (a) the Membership is of 8 Members plus 1 Staff Side and 2 Pensioner Side non-voting co-opted Members appointed on an annual basis following consultation with the Staff Side and Pensioners of the Pension Fund; and
 - (b) Full Council will be asked to confirm that, in terms of representation on the Pensions Committee, that the number of Members on the Pensions Committee is increased to 8 Members comprised of 5 Majority Group Members and 3 Minority Group Members.
- 3.6. In respect of Planning Committee and Sub-Committee, changes have been proposed to how the guillotine operates and these are reflected in Appendix 2. As part of the changes which have taken place to Planning Committee, Part 4K is to be updated and further changes are recommended to streamline and tailor the process to make it more effective for customers. The proposed changes are incorporated in Appendix 2 and marked up in red.

Traffic Management Advisory Committee (TMAC)

- 3.7. Currently the Traffic Management Cabinet Committee is set up as a committee of the Cabinet however going forward; the Committee will act in an advisory capacity, will be known as the Traffic Management Advisory Committee and will meet with the Cabinet Member for Transport and Environment who has Portfolio responsibility for traffic management matters.
- 3.8. The functions of the previous Traffic Management Cabinet

Committee will in future be undertaken by the Cabinet Member for Transport and Environment and the draft terms of reference of the Traffic Management Advisory Committee (TMAC) are set out at Appendix 3.

Transparency Code

- 3.9. The Transparency Code is issued by the Secretary of State for Communities and Local Government in exercise of his statutory powers to issue a Code of Recommended Practice as to the publication of information (termed “public data”) by local authorities about the discharge of their functions and other matters which he considers to be related. The Secretary of State has recently published a revised Transparency Code.
- 3.10. The Transparency Code is divided up into two parts, the first detailing an extensive set of information which the Council is required to publish (Part 2), and a further set of information which the government recommends for publication (Part 3). The Transparency Code can be viewed in full via the link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308185/Local_Government_Transparency_Code_2014_Final.pdf
- 3.11. The increase in the types of information which the Transparency Code requires to be published ties in with the Council’s focus on open governance. A number of measures which are detailed within the Openness and Transparency report including the changes to publication of contract matters and procurement and strategy information illustrate that the Council is already working to promote the requirements which the Transparency Code will seek to impose on non-compliant Councils when it is fully in force.

Draft Leaders’ Scheme of Delegations and Cabinet Member Portfolios

- 3.12. The Draft Leaders’ Scheme of Delegations is attached at Appendix 4 and the Cabinet Member Portfolios are at Appendix 5. The Scheme of delegation relates to areas of Executive decision making only with the Cabinet Portfolios representing areas of oversight rather than areas of decision making.

Structure of the Council Meeting

- 3.13. The Structure of the seven full Council meetings is as set out in the Constitution. One of the full Council meetings is designated as the Annual Council Meeting and a further meeting is dedicated to Budget setting.
- 3.14. A review of the current constitutional elements is being undertaken

in order to ensure that full Council meetings have the emphasis of being informative and inclusive to the public rather than being bureaucratic.

- 3.15. In addition, the budget setting meeting has been an exercise in procedure rather than as a tool for information dissemination and debate and as such signals the need to review its structure. The order of Business for both the Ordinary meeting and the Council Tax meeting are set out at Appendix 6 and 7 respectively. As can be seen the agenda items are capable of being used to ensure transparency and openness given the culture change within the authority and do not require constitutional change to facilitate this.
- 3.16. In terms of possible proposals to improve the accessibility and usefulness of the Council meetings as a constitutional process, some alternatives to be explored include having themed Council meetings where the predominant focus of the meeting is for example Housing and related matters where all aspects of housing could be discussed in a holistic way (housing and health, housing and planning, housing and mental illness, housing and disability, housing and regeneration, housing and crime, housing and rogue landlords, etc.). Relevant council officers or outside speakers could address the council on the subject by way of opening up the debate. A further topic could be utilising the fairness Commission report, when completed, to form the basis of a full debate at Council.
- 3.17. Officers will need further discussions with cross party group of Members on an outcomes framework for Full Council meetings but in the meantime the current flexibility of the constitution can be utilised to work towards introduce innovation.

Webcasting and Podcasting

- 3.18. The Council chamber is currently being prepared for Webcasting. Only meetings taking place in the Council Chamber would benefit from this upgrade when completed. It is not proposed to webcast Planning, Planning Sub-Committee, Licensing or Licensing Sub-committee meetings. The webcasting facility is expected to be made suitable for podcasting as well.
- 3.19. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (S.I. 2012/2089) ("the Regulations") made changes to the ability of Members of the public to record and report on Council meetings as they happen. The rules require councils to provide reasonable facilities for any member of the public to report on meetings and in light of the Council's increased focus on transparency the provisions within the Constitution are being reviewed and updated to set out the Council's provisions to make clear that social media

reporting of meetings is permitted so that for example bloggers, tweeters, Facebook and YouTube users, and individuals with their own website, are able to report meetings subject always to the proviso that any such reporting should be undertaken in a manner which is not disruptive or distracting to the good order and conduct of the meeting.

- 3.20. Members have indicated that they are happy for members of the public to film and photograph them during Council meetings however a request will be made that such filming or photography does not extend to other members of the public in the public gallery. If reporting/filming/ photography does become distracting, disruptive or contrary to the good order and conduct of the meeting, the person concerned may be asked to terminate this regardless of the format in which the reporting is taking place.
- 3.21. A delegation to the Director of Democratic and Legal Services will be sought, as set out in the recommendations, to make consequential amendments to the Constitution to effect these changes as provisions regarding reporting appear in a number of different parts of the Constitution.

Scrutiny

- 3.22. The revised scrutiny proposals are based on 7 principles which are set out more fully at Appendix 8 and include the pre-decision Scrutiny process and a mini call for action which appear at Appendix 9 & 10 respectively. These proposals if implemented are operational changes and would not require constitutional change. They would encourage working with the Community but would require additional staff resources. They would also alter how the Scrutiny business report is presented and it is proposed that Scrutiny be tasked with ensuring that their report is as informative, innovative and user friendly to residents as possible. In addition the manner in which the "Business Report of the Leader and Cabinet" is structured and presented is capable of variation to make the contents more accessible, without the need for a constitutional change.
- 3.23. It is also proposed to establish a new Scrutiny Sub-Committee to scrutinise the Streets and Environment Portfolio. The Terms of reference for the Sub-committee are set out at Appendix 11.

Allowances

- 3.24. The Scheme of Members' Allowances forms Part 6 of the Council's Constitution. There is a statutory requirement for the Council to review the scheme of member allowances every four years as a minimum and to agree the scheme pursuant to which allowances are paid to Members. The scheme is to be reviewed

and adopted in accordance with the the Local Authorities (Members Allowances) (England) Regulations 2003 (No. 1021) as amended (“The regulations”).

- 3.25. In addition, the Council is required to have regard to the recommendations of the London Councils’ Independent Panel on the Remuneration of Members in London (“The Independent Panel”) in setting the scheme for the upcoming years. The Independent Panel has recently published its recommendations (on 1 June 2014) and Members can view the full report via the link: <http://www.londoncouncils.gov.uk/London%20Councils/Remunerationreport2014.pdf>
- 3.26. In their 2010 report the Independent Panel made no recommendations for increasing the levels of members’ allowances other than continuing provision for annual adjustments in accordance with the annual local government pay settlement and the Council previously considered and adopted a scheme of Members’ allowances in 2010 which complied with both the regulations and the Independent Panel recommendations. Croydon’s 2010 – 2014 Scheme provided that the Basic Allowance and Special Responsibility Allowances (“SRAs”) were automatically adjusted on 1 April each year in line with the Local Government Pay Settlement. This avoided the need for a formal review of the Scheme and report to Committee every year merely to adjust the allowances for inflation. However, Members agreed that no inflation increase should be applied to the Basic Allowance or SRAs for the whole of the four year term i.e. from 2010 until May 2014.
- 3.27. The Council Scheme is now due for review to make provision for payment of allowances to Members going forward.
- 3.28. As a preparation for issuing their report the Independent Panel, asked a number of questions of the London boroughs, exploring views about the operation of the current scheme, the ways in which members engage with their communities and the levels of current allowances. The feedback confirmed that the existing London scheme of members’ allowances is still fit for purpose, with some adjustments to take into account changed circumstances.
- 3.29. The basic tenants of the Independent Panel’s recommendations in their 2014 report are encompassed in the following extracts from their report:

“We are acutely aware that now is not the time to increase allowances made to councillors, though we continue to recommend that members’ allowances be pegged to the annual local government pay settlement... We fully accept that, in the current financial climate, it would be entirely inappropriate to increase

members' allowances (beyond the annual updating)."

"In our consultation with the London boroughs we...enquired whether it was believed that the salary of an MP remains a sound comparator to fix the remuneration of a borough leader... In considering the responses, we also took into account the remuneration payable to chairs and members of other public bodies. We continue to believe that the allowances we have recommended are suitable. In particular, we think it appropriate that Leaders should receive an allowance approximating to the salary of a Member of Parliament."

"Members of Parliament currently receive a salary of £66,396"

"There has been some controversy over councillors accepting paid appointments in other public bodies, given their cumulative remuneration.

We believe that if members take on extra work and responsibilities through undertaking external appointments, then they should be entitled to retain the remuneration attracted by those responsibilities. Of course the borough might reflect on the extent to which the external duties are compatible with the time required to discharge duties within the borough and adjust responsibilities accordingly."

"The Regulations authorise the payment to councillors of an allowance ('the Dependents' Carers Allowance') in respect of the expenses of arranging for the care of children or dependents when the councillor attends meetings or is engaged in other official duties. We received representations that the Allowance should be not less than the living wage...26 of the 32 boroughs provide in their allowances scheme for payment of dependents' carers' allowances. In those boroughs which do make a payment, allowances vary from £5.27 to £9.26 per hour (in one case £15 per hour for specialised care).

We believe that ordinary care should be remunerated at not less than the London living wage of £8.60 per hour; and (on presentation of proof of expense) payment should be made at a higher rate when specialist nursing skills are required."

"We have been asked to give advice on travel and subsistence allowances. We continue to believe that the Basic Allowance should cover all reasonable out-of-pocket expenses incurred by councillors, including intra-borough travel costs and expenses...We also continue to believe that, where travel and subsistence allowances are payable, they should be in accordance with the current scheme for travel and subsistence applicable to the Borough's staff; and that travel allowances should extend to travel by bicycle."

- 3.30. The payment bands applicable to the recommendations of the Independent Panel are set out in Appendix 12.

- 3.31. It is proposed that the Council's scheme for Members Allowances reflect the recommendations of the Independent Panel in relation to allowances being pegged to the annual local government pay settlement and in particular that the provisions regarding Dependent's Carers' Allowances reflect the value of the London Living Wage (LLW), which is in accordance with the Council's commitments to support the LLW and that Travel and Subsistence should mirror that applicable to staff.
- 3.32. In addition, whilst, in accordance with the Independent Panel recommendations, the Council proposes to add a Special Responsibility Allowance for the Chair of the Health and Wellbeing Board, the Council will no longer be paying a Special Responsibility for the role of Chair of the Strategic Planning Committee or for the Chair of Corporate Services Committee which have been removed from the committee structure. In respect of the allowance for the Leader, the proposed scheme for Members Allowances suggests an allowance of less than the sum recommended by the Independent Panel.
- 3.33. Accordingly, the scheme as set out at Appendix 13 is recommended for consideration and Cabinet will be asked to recommend the scheme for approval at full Council.

Tenders and Contracts Regulations

- 3.33 These detail the Council's commissioning and procurement requirements for contracts (excluding property matters) over £100k in value. They include the requirements for approval of contract awards dependent on the contract value. In summary these are:-
- a. for contracts valued at £100,000 or more and below £500,000 to the CCB seeking recommendation for contract award by the Director of Strategy, Commissioning, Procurement and Performance under delegated powers;
 - b. for contracts valued at £500,000 -£5,000,000 recommending award to the nominated Cabinet Member, after review of the report by the CCB (a list of contracts to be recommended under this authority will be reported to the Cabinet meeting immediately preceding the anticipated date for consideration and decision to award);
 - c. for contracts valued at £5,000,000 or above recommending award to Cabinet after review of the report by the CCB;
 - d. for proposed contract extension periods included as part of the original contract award, valued above £100,000, to the CCB seeking recommendation for contract extension by the Director of Strategy, Commissioning, Procurement and Performance under delegated powers.

- 3.34 The value thresholds themselves are unchanged except for the new requirement that recommendations for the award of contracts over £5m in value now come to Cabinet for consideration. Similarly, procurement strategies where the eventual contract value is estimated at £5m or above will now also come to Cabinet rather than being approved at officer level.
- 3.35 Other operational updates have been made and a copy of the Regulations showing the changes proposed can be viewed on the Council's website with the agenda.
- 3.36 The new EU Directive on Procurement is due to be implemented by forthcoming central government regulations. Once these are issued in final form the Council's own Tenders and Contracts Regulations will be further reviewed to ensure they are both compliant and fully utilise the changes to procurement rules which will help support effective delivery of the Council's broader ambitions for Croydon.

Financial Regulations

- 3.37 Agreement is sought to delegate authority to the Chief Financial Officer to make amendments to the Financial Regulation and the Corporate Scheme of Financial Delegations. This updates a previous similar delegation to the Executive Director of Corporate Resources and Customer Services.
- 3.38 The Regulations will be updated to reflect the new arrangements for decision making in relation to the acquisition or disposal of assets and the creation of the General Purposes and Audit Committee..

4. CONSULTATION

- 4.1 Officers have been in ongoing discussions with Members on realigning the Council's priorities to better progress the Council's transparency and Openness agenda and to improve public participation in and understanding of the Council processes.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 The financial implications are as set out more fully in the Openness and transparency report presented earlier in this meeting. The remaining implications for the proposals regarding Members' allowances for the coming year are set out below.

1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2014/15	2015/16	2016/17	2017/18
	£'000	£'000	£'000	£'000
Revenue Budget available	1,593	1,589	1,589	1,589
Expenditure				
Income				
Effect of decision from report	1,589	1,589	1,589	1,589
Expenditure				
Income				
Remaining budget	4	0	0	0
Capital Budget available				
Expenditure				
Effect of decision from report				
Expenditure				
Remaining budget				

2 The effect of the decision

The effect of adoption of the scheme for members' allowances is that there will be a saving of £4K on the available budget.

3 Risks

The Council is required to adopt a scheme of Members allowances as set out in the body of the report and such scheme is recommended to be in line with the recommendations of the Independent Panel. Failure to adopt a scheme will jeopardise the remuneration of Council Members.

4 Options

As set out within the body of the report.

5 Future savings/efficiencies

The scheme recommended for adoption is to provide for inflationary increases over the next four years and no more in line with the Independent Panel recommendations.

6 (Approved by: Dianne Ellender, Head of Finance)

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 There are no additional legal implications arising from the report not already set out in the body of the report.

7. HUMAN RESOURCES IMPACT

- 7.1 There are no direct implications arising from this report beyond those implications set out in the Open and Transparent Council for the people of Croydon report presented to this meeting.

8. EQUALITIES IMPACT

- 8.1 There are no direct implications in these areas arising from this report beyond those implications set out in the Open and Transparent Council for the people of Croydon report presented to this meeting.

9. ENVIRONMENTAL IMPACT

- 9.1 There are no direct implications arising from this report.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no direct implications arising from this report.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 11.1 The Council believes in openness and transparency and is determined to open up the Council for the people of Croydon. This new way of working is based on a series of principles and initiatives to be taken in accordance with these principles include:

- Opening up the Town Hall for communities;
- Reintroducing web casting of Council and Cabinet meetings;
- Increasing the amount of time available for public participation in meetings of the full Council
- Increasing the amount of information in the public domain;
- Reducing the amount of information previously withheld from the public;
- Reducing the thresholds for the Petition Scheme so that debates can be triggered more easily by communities

- 11.2 The proposals set out within this report are in support of these principles and objectives and also include provisions, such as pertaining to arrangements for allowances, which are statutory obligations which the Council is required to implement.

12. OPTIONS CONSIDERED AND REJECTED

- 12.1 Consideration was given to keeping the Constitution as it is without implementing any changes bar those which are required by statute, however it was felt that this did not reflect the renewed focus and ethos which the Council wishes to adopt and promote going forward.

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BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972

None

2.01 General Purposes and Audit Committee

(Membership 11 including 2 independent non-voting co-opted Members who may not be Members or officers of the Council and who are involved only in relation to Audit Functions)

General Purposes Functions:

1. Periodic review of the Scheme of Members' Allowances and approval of arrangements in respect of the scheme to reimburse costs incurred for childcare/dependent relative care, travel and subsistence whilst a Member is on Council business.
2. Appointments to outside bodies, subsequent to the Annual Council Meeting. [Note: The Council Solicitor, Director of Democratic and Legal Services, after consultation with the Chair of the General Purposes and Audit Committee or (in respect of Executive appointments) the relevant Cabinet Member, may also make appointments to outside bodies as necessary during the year.]
3. Any matter not reserved to the Council or delegated to another Committee and related to a non-executive function.
4. Any matter reserved to the Council and a non-executive function, or a matter reserved to a non-executive committee or sub-committee of the Council which requires, in the Committee's view or on the recommendation of the Cabinet, the Chief Executive or an Executive Director, action as a matter of urgency.
5. Any protocol concerning the exercise of relevant delegated powers.

Audit Functions:

6. In exercising its audit functions the Committee's purpose is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent it affects the Council's exposure to risk and weakens the control environment, and to oversee financial reporting.
7. To consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
8. To seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
9. To be satisfied that the Council's assurance statements, including

the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.

10. To review (but not direct) internal audit's strategy, plan and monitor performance and make recommendations as appropriate to Cabinet and/or Full Council.
11. To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
12. To receive the annual report of the Head of Internal Audit and make recommendations as appropriate to Cabinet and/or Full Council.
13. To consider the reports of external audit and inspection agencies and make recommendations as appropriate to Cabinet and/or Full Council.
14. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
15. To review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit.
16. To make an annual report to the full Council.

General Purposes and Audit Urgency Sub-Committee

(Membership of 3 drawn from the Membership of the General Purposes and Audit Committee and constituted as and when necessary by the Council Solicitor, Director of Democratic and Legal Services)

All of the responsibilities and functions of the General Purposes and Audit Committee where in the opinion of the Council Solicitor, Director of Democratic and Legal Services it is necessary for a decision to be taken before the next meeting of the Committee.

Mayoralty and Honorary Freedom Selection Sub-Committee

(Membership 5)

To make recommendations directly to the Council on the selection of:

- (a) The Mayor;
- (b) Persons that should be admitted to the Roll of Honorary Aldermen and Alderwomen;
- (c) Persons or organisations that should be granted Freedom of the Borough; and
- (d) Honorary Recorder.

2.02 Pensions Committee (Membership 8 Members plus 1 Staff Side and 2 Pensioner Side non-voting co-opted Members appointed on an annual basis following consultation with the Staff Side and Pensioners of the Pension Fund)

Management of the Council's Pension Fund, including matters related to employer liability.

2.04 Appointments Committee
(Membership 6)

- 1) To appoint Executive Directors and the Chief Executive and to such other senior posts in accordance with the Staff Employment Procedure Rules in Part 4 of this Constitution
- 2). The Authority's Consultation requirements with the staff side
- 3) Consideration and recommendation to Full Council of the Pay Policy Statement as required
- 4) The functions in respect of voting on salary packages upon appointment and severance packages of staff above such specified threshold as may, from time to time, be updated by statutory guidance.
- 5) The function of deciding, in respect of severance packages, whether the Council wishes to vote on a severance package above the specified threshold
- 6) Any matter not reserved to the Council or delegated to another Committee which pertains to a staffing matter and is referred to the Committee by the Head of Paid Service for consideration.

2.05 Planning Committee

Membership: 10. A further 10 councillors shall form a pool of reserve members for the committee.

- 1) To determine applications for planning permission, where the recommendation is for approval by the Director of Planning, and the development is for:
 - a) a residential development containing 200 or more new dwellings or, where the number of dwellings is not given, the site area is 4 hectares or more; or

- b) the erection of a building or buildings with a gross floor space of 10,000 square metres or more or, where the floor space is not given, the site area is 2 hectares or more.
- 2) To determine applications for planning permission (except for the construction of or a development in relation to a single building with an existing floorspace of no greater than 300 square metres or a new building or extension within the curtilage of such a qualifying building) where the development is for:
- a) a residential development containing less than 200 new dwellings or, where the number of dwellings is not given, the site area is less than 4 hectares; or
 - b) the erection of a building or buildings with a gross floor space of less than 10,000 square metres or, where the floor space is not given, the site area is less than 2 hectares:

where the Committee Consideration Criteria (part 4K of this Constitution) are met.

- 3) The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.
- 4) Any other application or planning matter referred to the Planning Committee by the Director of Planning acting in his or her discretion.
- 5) Where the Planning Committee determines an item on an agenda:
- a) In the event of changes being made to an officer recommendation by the committee, the task of formalising the wording of those changes, in accordance with the substantive nature of the committee's decision, is delegated to the Director of Planning;
 - b) the Director of Planning has delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Director of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
- 6) Where a report has been placed on the agenda of the Planning Committee but the meeting fails to **start to consider** the item prior to its 10pm guillotine, the determination of that matter shall be automatically delegated to the Director of Planning, unless the

meeting determines otherwise by way of a resolution made prior to the 10pm meeting deadline **and agreed on a two thirds majority.**

Planning Sub-Committee

(Membership: for each meeting, 3 drawn from the membership of the Planning Committee).

- 1) To determine the following application types:
 - a) Applications for Planning Permission made under the Town & Country Planning Act 1990 for the construction of or a development in relation to a single building with an existing floorspace of no greater than 300 square or a new building or extension within the curtilage of such a qualifying building;
 - b) Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - c) Applications for Consent to Display an Advertisement made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;

where the Committee Consideration Criteria (part 4K of this Constitution) are met.

- 2) Any other application or planning matter referred to the Planning Sub-Committee by the Director of Planning acting in his or her discretion.
- 3) The Planning Sub-Committee may refer agenda items to Planning Committee for consideration and determination if they consider it necessary or appropriate to do so.
- 4) Where the Planning Sub-Committee determine an item on an agenda:
 - a) In the event of changes being made to an officer recommendation by the committee, the task of formalising the wording of those changes in accordance with the substantive nature of the committee's decision, is delegated to the Director of Planning;
 - b) the Director of Planning has delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Director of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

- 5) Where a report has been placed on the agenda of the Planning Sub-Committee Committee but the meeting fails to **start to consider** the item prior to its 10pm guillotine, the determination of that matter shall be automatically delegated to the Director of Planning, unless the meeting determines otherwise by way of a resolution made prior to the 10pm meeting deadline **and agreed on a two thirds majority**.

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 4K – Planning and Planning Sub-Committee Procedure Rules

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- 11 Amendments/Variation

1 INTRODUCTION

- 1.1 These Rules apply to all meetings of the Planning Committee and the **Planning Sub-Committee** in relation to the determination of planning applications and any other business dealt with at either of these Committees. Reference to Committee in these Rules is a reference to both or either of these Committees. Likewise reference to a Planning Committee Member also encompasses reference to a **Planning Sub-Committee** Member. **Reference to the Chair is a reference to the Chair of both or either of these Committees.**
- 1.2 The determination of planning applications is a formal statutory administrative process involving the application of national, regional and local planning policies that takes place within a legislative framework. Planning decisions can be appealed by unsuccessful applicants and challenged by way of judicial review by aggrieved parties. Complaints about maladministration and injustice can also be made to the Local Government Ombudsman.
- 1.3 In order to mitigate these risks, it is vital that those involved in the determination of planning applications and particularly officers and Members, at all times act reasonably and fairly to applicants, supporters and objectors. These rules are designed to help ensure this is achieved but they should not be read in isolation; Members need to also have regard to the Planning Code of Good Practice to be found at Part 5D of this Constitution. Both these Rules and the Planning Code of Good Practice are subordinate to the requirements set out in the Members' Code of Conduct and nothing in these Rules or the Code

shall be read as implying greater obligations on Members than as set out in the Members' Code of Conduct in Part 5I of this Constitution.

2 Committee Consideration Criteria

2.1 Part 3 of the Constitution (Responsibilities for Functions: Planning Committee and Planning Sub-Committee) sets out the types of planning application that may be considered by these Committees. Part 4K of the Constitution and Rule 2 (Committee Consideration Criteria) sets out the circumstances where such an application will be referred to Committee for decision.

2.2 The Timescales, General Requirements and Criteria set out here (Rule 2 Committee Consideration Criteria) will be applied in determining whether any Representations received in respect of an application that may be considered by Committee would require that application to be determined by that Committee rather than dealt with under officer's delegated powers. The term Representation(s) also includes Petition(s).

2.3 Rule 2 contains:

- **Timescales:** within which all Representations must be with the Development Management service
- **General Requirements:** that all Representations must comply with
- **Criteria:** that apply to the Representations from specific people or bodies such as **the Chair**, a Member for the ward within which the application site is situated or adjoins (Ward Member), the Croydon member of the Greater London Assembly (GLA Member), the Member of Parliament for the constituency within which the application site is situated or adjoins (MP) and Resident Associations and Conservation Area Advisory Panels (RA/CAAP) plus Representations from other people or bodies

2.4 For probity reasons the Timescales, General Requirements and Criteria set out in Rule 2 must be adhered to. The decision of the Director of Planning will be final in determining whether the Timescales, General Requirements or Criteria are met.

2.5 Any Representation that does not meet the Timescales, General Requirements and Criteria will therefore not be a factor in deciding whether the application will be considered by Committee. Such Representations will still however be considered by the case officer in finalising their report and recommendation, provided he/she receives the Representation before submitting their report for authorisation.

2.6 Nothing in Rule 2 interferes with the absolute right of the Director of Planning to refer an application or planning matter to Committee as prescribed by Part 3 of the Constitution.

- 2.7 If an organisation or individual (including a Ward Member, GLA Member or MP) wishes to address the relevant Committee, that is dealt with under the Public Speaking Procedure (Rule 3).

Timescales

Statutory notification period

- 2.8 All applications are publicised via the display of one or more site notices and certain applications are advertised in a local paper. However, it does not matter how someone gets to hear about a proposal, anyone can submit Representations to the Development Management service. Representations on applications must be made in writing (letter or email). The time limit for doing this is specified on the notice or advert. The statutory period is 21 days.
- 2.9 Where amended plans for an application have been accepted by the Council and it is necessary to republicise them, the Council will display a new site notice on different coloured paper to the original so that local people can distinguish it.
- 2.10 Amended plans are often negotiated in response to Representations. The Council may consider that an amendment it receives has overcome the Representations previously made so it is therefore important that local people consider whether they need to make further Representations as follows.
- If the amendments do overcome their concerns, they may write to confirm this, but the General Requirements below (paragraph 2.15) are designed to take account of such circumstances, so people do not have to take any further action.
 - If someone has already made a Representation and the amendments do not overcome their concerns, they need to make further Representations to that effect.
 - If the amendments raise new concerns, such further Representations should also be made.

Chair, Ward and GLA Member timescales

- 2.11 All Members will be notified by email about planning applications in their ward. The **Chair and the** Croydon Member for the Greater London Assembly will be notified by email about planning applications in Croydon.
- 2.12 If **the Chair, a** Ward Member or the GLA Member wishes to make Representations on the application they must respond by replying to the notification email **within the deadline specified in that email, which will be at least 21 days from the date of that email.**
- 2.13 Where **the Chair,** a Ward Member or the GLA Member (as appropriate) receives an additional notification email informing them about amendments to an application, the deadline for making further Representations by replying to the additional email notification **is specified in that email, which will be at least 14 days of the date of that**

email. If the Member indicated in the initial notification that they wished the application to be referred to Committee for consideration and the amendment overcomes their concerns, they should respond to the email explicitly withdrawing their wish for the Committee to consider the application. See paragraph 2.10 above for additional advice on amendments.

- 2.14 Representations on a planning application should not be sent to any email address other than the one on the notification email as other email addresses may not be monitored (eg the officer may be on leave) and the email may therefore not be actioned.

General Requirements

2.15 In Rule 2, a Representation is a letter or an email that meets all the following requirements:

- It is in response to an application that has been publicised by the Council.
- It raises planning considerations that are material and related to the application.
- Any material planning objection raised cannot be overcome by scheme amendment, imposition of planning conditions or securing planning obligations.

2.16 Identical pro-forma letters or emails, which also meet the above requirements, will be treated as forming a Petition (ie each letter potentially being a single signature on a petition) for the purposes of deciding whether an application will be referred to Committee. See paragraphs 2.29 to 2.31 below for the Criteria for Petitions.

Committee Referral Criteria

Chair

2.17 An application may be reported to Committee where the Chair has indicated that he/she wishes the application to be referred to Committee for consideration provided that indication is received by the Development Management service within the Timescale indicated on the notification email (paragraphs 2.11 to 2.14 above).

Ward Members

2.18 An application may be reported to Committee where the Member for the ward within which the application site is situated or adjoins (Ward Member) has made a Representation that additionally meets all the following Criteria:

- It is received by the Development Management service within the Timescale indicated on the notification email (paragraphs 2.11 to 2.14 above).
- The application is within, partly within or adjoining the Member's ward.

- The Ward Member has stated that they either object to or support the application and given their reason(s).
- The Ward Member has additionally clearly stated that they wish the application to be referred to Committee for consideration.

2.19 The application will only be reported to Committee under these Criteria where the recommendation by the Director of Planning is either for approval and the Ward Member has objected to the application or for refusal and the Ward Member has supported the application.

Greater London Assembly Member

2.20 An application may be reported to Committee where the Croydon Member of the Greater London Assembly (GLA Member) has made a Representation that additionally meets all the following Criteria:

- It is received by the Development Management service within the Timescale indicated on the notification email (paragraphs 2.11 to 2.14 above).
- **It is an application for planning permission that is referable to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order.**
- The GLA Member has stated that they either object to or support the application and given their reason(s).
- The GLA Member has additionally clearly stated that they wish the application to be referred to Committee for consideration.

2.21 The application will only be reported to Committee under these Criteria where the recommendation by the Director of Planning is either for approval and the GLA Member has objected to the application or for refusal and the GLA Member has supported the application.

Member of Parliament

2.22 An application may be reported to Committee where the Member of Parliament (MP) for the constituency within which the application site is situated or adjoins has made a Representation that additionally meets all the following Criteria:

- It is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).
- **It is an application for planning permission that is a Major Development or larger as defined by the Department for Communities and Local Government.**
- The application is within, partly within or adjoining the MP's constituency.
- The MP has stated that they either object to or support the application and given their reason(s).
- The MP has additionally clearly stated that they wish the application to be referred to Committee for consideration.

- 2.23 The application will only be reported to Committee under these Criteria where the recommendation by the Director of Planning is either for approval and the MP has objected to the application or for refusal and the MP has supported the application.

Criteria for Resident Associations (RA) and Conservation Area Advisory Panels (CAAP)

- 2.24 To benefit from the provisions in these Criteria, a RA will need to be registered with the Development Management service. To be registered the RA will need to supply a copy of its written constitution and that document would need to demonstrate that:
- It represents an area within the borough of Croydon that contains at least 50 residential properties.
 - It holds regular elections for association officers.
- 2.25 An application may be reported to Committee where the RA/CAAP has made Representations that additionally meet all the following Criteria:
- It is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).
 - The application is within, partly within or adjoining the area that the RA/CAAP covers.
 - The RA/CAAP has stated that they object to the application and given their reason(s).
 - The RA/CAAP has additionally clearly indicated that they wish the application to be referred to Committee for consideration so that they can address the Committee on their concerns.
- 2.26 The application will only be reported to Committee under these Criteria where the recommendation by the Director of Planning is for approval.

Other Representations

- 2.27 An application may be reported to Committee where Representations have been received that additionally meet all the following Criteria:
- It is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).
 - It is from a person who lives at or operates from an address which is within the London Borough of Croydon.
 - The person has stated that they object to the application and given their reason(s).
 - At least 12 such Representations have been received from individual persons for each application.
- 2.28 The application will only be reported to Committee under these Criteria where the recommendation by the Director of Planning is for approval.

Petitions

- 2.29 An application may be reported to Committee where one or more petitions (including pro-forma letters – paragraph 2.16 above) that meet

the General Requirements for a Representation (paragraph 2.15 above) have been received that additionally meet all the following Criteria:

- Each Petition is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).
- Each Petition is from a person who lives at or operates from an address which is within the London Borough of Croydon.
- Each Petition objects to the application and contains the reason(s) for this.
- All such Petitions contain a total of at least 20 signatures with clearly readable and bona fide names and addresses from within the Borough of Croydon.

2.30 The application will only be reported to Committee under these Criteria where the recommendation by the Director of Planning is for approval.

2.31 Where such petition(s) (including pro-forma letters – paragraph 2.16 above) contain less than 20 such signatories, they will collectively be treated as forming a single Representation for the purposes of deciding whether an application will be referred to Committee.

3 PUBLIC SPEAKING PROCEDURE

3.1 For each planning application there are five separate speaking slots. For applications for planning permission for the following development types the speaking slots shall be a maximum of five minutes each:

- a residential development containing 200 or more new dwellings or, where the number of dwellings is not given, the site area is 4 hectares or more; or
- the erection of a building or buildings with a gross floor space of 10,000 square metres or more or, where the floor space is not given, the site area is 2 hectares or more.

3.2 For all other items speaking slots shall be a maximum of three minutes each.

3.3 In all cases the speaking slots shall be in the following order, allocated to:

1. Objectors
2. The applicant or his/her agent/representative/supporters – hereinafter referred to as the Applicant
3. The Member of Parliament for the constituency within which the application site is situated where they have clearly indicated that they wish to address the Committee in accordance with the Committee Consideration Criteria (Rule 2) – hereinafter referred to as the MP

4. The Member of the Greater London Assembly for the constituency within which the application site is situated where they have clearly indicated that they wish to address the Committee in accordance with the Committee Consideration Criteria (Rule 2) – hereinafter referred to as the GLA Member
 5. A Member for the ward within which the application site is situated or adjoins who has clearly indicated that they wish the application to be referred to Committee for consideration in accordance with the Committee Consideration Criteria (Rule 2) – hereinafter referred to as a Ward Member
- 3.4 Where a planning application is reported on the “Planning Applications for Decision” part of the agenda, all of the individuals and organisations who have expressed views (by letter or email) on the application will be sent a letter/email that informs them that the application will be considered by Committee. The applicant (or his/her agent) will be sent a similar letter/email. The Ward Member, GLA Member and MP (where appropriate) will also be sent such a letter/email. The letter/email will also explain the provisions regarding public speaking.
- 3.5 Requests to address Committee will not be accepted prior to the publication of the agenda.

Notification

- 3.6 Any Objector or Applicant who wishes to address Committee must notify the Democratic Services Manager by 4pm on the Tuesday prior to the day of the meeting. Email or telephone should be used for this purpose. This communication should provide the name and contact details (email address and/or phone number) of the intended speaker so that changes in arrangements can be communicated. In addition, if the parties agree, contact details will be shared so that where more than one person has registered to speak, contact can be made to resolve either who will address the Committee or how they will divide up the **allocated speaking slot**.
- 3.7 If a public speaker needs special arrangements (such as an interpreter) this must be brought to the attention of the Democratic Services Manager when notifying him/her of their wish to speak so that arrangements can be put in place.

Registration

- 3.8 On the night of the Committee meeting:
- Objectors and Applicants who have notified the Democratic Services Manager that they wish to address the Committee **in accordance with paragraph 3.6;**
 - **A Ward Member, GLA Member or MP who have clearly indicated that they wish to address the Committee in accordance with the Committee Consideration Criteria (Rule 2);**

must register their attendance at the Town Hall with the Democratic

Services **representative in attendance at the meeting** at least 15 minutes before the meeting starts.

- 3.9 Where more than one Objector has registered to speak and the arrangements have not been resolved in advance, the Democratic Services Manager will inform the parties involved as they register so that they can decide either who will address the Committee or how they will divide up the **allocated speaking slot**. Objectors are expected to come to an agreement between themselves on this. Where Objectors cannot come to an agreement, the chair will be notified of this through the Democratic Services Manager and the chair will decide who will be accorded the right to speak. Preference will normally be given to those who are potentially most affected by the planning application and particularly those closest to the application site. The chair may take advice from officers in making this decision. In order to ensure the most efficient progress of Committee business on the evening, the decision of the chair will be final and not be the subject of further debate, including in the Committee.
- 3.10 If more than one Ward Member or MP indicates that they wish to speak, they will share the speaking slot equally, unless they agree a different distribution of the time.
- 3.11 If a Ward Member wishes to speak but is unable to attend the Committee, they may nominate a substitute Member to address the Committee on their behalf.

Speaking

- 3.12 All those involved in public speaking are restricted to an oral presentation only. The officers' slide presentation is therefore not available for use by public speakers.
- 3.13 The distribution of additional material or information to Members of the Committee is not permitted once the meeting starts. If a speaker, or any other member of the public, wishes to bring material to the Committee's attention they need to either supply it to the Development Management service, if it is written material, by noon on the day of Committee, to include in the Addendum Report (see paragraphs 5.6 to 5.11 below for procedures, limitations and deadlines) or otherwise send it direct to Members before the meeting.
- 3.14 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless permitted to do so by the chair of the Committee.

MP, GLA Member and Ward Members

- 3.15 An MP, GLA Member or Ward Member may address the Committee in accordance with the Procedures set out here (Rule 3 Public Speaking Procedure), but must additionally:

- declare, before making their speech, details of any material contact with the applicant, agent, adviser, neighbour, objector or other interested party and whether or not the speech is made on behalf of such person(s) or any other particular interest;
- sit separately from the Committee Members, so as to demonstrate clearly that he/she is not taking part in the discussion, consideration or vote; and
- not communicate in any way with Members of the Committee or pass papers or documents to them during the meeting.

In relation to Ward Members:

- be aware that if they have a disclosable pecuniary interest, they may only participate in any discussion of or vote on any matter in which they have a disclosable pecuniary interest if they have been granted a dispensation for this purpose.

Committee Member wishing to speak as a Ward Members

3.16 A Ward Member, who is also a Member of the determining Committee, may address the Committee in accordance with Rule 3 (Public Speaking Procedure) but, where they do so, they cannot take part in the debate or vote on the application they have referred. They may address the Committee on their referral in accordance with the above procedures provided they do not have a disclosable pecuniary interest in the matter. Where the Member has a disclosable pecuniary interest, the Member may only participate in any discussion of or vote on any matter in which they have a disclosable pecuniary interest if they have been granted a dispensation for this purpose.

Chair's discretion

3.17 At the discretion of the chair, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters would not, of itself, be a factor. If changes are made to the speaking times, the Applicant will be offered the same time to speak as Objectors.

4 FORMAT OF COMMITTEE AGENDA

4.1 The Committee's agenda may contain the following three sections for planning reports:

- **Planning applications for decision:** these items attract public speaking rights as detailed above.
- **Other planning matters:** non-application matters that require Committee consideration (such as **an Article 4 Direction**, policy papers or a consultation from government) or reports that are for information only. These items do not normally attract public speaking rights, other than at the chair's discretion.
- **Development presentations:** to enable the Committee to receive presentations on proposed developments, including when they are

at the pre-application stage. These items do not normally attract public speaking rights, other than at the chair's discretion.

5 REPORTS

- 5.1 Each planning application for decision is the subject of a written report with an officer recommendation. Reports will be produced in a standard form provided by the Director of Planning, and will identify and analyse the material considerations, of which the Committee need to take account when considering the application on the planning merits
- 5.2 In addition to the written report, illustrative material will usually be presented at the meeting to explain the scheme. The planning files will also be available for inspection at the meeting by Members of the Committee.

Recommendations

- 5.3 The recommendations in the reports to Committee do not set out the full wording of planning conditions, reasons for refusal, informatives and planning obligations, but are a summary of them. There are two reasons for this:
- it communicates the details of the recommended decision more clearly to Members than many pages of detailed conditions or grounds; and
 - there can sometimes be a delay before a decision is issued (such as waiting for the signing of a legal agreement or views from the Mayor of London and/or the National Planning Case Unit and something may arise which necessitates an amendment, a deletion or an addition.
- 5.4 Delegated powers are therefore given to the Director of Planning (Responsibility for Functions at Part 3 of the Constitution) to communicate the detailed wording to applicants. In addition, where the wording of a condition/ ground/informative/obligation has been amended, a new condition/ground/ informative/obligation introduced or an existing condition/ground/informative/ obligation deleted either at the meeting by the Committee or subsequent to the meeting by the Director, the Director will be responsible for finalising the wording. This obviates the need for further reference to Committee and delay to the process.
- 5.5 The exercise of this delegated power by the Director is limited to circumstances where the change(s) could not **reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.**

Addendum Report

- 5.6 It is common for material (such as late representations) to be received by the Development Management service after the close of the

agenda. Such material will be placed on the public planning file along with all the other papers for the application, subject only to any public exclusion restrictions.

- 5.7 Where this material needs to be brought to the attention of the Committee, so that it can be taken into account, it will be presented in written form in the addendum report. It will comprise a summary of whatever has been raised, in the same way as representations are summarised in the main Committee report.
- 5.8 **The Development Management service will email the addendum report to Planning Committee Councillors as soon as it is ready and make hard copies available before the meeting commences.**
- 5.9 The practicality of producing such a report means there has to be a cut-off point for the receipt of late material by the Development Management service, which is noon on the day of the meeting. Generally material received after this time will not be reported to the Committee. The Director of Planning has an absolute discretion in this regard.
- 5.10 Material must not be distributed to Committee Members by members of the public (including public speakers) or other Members of the Council during the course of the meeting. The distribution of such material should be done in advance of the meeting in accordance with 5.8 above.
- 5.11 The points raised in representations about a particular application, which are received prior to the cut-off point (paragraph 5.8 above) are summarised either in the main Committee report or in the addendum report. Copies of these representations are available for inspection at the meeting by Members of the Committee.

6 ORDER OF PROCEEDINGS

- 6.1 **Except as otherwise stated on the agenda, generally meetings take place at the Town Hall in Katharine Street (CR0 1NX). The time the meeting is expected to begin will be stated on the agenda papers.**
- 6.2 **Any item that is on the agenda because it has been referred by a Ward Member, GLA Member, MP, Resident Association or Conservation Area Advisory Panel and none of the person(s)/organisation(s) or their representative(s) have registered their attendance at the Town Hall in accordance with paragraph 3.8, the item will be reverted to the Director of Planning to deal with under delegated powers and not be considered by the committee**
- 6.3 At the discretion of the chair, the agenda may be re-ordered at the meeting.

Planning application for decision

6.4 The procedure for considering each application shall be as follows:

- the Director of Planning, or his/her representative, will introduce the development the subject of the application;
- through the chair, Committee Members may ask questions of clarification;
- public speaking in accordance with Rule 3 (Public Speaking Procedure);
- the Director of Planning, or his/her representative, will present the report and introduce the main issues; and
- the Committee will consider the item and reach a decision.

Other planning matters

6.5 The procedure for considering each item shall be as follows:

- the Director of Planning, or his/her representative, will present the report and introduce the main issues;
- through the chair, Committee Members may ask questions of clarification; and
- the Committee will consider the item and reach a decision.

Development presentations

6.6 The procedure for considering each item shall be as follows:

- the developer will present their scheme for no longer than 15 minutes unless the Chair, exercising his/her discretion, has allowed a longer period; and
- through the chair, Committee Members may ask questions.

Other procedural issues

6.7 Where a decision is made on an agenda item, in order to be able to vote a Committee Member must be present throughout the whole of the Committee's consideration of that item, including the officer introduction and any public speaking.

6.8 The minutes of the meeting will record the Members and officers present at the meeting and record any disclosures of interest made by Members or officers. For each item the minutes will record the identity of any public speakers and the decision.

6.9 Meetings of the Committee are subject to a guillotine of 10.00pm. After that time, any item on the agenda that has not **started to be considered** by the Committee is delegated to the Director of Planning to determine along the lines set out in the Committee report, unless the Committee has already voted (**on a two thirds majority**) to defer or adjourn the non-determined item earlier in the meeting.

7 Decision making

7.1 In making a decision on a planning application a Committee Member must:

- Come to meetings with an open mind.
- Comply with these Rules.
- Not allow anyone (except officers, other Committee Members and public speakers when they are addressing the Committee) to communicate with them during the Committee's proceedings (orally or in writing) as this may give the appearance of bias. For the same reason, it is best to avoid such contact before the meeting starts.
- Consider the advice that planning, legal or other officers give the Committee in respect of the recommendation or any proposed amendment to it.
- Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the development plan unless there are good planning reasons to come to a different decision.
- Come to their decision only after due consideration of all of the information reasonably required to base a decision upon. This will include the local information that Members are uniquely placed to access, but always remembering to take decisions on planning grounds alone. If they feel there is insufficient time to digest new information or that there is insufficient information before them, then they should seek an adjournment to address these concerns.
- Not vote on a proposal unless they have been present to hear the entire debate, including the officers' introduction and any public speaking.
- Make sure that if they are proposing, seconding or supporting a decision contrary to the officer's recommendation or the Development Plan, that they clearly identify and understand the planning reasons leading to this conclusion and that they take into account any advice planning, legal or other officers give them. Their reasons must be given prior to the vote and be recorded. Be aware that they may have to justify the resulting decision by giving evidence in the event of any challenge.

7.2 The Council is expected to make a decision on all applications within statutory timescales. Whilst this may not always be possible, particularly for applications that are to be considered by Committee, applications are always included on the agenda of the first available Committee after completion of the officer's report so that a decision can be taken in the shortest possible time. For this reason, Members should avoid requests for officers to speed up or delay the determination or assessment of particular applications for their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties.

8 VOTING PROCEDURES

- 8.1 The chair will bring the Committee to a vote when he/she considers that there has been sufficient debate of an item.
- 8.2 For any motion to be successful there needs to be a majority vote in favour of that motion. In the event of a deadlock (ie equality of votes) the chair may exercise his/her casting vote. This can be done irrespective of whether or not the chair has already voted on that motion.

When There Are Two Motions

- 8.3 If there are two motions before the Committee, each motion needs to be considered separately. When a motion has been moved and seconded, it becomes a complete motion. The motion which is completed first should be considered first.
- 8.4 If the first motion is successful (ie the vote is for it) the second motion automatically falls.
- 8.5 If the first motion is unsuccessful (ie the vote is against it) it falls and is thereby extinguished. Members then move to voting on the second motion.
- 8.6 To enable officers to give the Committee the best advice and to allow the business to run efficiently, it is preferable for the recommendation set out in the report to be moved and voted on first (unless a motion is made and seconded to defer or adjourn consideration of a particular item, for example for a site visit or further information/advice).
- 8.7 Amendments to the recommendation (such as an additional condition) may be made in the normal manner (as prescribed in the Non-Executive Committee Procedure Rules part 4 of the constitution).

Officer's Advice

- 8.8 If the recommendation is not supported, before a new motion to either grant or refuse the application is proposed the Committee must first receive advice from the Director of Planning, or his/her representative, as to what form a new motion could take. That advice will be based upon the material considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge. The solicitor advising the Committee will be called upon as necessary to give advice on legal matters.
- 8.9 If the officer considers that he/she is unable to give that advice immediately, further consideration of the matter will be suspended and the agenda item will be adjourned so that the officer can bring a report to the next available Committee setting out his/her advice.

Decisions contrary to the Development Plan

- 8.10 The law requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). If a Committee intends to approve an application which is contrary to the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated. The application will have to be advertised in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) Order 2010 and, depending upon the type of development proposed, may also have to be referred to the Department for Communities and Local Government.
- 8.11 If the recommendation in the officer report would be contrary to the Development Plan, the justification will be included in that report.
- 8.12 If a Committee is minded to make a decision contrary to the officer recommendation (whether for approval or refusal) and that decision would be contrary to the Development Plan, such a motion may only contain the Committee's initial view and must be subject to a further report detailing the planning issues raised by such a decision. Further consideration of the matter must be adjourned to a future meeting of the Committee when officers will present a report setting out the proposed new position and explaining the implications of the decision.
- 8.13 If, having considered the report, the Committee decides to determine the application contrary to the Development Plan, a detailed minute of the Committee's reasons, which as a matter of law must be clear and convincing, shall be made and a copy placed on the application file.

9 SITE VISITS BEFORE A COMMITTEE MEETING

- 9.1 It is advisable that Members are familiar with the sites of the applications on the agenda to enable them to make informed decisions on the planning applications before them and to avoid deferring or adjourning those decisions pending site visits.
- 9.2 Where Members visit the site themselves before the meeting, care must be taken to ensure that they comply with the Planning Code of Good Practice (part 5D of the constitution). Such visits should be carried out discreetly and Members should avoid making themselves known to the applicant or to neighbours. Accordingly Members should not go onto the actual application site or into a neighbouring property. The reason for this is that contact between a Member of the Committee and the applicant or a local resident could be misinterpreted as lobbying and may create a suspicion of bias. If such contact is made this should be declared in Committee, but this should not prevent that Member from taking part in the consideration of that application, provided that the Member has followed the advice in the Planning Code

of Good Practice and acts in accordance with the Members' Code of Conduct.

10 FORMAL SITE VISITS BY THE COMMITTEE

10.1 A formal site visit will be arranged where the Committee have resolved, on a majority vote, to visit the site. Site visits should only be selected where there is a clear and substantial benefit to be gained. The Director of Planning may recommend that the Committee should conduct a site visit.

10.2 The procedure for formal site visits by the Committee shall be as follows:

- Any of the Members and substitute Members of the Committee and officers can attend a site visit.
- Arrangements for visits will not normally be publicised or made known to applicants, agents or third parties.
- Where permission is needed to go onto land, contact will be made with the owner by officers. The owner cannot take any part in the visit, other than to effect access onto the site.
- The purpose of a site visit is to enable Members to inspect the site and to better understand the impact of the development. The Committee should not receive representations or debate issues during a site visit.
- An application cannot be determined at a formal site visit by a Committee and must be considered at the next appropriate meeting of the Committee.
- The Democratic Services Manager will make a note of the site visit and it will be included in the Addendum Report.
- Failure to attend a formal site visit shall not bar a Member from voting on an item at the Committee meeting that considers it, provided the Member is satisfied that he/she is sufficiently familiar with the site.

10.3 When a site visit has taken place, Members are reminded about the principles referred to above under the heading 'Order of proceedings' concerning the need to have heard the whole of a planning application before taking part in the voting.

11 AMENDMENTS/ VARIATION

11.1 Where amendments/variation to these Rules are necessary due to legislative changes, the Council Solicitor, Director of Democratic and Legal Services may make such consequential changes to these Rules as are necessary to take such changes into account.

Traffic Management Advisory Committee
(Membership 6)

The Traffic Management Advisory Committee shall meet as frequently as business requires for the purpose of advising the Cabinet Member for Transport and Environment in respect of:

- (a) the exercise of all functions, powers and duties of the Council as Traffic and Highway Authority in relation to Traffic Management issues,
- (b) the making of comments on minor applications which fall to be determined by other authorities, and
- (c) commenting on any matters which stand to be determined by the Cabinet Member following referral by the Executive Director, Planning & Environment in respect of highways and traffic management.
- (d) Commenting on any proposal to make a Gating Order under section 129A of the Highways Act 1980 which has been referred to the Cabinet Member for determination by the Executive Director Planning & Environment.

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**As required by Part 3 of the Constitution
RESPONSIBILITY FOR FUNCTIONS**

LONDON BOROUGH OF CROYDON

LEADER'S SCHEME OF DELEGATION

**COUNCILLOR TONY NEWMAN
LEADER OF CROYDON COUNCIL
June 2014**

Contact:
Solomon Agutu
Head of Democratic Services and Scrutiny

Scheme of Delegation

Introduction

The Leader is responsible for all executive arrangements and is required to maintain a scheme under Part 3 of this Constitution setting out who has responsibility for particular Executive functions; this may include

- The Leader;
- The Leader in consultation with an individual Cabinet Member or;
- The Leader and Cabinet collectively (Cabinet);
- The Chief Executive (or Executive Directors)
- Joint arrangements or
- Another local authority.

The scheme of officer delegation (except financial delegation) is maintained by the Monitoring Officer and is available for inspection.

Any in-year changes shall be reported to the Monitoring Officer and to the next available Ordinary meeting of the Council.

For the avoidance of doubt this delegation applies to all matters whether before or after the date herein.

For the further avoidance of doubt the Leader hereby declares that any exercise of a power by the Chief Executive or an Officer authorised by him and which, if expressly provided for by this scheme of delegation could have been lawfully exercised by an officer under powers delegated to the Chief Executive by the Leader or a committee shall be deemed to be authorised by this scheme notwithstanding that such express provision may not have been made in it; PROVIDED THAT, where an officer relies on this paragraph, the Monitoring Officer shall be informed in writing by the officer of this action.

- 1. Interpretation:** The Leader's Scheme of Delegation aims to be as comprehensive as possible but cannot be exhaustive. It needs to be flexible 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. Officers will apply the principles of the scheme when determining where and how in the structure decisions will be made. As a general rule therefore, strategic matters will be determined by the Leader in consultation with Cabinet, and operational service matters by the Chief Executive (through the relevant Executive Director) in consultation with the Leader and or relevant Cabinet Member. Where there is doubt, the Leader will be asked to decide. This scheme should be read in conjunction with the Officer Scheme of Delegations. For the avoidance of doubt, management of staff is not covered as staffing is a non-executive matter.

2. **Variations:** The Leader may make ad-hoc one off variations on particular 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 Monitoring Officer. The variation shall be effective from the date the written notice is received by the Monitoring Officer.
3. **Plans and Strategies:** All references to Plans and Strategies mean initial approvals to 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 lead 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.
4. **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 key decision.
5. **Officer decisions to be referred to Leader:** Any decision which would ordinarily fall to officers to decide but which is controversial in nature shall be referred to the Leader to determine in accordance with this scheme of delegation. Such determination might include delegating the decision to Cabinet or to an individual Cabinet Member.
6. **Decision making process:** Decisions are made in accordance with Part 4D of the Constitution (Executive Procedure Rules).

MATTERS RESERVED

A1. General Matters Reserved by The Leader of the Council to himself

The Leader may exercise any function which is designated as an executive function under the law or under the Council's Constitution.

[N.B. Section 9E of the Local Government Act 2000 (as amended) vests all executive functions in the Leader, who may delegate them to the Cabinet, a committee of the Cabinet, individual Cabinet Members, officers or joint committees. Any such delegation is without prejudice to the Leader's ability to exercise these powers notwithstanding the delegation].

A2. Specific Matters Reserved by the Leader of the Council to himself

1. To determine the appointment and dismissal of Cabinet Members, their portfolios and the scheme of delegations for executive functions.

2. The formulation, co-ordination and implementation of corporate policies and strategies and making decisions relating to such matters to the extent that they are not reserved to Full Council.
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 represent the Council in national and regional negotiations and consultations.
6. To lead on consultation and other liaison with local communities.
7. To decide who has overall responsibility for the performance framework, including the monitoring of targets.
8. To lead and co-ordinate the Council's work on key cross-cutting policy areas such as equalities, sustainability and communications.
9. To deal with any executive function not specifically delegated to another member of the Cabinet.
10. To appoint elected Members to membership of the Health and Well Being Board.

B1. Matters Reserved by the Leader to the Cabinet

After the Leader, the Cabinet will operate as the highest executive decision-making body. The following functions shall be reserved to the Cabinet:-

1. The formulation and submission to Full Council of all plans and strategies that form part of the policy framework.
2. The development, formulation and submission to Full Council of the budget.
3. Any matter which the Leader decides should be dealt with by the Cabinet.
4. Any matter which is delegated to a Cabinet Member by Cabinet and that Member decides to refer the matter back to the Cabinet.
5. Any matter which straddles the portfolios of two or more Councillors and, in the opinion of the Leader, is more appropriately dealt with by the Cabinet.

6. Any executive function which is not specifically delegated to a Cabinet Member under this scheme of delegation.
7. Approval of the Council's Risk Management Strategy.
8. Any matter which, under the Council's Financial Regulations, Tender and Contract Regulations or other Council rules, requires the approval of the Cabinet.

B2

When referring or reserving a matter to the Cabinet under sub-paragraphs 3 and 4 of paragraph B1 above, the Leader or, as the case may be, the Cabinet Member may do so on a one off basis or as part of a general/ standing arrangement.

C. Matters Reserved by the Leader to Individual Cabinet Members for decision

Individual Cabinet Members

Decisions relating to contractual transactions from £500,000 up to the value of £5m in accordance with Executive Protocol 5A relating to this portfolio in consultation with the Cabinet Member for Finance and Treasury. *Where the contract involves more than one portfolio, the decision to award shall be taken in accordance with the Leader's specific delegation.*

All Cabinet Members may establish or disestablish advisory panels or committees to assist them in discharging the duties of their office. In furtherance of this Cabinet Members may establish terms of reference and Membership.

Cabinet Member for Finance and Treasury

The Cabinet Member will take decisions, including contractual transactions, which fall within their portfolio, from £500,000 up to a value of £5m; this will be in consultation with the Leader of the Council.

The Cabinet Member for Finance and Treasury will take decisions relating to assets including disposals and acquisitions which will include the declaration of land and property as surplus to the Council's requirements with a value of £500,000 up to a value of £5m in consultation with the Leader of the Council. Matters valued in excess of £5m will be referred to Cabinet for a decision

Cabinet Member for Transport and Environment

To exercise all functions, powers and duties of the Council as the Traffic and Highway Authority in relation to Traffic Management issues, making comments on minor applications which fall to be determined by other authorities, and determining any matters referred to the Cabinet Member by the Executive Director of Development and Environment in respect of highways and traffic management, in consultation with the Traffic Management Advisory Committee.

D. Cabinet Committee and Joint Committees

The Bandon Hill Cemetery Joint Committee

The provision and management of the Bandon Hill Cemetery with London Borough of Sutton

The Croydon/Lewisham Street Lighting Joint Committee

The joint governance of a street lighting PFI contract.

The South London Partnership (Joint Waste Committee)

The joint procurement and management of waste disposal contracts with the Royal Borough of Kingston and the London Boroughs of Merton and Sutton. .

London Councils

The effective coordination and formulation of policy and discharge of functions and any other related Joint Committees acting on behalf of the constituent authorities and as set out in the Schedules of the Agreement made under section 101 and 102 of the Local Government Act 1972.

General Purposes Cabinet Committee

To deal with any matters of business allocated by the Cabinet.

E. Other local authorities

Croydon has delegated to Birmingham City Council its role in:

- a. Enforcement of Parts III & IV of the Consumer Credit act 1974, and
- b. The enforcement functions and powers under Part XI and XII of the Consumer Credit Act 1974, and
- c. The power of prosecution under section 222 of the Local Government Act 1972

All in connection with money-lending or the activities of money lenders and / or their agents and associates, and the laundering of the proceeds of illegal money-lending.

F. Delegation to the Chief Executive and Head of Paid Service of Executive Functions

Except for Matters reserved (a) to the Leader, or (b) to the Cabinet or (c) to individual Cabinet Members or to a (d) Cabinet Committee or Joint Committee or (e) other local authorities or to an identified officer, all executive functions are delegated to the Chief Executive and Head of Paid Service. This delegation is subject to:-

1. Such protocols as may be approved by the Leader and Cabinet from time to time and deposited with the Council Solicitor, Director of Democratic and Legal Services;

2. All policies of the Authority;
3. Any consequent expenditure being included in the Council's Revenue Budget or approved Capital Programme;
4. The requirements of the Tenders and Contracts Regulations and the Financial Regulations;
5. The approval of the Council Solicitor, Director of Democratic and Legal Services to the instigation and conduct and settlement of legal proceedings;
6. Compliance with any legal requirements and the provisions of any statutory codes of conduct or statutory guidance.
7. Compliance with the Access to Information Procedure Rules.

For the avoidance of doubt this delegation to the Chief Executive involves the power to appoint 'proper officers' as appropriate.

G. Delegation to Executive Director of Children, Families and Learning: Academies

1. Subject to the Secretary of State issuing an Academy Order and entering into a Funding Agreement with maintained schools, in accordance with the terms of the Academies Act 2010, the Executive Director of Children, Families and Learning, in consultation with the Cabinet Members for Children, Families and Learning, is delegated to:
 - 1.1. Authorise that the Council enters into a Commercial Transfer Agreement for the transfer of staff, assets and third party contract with the academy trust and governing bodies of the relevant schools, to enable the conversion of those schools to Academies on the existing school sites together with lease arrangements on terms satisfactory to the Executive Director of Children, Families and Learning, and the Council Solicitor, and Director of Democratic and Legal Services.
 - 1.2. Conduct all negotiations to approve and execute all relevant legal agreements, contracts, and/or documents necessary to conclude the arrangements necessary to give effect to the above recommendation for the conversion of the relevant schools, leases and transfer of sites.
2. In exercising this delegation, the Executive Director of Children, Families, and Learning, should formally record decisions in accordance with Part 4B and 4G of the Council's Constitution.

H. Delegation to Director of Democratic and Legal Services

1. Article 14.03 of the Council's Constitution provides as follows

“The Council Solicitor, Director of Democratic and Legal Services is authorised to institute defend or participate in any proceedings or to settle claims where such action is necessary to give effects to decisions of the Authority, protect the interest of the Authority, the Borough or some of its citizens. Only the Council Solicitor may authorise the engagement of a lawyer to act for the Council.”

2. For the avoidance of doubt in relation to Executive matters the following legal matters are delegated to the Director of Democratic and Legal Services (Solicitor to the Council) by the Leader for decision where not already delegated to another officer and is in addition to such delegation. Such decisions must be in accordance with the overall strategic policies set by the Council, and must in all cases made within approved budgetary provisions and financial procedures.
 - 2.1. The giving authority to institute, defend, or participate in any proceedings or to settle claims where such action is necessary to give effect to decisions of the Authority, protect the interests of the Authority, the Borough or all of its citizens.
 - 2.2. To arrange for any legal proceedings to be conducted by a Solicitor, Barrister, Legal Executive, paralegal or officer employed or engaged by the Council including appearances before any Court or Tribunal in which the officer has right of audience.
 - 2.3. To authorise instruction of any counsel, solicitor or other legal adviser outside the Council's panel or framework of external legal providers as maybe in place from time to time.
 - 2.4. To authorise the instructions in proceedings of any expert witnesses or advisers or cost assessors to act on behalf of the Council.
 - 2.5. To authorise in consultation with the Head of Paid Service the payment of any award or damages, compensation and costs made by any court or tribunal against the Council.
 - 2.6. To settle any legal proceedings on behalf of the Council, in consultation with the appropriate Chief Officer, including the agreement and payment or receipt of damages excluding legal costs.
 - 2.7. To give undertakings to any court or tribunal on behalf of the Council and to give solicitors undertakings where appropriate and within the rules and guidance issued by the Law Society.
 - 2.8. To issue and serve or complete and agree any legal notice or document necessary or ancillary or incidental to the given effect of any decision taken by Council, Cabinet, any Committee or Sub-committee or any officer under the Scheme of Authorisations to Officers.

- 2.9. To have general oversight of the use made of the source in respect of covert human intelligence sources and to nominate Authorised Officers to agree applications under the Regulation of Investigatory Powers Act 2000.
- 2.10. To authorise officers who may instruct external solicitors.
- 2.11. To nominate Authorised Officers to determine Regulatory and Investigatory Powers Act requests.
- 2.12. Unless there is an express statutory requirement on a named official or category of officials, any document that is required or authorised by or under any enactment to be given made or issued by the Council in any capacity may be signed on behalf of the Council by the “Authorised Officers”. The “Authorised Officer” is the Director of Democratic and Legal Services or any Council Officer authorised in writing by the Director of Democratic and Legal Services.
- 2.13. To consider representations made under the provisions of the Access to Information Procedure Rules in respect of private meetings and publish a statement of response to such representations on behalf of the relevant decision making body.

3. Authentication and sealing of documents

The Council delegation is contained in article 14.04 of the Council’s Constitution as follows:

Where any document is necessary to any legal procedure or proceedings on behalf of the authority, or to give effect to any decision of the authority it shall be signed by the Council Solicitor, Director of Democratic and Legal Services, or other person, authorised by the Director of Democratic and Legal Services.

The common seal of the Council shall be kept in a safe place in the custody of the Council Solicitor, Director of Democratic and Legal Services. A decision of the Council or any part of it shall be sufficient authority for sealing any document necessary to give effect to the decision. The common seal shall be affixed to those documents which in the opinion of the Council Solicitor, Director of Democratic and Legal Services, should be sealed. The affixing of the common seal shall be attested by the Council Solicitor, Director of Democratic and Legal Services, a deputy council solicitor or some other person so authorised by the Council Solicitor, Director of Democratic and Legal Services. Where the affixing of the common seal follows a decision of the Council it may instead be attested by the Mayor and Chief Executive.

- 3.1 For the avoidance of doubt this delegation applies to Executive matters as it applies to non-executive matters.

NB:

These matters are in addition to any delegations and authorisations set out in the Council Constitution.

...

Signed.....

Councillor Tony Newman
Leader of the Council
London Borough of Croydon

Date.....

**Appendix to Article 7: The Leader and Cabinet
CABINET PORTFOLIOS**

**LONDON BOROUGH OF
CROYDON**

CABINET PORTFOLIOS

**COUNCILLOR TONY NEWMAN
LEADER OF CROYDON COUNCIL**

Contact:
Solomon Agutu
Head of Democratic Services and Scrutiny
x. 62920

Cabinet Portfolio Descriptions

As provided for by the amendments made to the Local Government Act 2000 by the Local Government and Public Involvement In Health Act 2007, the Leader has sole responsibility for the determination of the size of the Cabinet (up to ten members), appointment of Cabinet Members, allocation of executive functions and delegation of executive decision making powers in line with the scheme of delegation.

The content of the portfolios may be altered from time to time by decision of the Leader and are currently:

- Deputy Leader (Statutory) & Homes and Regeneration)
- Deputy Leader & Clean Green Croydon
- Children Families and Learning
- Culture Leisure and Sport
- Economic Development
- Finance and Treasury
- People and Communities
- Safety and Justice
- Transport and Environment

The Leader

The Leader of the Council provides political leadership to the Cabinet and the Council and has responsibility for:

1. The promotion of positive partnerships and consultations with citizens, other statutory agencies, business and voluntary organisations in Croydon in the context of achieving the Vision for the Borough as expressed by the Council and its partners, and in this respect chairing the Local Strategic Partnership Board.
2. Oversight of the Council's delivery of Value for Money in its use of resources for the provision of services to citizens of the Borough and its business community. Its holistic approach through the effective integration of Departmental programmes and plans including the Community Strategy.
3. Oversight of the effective and efficient management and use of resources available to the Chief Executive for the provision of policy development and support to strategic projects and their performance in respect of continuous improvement through the "Ambitious for Croydon" manifesto Programme.
4. Oversight of the Council's emergency planning and resilience management policies and strategies.
5. The Council's Performance Framework, including the monitoring of targets.
6. Ensuring effective liaison and joint working between Cabinet members to enable the Council's objectives to be met.
7. Matters that are the responsibility of the Cabinet, including representing the Council with regard to its Member contacts with the Government and any Regional, National or International organisations.
8. The promotion and pursuit of principles espoused by the Council in respect of equalities and a sustainable environment in its role as an employer, service provider and the exercise of community leadership.

Key areas of the Portfolio include:

- Budget and Strategic Policy
- Determine the appointment of Cabinet Members, their portfolios and the scheme of delegations for executive functions
- Performance management of Cabinet Members
- Taking executive decisions not otherwise delegated to another decision makers.
- Providing strategic political leadership and vision for the Council as a whole and for the Croydon area.

- Performance management of the Chief Executive.
- The application of national policies locally and any consequent forward planning necessary.
- Promote major “flagship” projects of strategic significance to Croydon.
- Forward planning of the Council’s Revenue and Capital Budget.
- Plan the agendas for Cabinet and chair the meetings.
- Fairness Commission
- Facilitate effective working relationship with Trade Unions representing Council employees
- Delivery of “Ambitious for Croydon” Manifesto

The Statutory Deputy Leader and Cabinet Member for Homes & Regeneration

The Statutory Deputy Leader has responsibility for the following:

STATUTORY DEPUTY LEADER

1. When requested by the Leader, to take on a deputising role including chairing meetings of the Cabinet and other appropriate meetings in the Leader's absence.
2. One or more specific area(s) of leadership responsibility as allocated by the Leader of the Council.
3. In the absence of the Leader, due to ill health or resignation or otherwise, act as the Council's principal spokesperson on all matters that are the responsibility of the Cabinet, including representing the Council with regard to its Member contacts with the Government and any Regional, National or International organisations.
4. The promotion and pursuit of principles espoused by the Council in respect of equalities, and a sustainable environment, in its role as an employer, service provider and the exercise of community leadership.
5. Any other matters agreed with the Leader or required by law.

Cabinet Member for HOMES AND REGENERATION

The Statutory Deputy Leader and Cabinet Member for Homes and Regeneration has, in addition to the matters set above, executive responsibility for the following:

1. Promotion of the building of new Council houses and flats, together with raising the standards of existing Council homes (Croydon Landlord Services).
2. The promotion of positive partnerships with tenants, leaseholders, Housing Associations, businesses and voluntary organisations in the context of the Council's role as a landlord and strategic planner of social housing.
3. Promotion of responsible home ownership.
4. Promotion of resident participation
5. Oversight of the development, implementation, monitoring and review of the Council's housing policies and strategies (Homelessness, Housing Needs, Housing Renewal, Allocations) and any other related matters.

6. Oversight of the effective and efficient management and use of resources allocated by the Council to the Adult Services and Housing Department and their performance in respect of continuous improvement through the delivery of the “Ambitious for Croydon” manifesto Programme.
7. Oversight of the effective and efficient management and use of resources allocated by the Council to the Development and Environment Department in regards to new build Council Housing.
8. Oversight of strategic development opportunities, in conjunction with the Cabinet Member for Economic Development
9. Oversight of all planning, development & environmental strategies, policies, and programmes, including all matters relating to and included in the Local Development Framework for Croydon, in so far as they are executive functions.
10. Environmental renewal of the Borough, including the Vision 2020 objectives.
11. Oversight of the effective and efficient management and use of resources allocated by the Council to the Development and Environment Department and its performance in respect of continuous improvement through the delivery of the “Ambitious for Croydon” Manifesto Programme.
12. The promotion of a sustainable development and nature conservation, including the Council’s energy strategy
13. Considering what action is to be taken following a report and recommendation by the Local Government Ombudsman.
14. Matters relating to their Portfolio involving Member contacts with the Government and any Regional or National organisations.
15. The promotion and pursuit of principles espoused by the Council in respect of equalities and a sustainable environment in its role as an employer, service provider and the exercise of community leadership.

Key areas of the Portfolio include:

- Housing Commission
- Housing partnership- housing led regeneration
- Landlords Registrations Scheme
- Lettings Agency
- Local lettings plans
- Increased affordable housing to 30% in major redevelopments
- Tackling issue of empty properties

- New Council Homes / regeneration
- Housing Investment Programme
- Homelessness, temporary housing provision and housing advice/mediation services.
- Private Sector housing and renovation grants
- Tenancy Conditions (Arrears, Possession)
- Energy Efficient homes
- Right to Buy
- Regeneration of District Centres
- Devolved funds for local areas
- Review of CCURV, in conjunction with the Cabinet Member for Economic Development and the Cabinet Member for Finance & Treasury
- Review of the Croydon Plan
- Review the Community Infrastructure Levy

Deputy Leader Clean Green Croydon

The Deputy Leader Clean Green Croydon has executive responsibility for the following:

1. Oversight of the development, implementation, monitoring and review of the Council's policies and strategies relating to street cleansing, and other related matters.
2. Oversight of the development, implementation, monitoring and review of the Council's policies and strategies relating to waste management, recycling and green waste, and any other related matters.
3. In conjunction with the Cabinet Member for Economic Development, oversight of the development of the Council's strategy for bringing unused shops in district centres back into use
4. Oversight of the development, implementation, monitoring and review of the Council's policies and strategies relating to enforcement action against environmental anti-social behaviour, such as fly-tipping ,dog fouling or spitting and urinating in the street.
5. Oversight of the effective and efficient management and use of resources allocated by the Council to the Development and Environment Department and its performance in respect of continuous improvement through the delivery of the "Ambitious for Croydon" manifesto Programme.
6. Considering what action is to be taken following a report and recommendation by the Local Government Ombudsman.
7. Matters relating to their Portfolio involving Member contacts with the Government and any Regional or National organisations
8. The promotion and pursuit of principles espoused by the Council in respect of equalities, and a sustainable environment, in its role as an employer, service provider and the exercise of community leadership.

Key areas of the portfolio include:

- Don't Mess with Croydon Campaign
- Eyesore Garden Project
- Increase street cleaning, waste collection and recycling
- Provision of additional public recycling bins
- Improve recycling facilities for flats and shops
- Enforcement action against environmental anti-social behaviour

Cabinet Member for **CHILDREN, FAMILIES AND LEARNING**

The Cabinet Member for Children, Families and Learning has executive responsibility for the following:

1. Lead Member for Children's Services as defined in the Children's Act 2004 and as subsequently amended.
2. Championing the interests of children and their families, including the promotion of partnership working to improve outcomes for all children and to narrow the gap in outcomes for vulnerable young people
3. Oversight of the development, implementation, monitoring and review of policies and strategies relating to the safeguarding and promotion of the welfare of children and young people, including early intervention and prevention in delivering services, including free breakfast scheme, childcare workforce, school crossing patrols
4. Oversight of the development, implementation, monitoring and review of the Council's Education policies and strategies and any other related matters.
5. Oversight of the effective and efficient management and use of resources allocated by the Council to the Department for Children, Families and Learning and its performance in respect of programmes of continuous improvement in the delivery of the "Ambitious for Croydon" manifesto Programme.
6. Lead advocate for high standards of corporate parenting encouraging all Members to promote the educational achievement and health and well-being of looked after children and children leaving care
7. Advocate for the active involvement of children, young people and their families in the planning, design and delivery of all children's services
8. The promotion of positive partnerships and consultation on educational matters with staff, parents, governing bodies, pupils and other users, teachers' unions, the Standing Advisory Committee on Religious Education (SACRE), and other interested parties.
9. Considering what action is to be taken following a report and recommendation by the Local Government Ombudsman.
10. Matters relating to their Portfolio involving Member contacts with the Government and any Regional or National organisations.
11. The promotion and pursuit of principles espoused by the Council in respect of equalities and a sustainable environment in its role as an employer, service provider and the exercise of community leadership.

Key areas of the Portfolio include:

- Chair of the Local Strategic Partnership Children & Families Partnership
- The Families Plan
- Children's Social Care, including the Fostering and Adoption Services, the Local Safeguarding Children Board, Unaccompanied Asylum Seeking Minors, Children in Need and Child Protection
- Corporate Parent for looked after children
- Working with all the Borough's schools to raise, improve outcomes and reduce under performance
- School Admissions , Attendance and Exclusions Policies
- Special Educational Needs and Equalities in Education
- Education Capital and Schools Repairs and Maintenance Programmes
- Budget allocation to schools within the rules for schemes for Schools Financing.
- School Places Planning
- Youth Offending Team
- Youth Provision
- Adult Learning (where related to economic development, in conjunction with the Cabinet Members with responsibilities for Regeneration and Economic Development)
- Appointment of Local Authority Nominations of School Governors
- Working with partner agencies and the Cabinet Member for Economic Development to tackle youth unemployment
- Establishment of code clubs in schools
- Local Authority responsibilities for school improvement, including the development of co-operative options
- Early Learning Provision for 2-5 Year Olds
- Early intervention and family support
- Commissioning of school nursing and (from autumn 2015) health visiting

Cabinet Member for **CULTURE, LEISURE AND SPORT**

The Cabinet Member for Culture, Leisure and Sport has executive responsibility for the following.

1. Promotion of positive partnerships with private and voluntary organisations in the context of developing arts, cultural and leisure facilities and events in Croydon.
2. Oversight of the development, implementation, monitoring and review of the Council's leisure and culture policies and strategies, and any other related matters.
3. Oversight of the development, implementation, monitoring and review of the Council's use of its civic buildings including the Town Hall, Library Complex and the services based in them such as the Croydon Museum & Archives and the Braithwaite Hall.
4. Oversight of the development, implementation, monitoring and review of the Council's use its parks and green spaces, including their use for festivals and other organised community events..
5. Oversight of the effective and efficient management and use of resources allocated by the Council in relation to Cultural and Sports Services (including any Direct Service Organisation contractors) and their performance in respect of continuous improvement through the "Ambitious for Croydon" manifesto Programme.
6. Considering what action is to be taken following a report and recommendation by the Local Government Ombudsman.
7. Matters relating to their Portfolio involving Member contacts with the Government and any Regional or National organisations
8. The promotion and pursuit of principles espoused by the Council in respect of equalities and a sustainable environment in its role as an employer, service provider and the exercise of community leadership.

Key areas of the Portfolio include:

- Community centres and public halls
- Sports development and leisure centres
- Delivery of the Olympic & Paralympic Legacy
- Parks and other open spaces, including consequent community safety issues
- Nature conservation and allotments
- Tourism strategy and related economic development, in conjunction with the Cabinet Member for Economic Development

- Leisure provision aspects of regeneration programmes, in conjunction with the Cabinet Members with responsibilities for Regeneration and for Economic Development
- Promotion of Croydon as a venue for cultural and sporting events
- Bereavement Services

Cabinet Member for **ECONOMIC DEVELOPMENT**

The Cabinet Member for Economic Development has executive responsibility for the following:

1. Promotion of the economic development of the Borough.
2. Oversight of the development and implementation of strategies, plans and partnerships to promote and monitor the development and competitive performance of the Croydon economy, including through EU funded projects and initiatives.
3. Promotion of positive partnerships with community groups, businesses and voluntary organisations, local agencies (including Job Centre Plus and Croydon College) in the context of developing and implementing economic development and employment strategies and projects, including District Centre liaison.
4. Oversight of the effective and efficient management and use of resources allocated by the Council in relation to Development and Environment Department and their performance in respect of continuous improvement through the delivery of the “Ambitious for Croydon” manifesto Programme.
5. Considering what action is to be taken following a report and recommendation by the Local Government Ombudsman.
6. Matters relating to their Portfolio involving Member contacts with the Government and any Regional, National or International organisations.
7. The promotion and pursuit of principles espoused by the Council in respect of equalities and a sustainable environment in its role as an employer (including London Living Wage borough), service provider and the exercise of community leadership.

Key areas of the Portfolio include:

- Chair of the relevant Local Strategic Partnership group Economic development and competitiveness of the Croydon economy
- Inward Investment
- Croydon Business Forum
- South London Business
- Membership of the Coast to Capital Joint Committee & Coast to Capital Enterprise Partnership Ltd
- District Centre development and renewal, in conjunction with Cabinet Members for Transport & Environment and Homes & Regeneration
- Smart City- Business and borough wi-fi
- Co-operative solutions
- Promotion of local employment

- London Living Wage Borough
- Addressing amount of empty offices space
- Youth Unemployment
- Access to Work Scheme
- Hammerson and Westfield

Cabinet Member for **FINANCE & TREASURY**

The Cabinet Member for Finance and Treasury has executive responsibility for the following:

1. Oversight of the development, implementation and monitoring of the Council's policies, procedures and related matters in respect of the Council's capital and revenue budgets, including procedures for the effective and efficient day to day financial management of the Council such as banking and borrowing arrangements, property transactions and audit arrangements.
2. Oversight of the development, implementation and monitoring of the Council's policies, procedures and related matters in respect Procurement and Contract monitoring, including the Social Value Procurement Strategy.
3. To oversee the efficient and effective performance of Council services, including the Council's Performance Framework and work with other Cabinet Members, as appropriate, to oversee service target and performance assessments and oversee its reporting
4. Oversight of the effective and efficient management and use of resources allocated by the Council in relation to the Council's Finance Divisions and their performance in respect of continuous improvement through the delivery of the "Ambitious for Croydon" manifesto Programme.
5. Matters relating to their Portfolio involving Member contacts with the Government and any Regional or National organisations.

Key areas of the portfolio:

- Revenues and benefits administration
- Council Tax collection
- Business Rates
- Devolved Neighbourhood Funds
- Council Assets
- Facilities Management
- Procurement & Contracts and the Council's Commissioning Strategy
- Information Technology
- Targets & Performance for the delivery of Council services
- Review of Council structure
- Business transformation
- Human resources, including in-house training and apprenticeships
- Democratic and Legal Services, including Elections and Registration Services
- Living Wage Council
- Pension Fund

Cabinet Member for **PEOPLE & COMMUNITIES**

The Cabinet Member for People & Communities has executive responsibility for the following:

1. Oversight of the development, implementation, monitoring and review of the Council's Adult Social Services policies and strategies, including its commissioning programme.
2. Lead Cabinet Member in respect of all matters of Public Health, health liaison and joint work including the Joint Strategic Needs Assessment and the Better Care Fund.
3. The promotion of positive partnerships with service users, carers, local agencies, businesses and voluntary organisations in the context of delivering effective adult social care services.
4. Oversight of the effective and efficient management and use of resources allocated by the Council to the Adult Services Health and Housing Department for Public Health and Adult Social Care services and its performance in respect of continuous improvement through the "Ambitious for Croydon" manifesto Programme.
5. Considering what action is to be taken following a report and recommendation by the Local Government Ombudsman.
6. Matters relating to their Portfolio involving Member contacts with the Government and any Regional or National organisations.
7. The promotion and pursuit of principles espoused by the Council in respect of equalities and a sustainable environment in its role as an employer, service provider and the exercise of community leadership.

Key areas of the Portfolio include:

- Joint Strategic Needs Assessment
- Integrating Health and Adult Social Care with NHS bodies
- Commissioning
- Carers
- Physical Disability and Sensory Impairment Strategy
- Mental Health Strategy and services
- Social services for vulnerable adults, including those with needs by reason of their age, mental health, learning disability, physical and sensory disability, substance misuse or other special care needs.
- Joint planning, consultation and funding for the provision of social care services with the NHS, Service Users and Carers, Voluntary and Private Sector service providers
- Public Health preventative services: obesity, diabetes, teenage pregnancy, substance abuse and smoking

- Early intervention
- Croydon Health Services NHS Trust & Croydon University Hospital (Mayday)

Cabinet Member for **SAFETY AND JUSTICE**

The Cabinet Member for Safety and Justice has executive responsibility for the following:

1. Promotion of positive partnerships with the Police, community groups, businesses and voluntary organisations in the context of the Council's role in enhancing community safety, tackling antisocial behaviour and reducing crime and disorder in the Borough and the promotion of community cohesion and relationships.
2. Oversight of the development, implementation, monitoring and review of the Council's Community Safety Strategy to include Domestic Violence, Sexual Exploitation and Female Genital Mutilation and further development of the Family Justice Centre
3. Oversight of the development initiatives, policies and strategies to tackle poverty in the borough addressing issues arising from changes to welfare benefits and Council Tax; food or fuel poverty; people having no recourse to public funds.
4. Oversight of the development of policies and strategies related to the Council's licensing and regulation responsibilities related to environmental health and consumer protection functions to ensure residents are able safely to enjoy their leisure time.
5. Oversight of the effective and efficient management and use of resources allocated by the Council in relation to Regulatory Services and their performance in respect of continuous improvement through the "Ambitious for Croydon" manifesto Programme.
6. Oversight of the development of policies and strategies related to the Council's Community development.
7. Overview of the Council's policy framework and strategy relating to the development and role of the voluntary sector and communities.
8. Promotion of clear, effective communication within and by the Council through its website, advertising and correspondence contents.
9. Oversight of the development, implementation, monitoring and review of the Council's Communications Strategy
10. Promotion of excellence and innovation in the delivery of customer services to residents, business and visitors to the Borough.
11. Promotion of the Croydon brand image
12. Oversight of the effective and efficient management and use of resources allocated by the Council to the various Departments covered

by this portfolio and their performance in respect of continuous improvement in the delivery of the “Ambitious for Croydon” manifesto Programme.

13. Considering what action is to be taken following a report and recommendation by the Local Government Ombudsman.
14. Matters relating to their Portfolio involving Member contacts with the Government and any Regional or National organisations.
15. The promotion and pursuit of principles espoused by the Council in respect of equalities and a sustainable environment in its role as an employer, service provider and the exercise of community leadership.

Key areas of the Portfolio include:

- Chair of the Local Strategic Partnership Stronger Communities Partnership
- Chair of the Local Strategic Partnership Safer Croydon Partnership
- Community Safety Strategy
- Safer Neighbourhood Board and Safer Neighbourhood Teams
- Welfare Benefits hotline
- Community Cohesion
- Equalities
- Community & Voluntary Sector
- Promote Credit Union
- Disability Hate Crime
- Domestic Violence
- Violence against parents
- Gang culture
- CCTV
- Regulatory Services, including street trading and issues covered by the Licensing Act 2003 and the Gambling Act 2005
- Contact centre
- Press and publicity

Cabinet Member for **TRANSPORT AND ENVIRONMENT**

The Cabinet Member for Transport and Environment has executive responsibility for the following:

1. Oversight of the development, implementation, monitoring and review of the Council's policies and strategies relating to highways, road maintenance, and parking services, and any other related matters, including public consultation.
2. Work with the London Borough of Lewisham on the delivery of the on-going street lighting replacement programme
3. Oversight of the effective and efficient management and use of resources allocated by the Council in relation to, traffic management, traffic calming and road safety and its performance in respect of continuous improvement through the "Ambitious for Croydon" Programme.
4. Oversight and promotion of the Council's sustainable environmental responsibility, including leading on such climactic issues as flooding & droughts.
5. To exercise all functions, powers and duties of the Council as the Traffic and Highway Authority in relation to Traffic Management issues, making comments on minor applications which fall to be determined by other authorities, and determining any matters referred to the Cabinet Member by the Executive Director of Development and Environment in respect of highways and traffic management, in consultation with the Traffic Management Advisory Committee.
6. Oversight of the effective and efficient management and use of resources allocated by the Council in relation to Street Services (including Direct Service Organisation contractors) and their performance in respect of continuous improvement through the delivery of the "Ambitious for Croydon" manifesto Programme.
7. Oversight of all transport policies and strategies, including consultation and with public transport providers.
8. Considering what action is to be taken following a report and recommendation by the Local Government Ombudsman.
9. Matters relating to their Portfolio involving Member contacts with the Government and any Regional or National organisation.
10. The promotion and pursuit of principles espoused by the Council in respect of equalities and a sustainable environment in its role as an employer, service provider and the exercise of community leadership.

Key areas of the Portfolio include:

- Road maintenance and repairs
- Traffic management, traffic calming and road safety, including traffic calming
- Car Parking and Street Parking and any related Direct Service Organisation activity
- Strategic transport planning, overview of the transportation infrastructure and the Borough Spending Plan
- The Local Implementation Plan for Transport and transportation policy
- Public & sustainable transport
- Establishing and chairing the Traffic Management Advisory Cabinet Committee

CROYDON COUNCIL

AGENDA FOR ORDINARY COUNCIL MEETING

- 1 APOLOGIES FOR ABSENCE**
- 2 MINUTES OF THE LAST MEETING**
- 3 DISCLOSURES OF INTEREST**
- 4 URGENT BUSINESS (If Any)**

To receive notice of any business not on the Agenda which should, in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

EXEMPT ITEMS

To confirm the allocation of business between Part A and Part B of the agenda.

- 5 ANNOUNCEMENTS**

To receive Announcements, if any, from the Mayor, the Leader, Head of Paid Service and/or Returning Officer.

- 6 PUBLIC QUESTION TIME**

The Leader and Cabinet Members and Committee Chairs will answer written questions submitted by members of the public. Questions and draft answers will be circulated at the meeting. The Constitution allows for a maximum of 15 minutes for oral supplementary questions.

- 7. PETITIONS TO BE PRESENTED BY COUNCILLORS TO COUNCIL**

To receive notice of petitions which, following presentation will stand referred to the relevant Cabinet Members.

8 RESPONSES TO PETITIONS PRESENTED TO COUNCIL
Responses to petitions presented to Council on 1st July 2013. These responses are open to questions from Councillors.

9 BUSINESS REPORT OF THE SCRUTINY & STRATEGIC OVERVIEW COMMITTEE

To receive the **attached** report which summarises the business considered by Scrutiny and Strategic Overview Committee and its Sub-Committees since the last ordinary Council Meeting.

10 COUNCILLORS' OPEN SESSION ON WARD MATTERS

At the discretion of the Mayor, up to 5 Councillors may speak for up to three minutes each on any matter which affects their Ward, subject to advance notice. Cabinet Members may respond to each speaker and speak for up to 2 minutes in response to each Ward Member. The Constitution has allocated a total time of up to 25 minutes for this agenda item.

11 BUSINESS REPORT OF THE LEADER INCORPORATING COUNCILLORS' WRITTEN QUESTIONS TO THE LEADER AND CABINET MEMBERS

A Councillor may ask no more than two questions on each item of business contained in the Business Report.

The Leader, Cabinet Members and Committee Chairs will also provide draft written replies to the written questions submitted by Members of the Council. The questions and draft replies will be circulated at the meeting. Councillors may ask two supplementary questions arising from the reply given to a question they have submitted.

12 RECOMMENDATIONS OF THE CABINET AND COMMITTEES DEFERRED FOR DEBATE

To consider, if any, recommendations which may be deferred for debate.

13 MOTIONS FOR DEBATE

To debate any Motions submitted in accordance with Council Procedure Rules.

14 EXEMPT OR CONFIDENTIAL BUSINESS as per Part 1 of Schedule 12A of the Local Government Act 1972, as amended

To resolve, if necessary, that the Press and Public be excluded from the remainder of the meeting on the grounds that it is likely, in view of the nature of the business to be transacted or proceedings to be conducted, that there will be disclosure of confidential or exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

CROYDON COUNCIL

COUNCIL TAX AGENDA

2 APOLOGIES FOR ABSENCE

2 MINUTES

3 DISCLOSURE OF INTEREST

4. URGENT BUSINESS (If Any)

To receive notice of any business not on the Agenda which should, in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. ANNOUNCEMENTS

To receive Announcements, if any, from the Mayor, the Leader, Head of Paid Service and/or Returning Officer.

6. BUSINESS REPORT OF THE LEADER INCORPORATING COUNCILLORS' WRITTEN QUESTIONS TO THE LEADER AND CABINET MEMBERS

To receive the attached Business Report which details the Council Tax and Revenue Budget recommended by the Leader and Cabinet .

A Councillor may ask no more than two questions on each item of business contained in the Business Report.

The Leader and Cabinet Members will also provide draft written replies to the written questions submitted by Members of the Council. The questions and draft replies will be circulated at the meeting. Councillors may ask two supplementary questions arising from the reply given to a question they have submitted.

7. COUNCIL TAX DEBATE

To debate the attached Business Report which details the Council Tax and Revenue Budget recommended by the Leader and Cabinet and to consider the recommendations therein.

8. CONFIDENTIAL BUSINESS as per Part 1 of Schedule 12A of the Local Government Act 1972, as amended

To resolve, if necessary, that the Press and Public be excluded from the remainder of the meeting and Croydon Radio broadcasting be ceased on the grounds that it is likely, in view of the nature of the business to be transacted or proceedings to be conducted, that there will be disclosure of confidential or exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

SCRUTINY PRINCIPLES:

The Scrutiny work programme is to be driven by a set of new principles in keeping with the transparency and accountability agenda.

The first principle (relating to scrutiny of Council activity) is to be an emphasis on pre-decision Scrutiny and the Executive is to devise a process which allows early asked to identify suitable items for pre-decision Scrutiny. There should be at least one pre-scrutiny item on each scrutiny agenda.

The second principle is that back bench councillors are involved in policy development and so pre-decision scrutiny means scrutiny at a stage when it is possible for back bench councillors to make a difference to policy so is well in advance of, not when it is ready for, a Cabinet decision.

It is noted that if not properly conducted pre-decision scrutiny has the potential to slow down the decision making process which is why it is envisaged that Cabinet Members supported by Executive Directors will be able to identify from their business plans/operating plans, far enough in advance of decision making, those issues which are suitable for pre-decision scrutiny and plan accordingly when they can be scrutinised.

The third principle is that each Cabinet Member is to attend a scrutiny committee at least once a year and the Leader at least twice a year. However there will not be public questions to Cabinet Members at Scrutiny, only questions from Councillors. As community leaders the Councillors who can themselves articulate the questions submitted to them by constituents. A new Scrutiny sub-committee dealing with street scene and the environment is to be set up in order to bring this important agenda under scrutiny as well as the existing subcommittees do not have sufficient space on their work programmes.

The fourth principle is that there should be a greater emphasis on Scrutiny of outside bodies. TfL, Academy chains, Crime and Disorder, Develop Croydon, BID, NHS England and the CCG are all included in scope.

The fifth principle is that there should be no presumption that Scrutiny activity only takes place in the evenings or in formal committees but that there should be some daytime activities to make the process more participative and transparent for Councillors and constituents. There should be no presumption that the whole of the committee or subcommittee should be involved in every piece of research activity (see "Local Mini Reviews" procedure). This allows ward Members to participate in scrutiny at a level commensurate with their interest in the subject and the time they have available. The relevant committee would ensure that only a manageable number of mini reviews were conducted

at any one time.

The Sixth principle is that scrutiny should be supported by external people in the community appropriate to the subject under discussion: there should be positive attempts to involve outside voices so that scrutiny recommendations are based not just on internal officer advice. This is in recognition of the fact that knowledge resides in the community as much as it resides in the Council. This is a practical demonstration of ABCD (Asset Based Community Development) by using the asset knowledge of the community to help Scrutiny members get to grips with the real concerns of the community.

A new Approach to pre decision Scrutiny

Pre-Decision Scrutiny on major policy initiatives to provide transparency of decision-making and maximise back bench member participation

This approach is proposed on involving scrutiny in policy development to improve transparency of local decision-making without slowing down their implementation.

Policy initiatives emerge from many sources although the majority emerge from public consultation and from formal business cases.

The approach will involve:

1. A **brief, presentation of the business case** in question or the consultation material to be presented at a meeting with Scrutiny councillors - not necessarily the whole committee membership (*should this be formal or informal and should this be in public?*)

The timing of such meetings should be long enough before a firm decision is to be made to enable Scrutiny members to contribute their ideas and feedback on the proposed initiatives before the detail of the initiative is firmed up (*what is "long enough" depends on the project programme*)

Informal meetings can take place during the day-time within core hours with officers to seek clarification on proposals or to discuss proposals with interest groups with or without officers being present

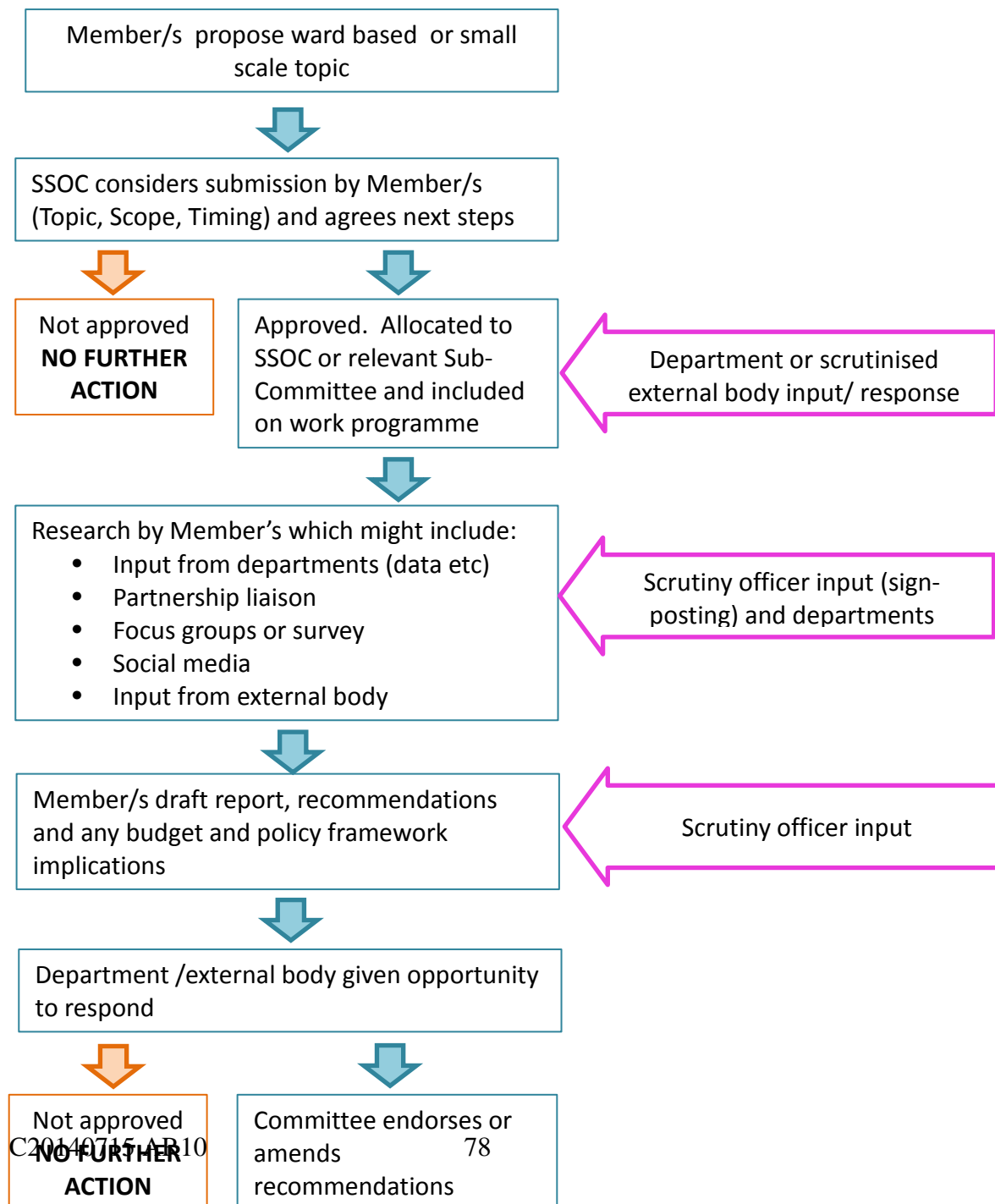
2. Where there is **public consultation**, relevant Scrutiny committee chairs should be explicitly advised of the details of the consultation timetable so that relevant scrutiny members may attend the consultation events.
3. When consultation responses have been evaluated and before recommendations to Cabinet (or other decision maker) are drawn up, i.e. before informal Cabinet, draft plans should be **presented formally at the relevant Scrutiny Committee as pre decision scrutiny**
4. The Scrutiny and Strategic Overview can keep an oversight of meetings held and consultations contributed to, in order to ensure their effectiveness

Mini Call for Action Process:

“Members as rapporteurs”

This process is designed to provide all Members (not just Scrutiny Committee members) with the opportunity of investigating and making recommendations on local issues or matters of interest which they feel merit action. Using the asset of community knowledge to help with research/input.

**LOCAL ACTION ‘MINI’ SCRUTINY
REVIEWS
FLOWCHART**



Terms of Reference:

To establish a Streets and Environment Scrutiny Sub-Committee with a Membership of 7 (4 Majority and 3 Minority group members) with the following remit:

- 1) To scrutinise Environment, Highways, Planning Policy, Conservation and Climate Change services;
- 2) To scrutinise Flood Risk Management and report findings direct to the Cabinet and/ or other partners (see section 1.05(d) Part 4E Constitution);
- 3) To undertake any relevant functions as prescribed to Sub-Committees within Article Six and Section 4E of the Council's Constitution;
- 4) To scrutinise any other matter as prescribed by the Scrutiny and Overview Committee.

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CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

PART 6A

SCHEME OF MEMBERS' ALLOWANCES

- 1 The Council has adopted a scheme of Members' allowances that complies with the Local Authorities (Members Allowances) (England) Regulations 2003 (No. 1021) as amended and has considered the recommendations of the London Councils' Independent Panel 2014 on the Remuneration of Members in London.

The Croydon scheme provides for:

- Every Member to receive a basic allowance which shall be inclusive of all travel costs incurred within the Borough;
- Members appointed by the Annual Council, or subsequently by virtue of the office they hold, shall receive a Special Responsibility Allowance;
- No Member shall receive more than one Special Responsibility Allowance;
- Out-of-Borough travel and subsistence allowances shall be reviewed by the General Purposes and Audit Committee and paid in line with levels set by the Committee, unless already prescribed by Statutory Instrument or Circular. Costs related to travel and subsistence outside the Borough only when incurred undertaking an approved duty shall be eligible for reimbursement;
- The scheme for reimbursement of costs associated with providing childcare or care for a dependent relative incurred by a Member when undertaking an approved duty is set out in Appendix A and it shall be reviewed periodically by the General Purposes and Audit Committee;
- Any Member may elect to forego all or part of the Basic Allowance and if appropriate the Special Responsibility Allowance, to which they are entitled, by writing to the Council Secretary and Solicitor. Otherwise all allowances due to each Member shall be paid automatically each calendar month on the basis of one 12th of the total;

- Members do not have access to the Local Government Pension Scheme;
 - The scheme does not provide for the payment of any allowances to co-optees. The scheme introduces payment for Adoption Panel but not for Fostering Panel;
 - Members shall only be entitled to a pro-rata payment in respect of a term of office which is not for a complete year;
 - In all other respects, the scheme of allowances as set out here shall remain in place until such time as the Council decides otherwise.
- 2 The respective levels of Basic allowances are payable from 27 May 2014 with Special Responsibility Allowances payable from 4 June 2014 are set out in Appendix B.
 - 3 The Mayor and Deputy Mayor shall receive allowances for expenses in accordance with relevant legislation in relation to the discharge of their ceremonial and other duties. The level of expenses paid to the Mayor and Deputy Mayor are as shown in Appendix B.
 - 4 The level of the Basic Allowance, Special Responsibility Allowances, Mayor's and Deputy Mayor's Allowances shall not be subject to automatic annual adjustment.

DEPENDENT CARERS, TRAVEL & SUBSISTENCE ALLOWANCE SCHEMES

Members are entitled to claim reimbursement of expenditure incurred on the provision of the care of their children and dependent relations requiring care when undertaking an Approved Duty, subject to the provisions of the scheme set out below. Members are also entitled to claim travel and subsistence expenses incurred in the performance of an Approved Duty.

Approved Duties

An Approved Duty shall be one that is specified in the relevant statutory Regulations, which currently provide for the following activities:

- 1 A meeting of the Executive.
- 2 A meeting of a Committee of the Executive.
- 3 A meeting of the Authority.
- 4 A meeting of a Committee or Sub committee of the Authority.
- 5 A meeting of any other body to which the Member has been appointed or nominated by the Authority.
- 6 A meeting of a Committee or Sub Committee to which the Member has been appointed or nominated by the Authority.
- 7 A meeting which has been authorised by the Authority, a Committee or Sub Committee or a joint Committee of the Authority or 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.
- 8 A meeting of a local authority association of which the Authority is a member.
- 9 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 authorised the inspection of premises.

The following Rates of Allowances shall be monitored by the General Purposes and Audit Committee, who shall also have power to revise them.

**RATES OF
DEPENDENT CARERS, TRAVEL & SUBSISTENCE ALLOWANCES
TO MEMBERS OF THE COUNCIL**

The following allowances will be paid as a reimbursement of **INCURRED** expenditure **FOR AN APPROVED DUTY**, following the submission of receipts or other supporting documents, within 2 months of the expenditure being incurred.

DEPENDANT CARERS ALLOWANCE

1. Expenditure not less than the London Living Wage, currently £8.80 per hour, incurred in respect of care provided by a person that is not a member of the Member's household, for:
 - o The care of children 15 years of age or under living in the Member's household; or
 - o The care of other dependants where there is medical or social work evidence that care is required.

TRAVEL ALLOWANCES (payable only for Out-of-Borough travel)

Rail or other Public Transport

Ordinary or cheap fare, at first class rates, plus actual expenditure on:

[a] Pullman car or similar supplements; reservation of seats; deposit or portorage of luggage.

[b] Sleeping accommodation for an overnight journey (subject to thirty-three and one third percent reduction of any subsistence allowance payable for that night).

Taxi-Cab or Cab

[a] In cases of urgency or where no public service is reasonably available, the amount of the actual fare and any reasonable gratuity paid;

[b] In other cases, the equivalent fare for travel by an appropriate public transport.

Private motor vehicle

The rate for travel by a Member's private motor vehicle shall not exceed the following rates:

[i] motorcycle, tricar or motor car of cylinder capacity 500cc **25.9p per mile**

[ii] not exceeding 999cc **34.6p per mile**

[iii] 1000cc - 1199cc **39.5p per mile**

[iv] 1200cc and above **48.5p per mile**

[v] For the carriage of each additional Member of the Council (not exceeding four): 3.0p per mile for the first passenger and 2.0p per mile for second and subsequent passengers.

- [vi] Expenditure on tolls, ferries, parking fees.
- [vii] Reimbursement of overnight parking charges.

Private bicycle

The rate for travel by a Member's private bicycle shall not exceed **24.0p per mile**.

Hired Cars

The rate which would have been applicable had the vehicle belonged to the Member who hired it. Subject to the approval of the General Purposes and Audit Committee, the rate may be increased to an amount not exceeding the actual cost of hiring.

SUBSISTENCE ALLOWANCES (payable only for Out-of-Borough subsistence)

Breakfast Allowance	£4.92
More than 4 hours away from normal place of residence or a lesser period before 11am.	
Lunch Allowance	£6.77
More than 4 hours away from normal place of residence or a lesser period including the lunchtime between noon and 2pm.	
Tea Allowance	£2.67
More than 4 hours away from normal place of residence or a lesser period including the period 3pm to 6pm.	
Evening Allowance	£8.38
More than 4 hours away from normal place of residence or a lesser period ending after 7pm.	
Overnight Absence	£79.82
From usual place of residence	
Overnight Absence in London	£91.04
Or for the purpose of attendance at an annual conference (including or not including an annual meeting) of the Association of County Councils, the Association of Metropolitan Authorities and the Association of District Councils or such other association of bodies as the Secretaries of State may for the time being approve for the purpose.	

For the purposes of the above paragraph, London means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith & Fulham, Islington, Kensington & Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

NOTE: Any Subsistence Allowances claimed should be reduced by an appropriate amount in respect of any meal provided free of charge by the Council or body in respect of the meal or the period to which the allowance relates. Additionally, where main meals are taken on trains during a period for which there is an entitlement for a day subsistence allowance, the reasonable cost of the meals (including VAT) may be reimbursed in full. In such circumstances, reimbursement for the reasonable cost of a meal replaces the entitlement to the day subsistence allowance for the appropriate meal period.

Councillors' Basic and Special Responsibility Allowances
June 2014 – May 2018

		£
Basic Allowance	All Members	11,239
	Mayor's Allowance	19,103
	Deputy Mayor's Allowance	9,552
Special Responsibility Allowances	Paid in addition to Basic Allowance	
	Leader of the Council	41,984
	Deputy Leader Statutory	35,246
	Deputy Leader	34,605
	Cabinet Members	32,100
	Deputy Cabinet Members	10,132
	Chair - Scrutiny and Strategic Overview Committee	24,105
	Deputy Chair - Scrutiny and Strategic Overview Committee	10,522
	Vice Chair - Scrutiny and Strategic Overview Committee	10,522
	Majority Group Secretary	10,132
	Majority Chief Whip	14,747
	Chair - General Purposes & Audit Committee	10,106
	Chair - Licensing Committee	10,106
	Chair - Planning Committee	12,507
	Chair- Health and Well Being Board	12,507

	Chair - Adoption Panel	8,852
	Chair - Pension Committee	8,852
	Largest Minority Group	
	Leader of the Opposition	21,574
	Deputy Leader(s)	9,036
	Shadow Cabinet Members	6,747
	Chief Whip	6,747
	Group Secretary	6,747