

# **CONSTITUTION OF THE LONDON BOROUGH OF CROYDON**

## **PART 2**

### **ARTICLES OF THE CONSTITUTION**

#### **ARTICLE 1      The Constitution**

##### **1.1      The Constitution**

This Constitution and all its appendices, is the Constitution of the London Borough of Croydon, hereinafter referred to as 'The Authority'.

##### **1.2      Powers of the Authority**

The Authority shall exercise all its powers and duties in accordance with the law and this Constitution.

##### **1.3      Purpose of the Constitution**

The purpose of this Constitution is to:

- 1      enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 2      support the active involvement of citizens in the process of local authority decision-making;
- 3      help Members represent their constituents more effectively;
- 4      enable decisions to be taken efficiently and effectively;
- 5      create a powerful and effective means of holding decision-makers to public account;
- 6      ensure that no one shall review or scrutinise a decision in which they were directly involved;
- 7      ensure that those responsible for decision making are clearly identifiable to local people and they explain the reasons for decisions; and
- 8      provide a means of improving delivery of services to the community.

##### **1.4      Interpretation and review of the Constitution**

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

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 2      **Members**

### 2.1      **Composition and eligibility**

- (a)      **Composition.** The Council shall comprise 70 Members. With the exception of the following Wards which shall each return two Members: Fieldway and New Addington, three Members shall be elected by the voters of each Ward in accordance with a scheme drawn up by the Boundary Committee for England and approved by the Electoral Commission.
- (b)      **Eligibility.** Only registered voters of the Borough or those living or working (as provided by statute) there shall be eligible to hold the office of Member.

### 2.2      **Election and terms of Members**

The regular election of Members shall be held on the first Thursday in May every four years. The terms of office of Members shall start on the fourth day after being elected and shall finish on the fourth day after the date of the next regular election. In the event of a vacancy occurring between regular elections, a by-election will be held in accordance with statutory provisions.

### 2.3      **Roles and functions of all Members.**

- (a)      **Key roles.** All Members shall:
  - (i)      collectively as members of the Council be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (ii)     represent their communities and bring their views into the Council's decision-making process, i.e. become an advocate of and for their communities;
  - (iii)    deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (iv)    balance different interests identified within their Ward and represent the Ward as a whole;
  - (v)    be involved in decision taking and/or the scrutiny function;
  - (vi)    be available to represent the Council on other bodies; and
  - (vii)   maintain the highest standards of conduct and ethics.

(b) **Rights and Duties**

- (i) Members shall have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Members shall not make public, information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Member or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4B of this Constitution.

**2.4 Conduct**

Members shall at all times observe the Members’ Code of Conduct Members and co-opted Members as set out in Part 5I of this Constitution.

**2.5 Allowances**

Members shall be entitled to receive allowances in accordance with the Scheme of Members’ Allowances set out in Part 6A of this Constitution.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 3 Citizens and the Council

### 3.1 Citizens' Rights

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

- (a) **Voting.** Citizens on the electoral roll for the Borough have the right to vote in local, national and European elections in accordance with statutory provisions.
- (b) **Petitions.** i) Citizens on the electoral roll for the Borough may sign a petition to request a referendum for an Elected Mayor form of Constitution. ii) Local People (working, studying or resident in the Borough) may sign a petition to request particular actions.
- (c) **Information.** Citizens have the right to:
  - (i) attend meetings of the Full Council, its Committees and Sub Committees, the Cabinet and its Committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
  - (ii) find out what key decisions shall be taken and when;
  - (iii) see reports and background papers and any records of decisions made by the Council, its Committees or Sub Committees, the Cabinet or its Committees except where these contain confidential or exempt information;
  - (iv) inspect the Council's accounts and make their views known to the external auditor; and
  - (v) inspect the Register of Members' Interests.
- (d) **Participation.** Citizens have the right to participate at Full Council meetings through Public Question Time and may be invited to contribute to investigations by any Committee or Sub Committee charged with a scrutiny role.
- (e) **Complaints.** Citizens have the right to complain to:
  - (i) the Council itself under its complaints schemes;
  - (ii) the Ombudsman after using the Council's own complaints scheme;

- (iii) the Monitoring Officer of the London Borough of Croydon about an alleged breach of the Members' Code of Conduct.

### **3.2 Citizens' Responsibilities**

Citizens must not be violent, abusive or threatening to Members or staff and must not wilfully harm things owned by the Council, Members or staff.

Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community. In particular by:

- (a) voting at every opportunity;
- (b) respecting the expression of differing opinions in public debate;
- (c) promoting tolerance and respect between their fellow citizens; and
- (d) individually and collectively seeking information about the decision-making role of Members and respecting the Authority's procedures which give effect to a representative democracy.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 4 The Full Council

### 4.1 Functions of the Full Council

Unless otherwise delegated to a Committee or Officer the Council shall exercise the following functions:

- (a) adopting and changing the Constitution with the exception of matters allocated to the Leader (and or Cabinet as appropriate) and related Procedure Rules and subject to the provisions of Article 15 in relation to minor and consequential amendments and of Article 16 in relation to the powers of the Leader and Cabinet and certain Committees to agree protocols;
- (b) defining, approving or adopting the Policy Framework, approving and adopting the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the special urgency procedure contained in the Access to Information Procedure Rules in Part 4B of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget if the procedure for approval in Part 4E has not been complied with;
- (d) appointing the Mayor and notes the appointment of the Deputy Mayor;
- (e) appointing and removing the Leader;
- (f) agreeing and amending the terms of reference for non-executive Committees, deciding on their composition and making appointments to them; [The Council Solicitor is empowered to make in year appointment to committees after consultation with party whips] For these purposes the Cabinet Member Advisory Committees are regarded as non-executive committees;
- (g) appointing representatives to outside bodies at the Annual Meeting [In respect of Executive appointments the Leader and Cabinet or the Council Solicitor, after consultation with the relevant Cabinet Member may make appointments to outside bodies as necessary during the year. In respect of Non-Executive appointments the General Purposes and Audit Committee or the Council Solicitor after consultation with the Chair of the General Purposes and Audit Committee may make appointments to outside bodies as necessary during the year.];

- (h) adopting an allowances scheme under Article 2.05;
- (i) changing the name of the area, conferring the title of Honorary Alderman or Alderwoman or granting Freedom of the Borough, conferring the title of Honorary Recorder;
- (j) confirming the appointment of the Head of the Paid Service;
- (k) Following receipt of a report from Appointments Committee under the Staff Employment Procedure Rules, to consider disciplinary action, including dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer. Before the taking of a vote at the relevant Council meeting on whether or not to approve such a dismissal, full Council must take into account, in particular:
  - (a) any advice, views or recommendations of the Appointments Committee;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
- (l) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Private Members' bills and/or Local Acts;
- (m) any other non-executive functions which the Council has decided should be undertaken by itself;
- (n) consider reports of the Scrutiny and Overview Committee, together where necessary with the response of the Leader and Cabinet or relevant non-executive Committee as appropriate;
- (o) approval of a three-year Statement of Principles under section 349 of the Gambling Act 2005 and passing a resolution that no casino premises licences will be granted by the Authority under section 166 of the Gambling Act 2005;
- (p) approve the pay policy statement; and
- (q) any other matters which by law must be reserved to the Council.

## 4.2 Meanings

- (a) **Policy Framework.** The policy framework which the Council has reserved to itself to approve, means the Plans Policies and Strategies set out in the appendix to this Article.
- (b) The Council may add further significant plans and strategies to the Policy Framework as it sees fit from time to time.
- (c) **Budget.** The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement,

the control of its capital expenditure and the setting of virement limits.

- (d) **Housing Land Transfers.** To authorise applications under Section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 to the Secretary of State to include a qualifying disposal in the disposals programme or to dispose of land under Section 32 or 43 of the Housing Act 1985 where the specific consent of the Secretary of State is required.

#### **4.3 Full Council Meetings**

There are four types of Full Council meetings:

- (a) the Annual Meeting;
- (b) Ordinary Meetings;
- (c) Extraordinary Meetings; and
- (d) Special Meetings.

These meetings shall be conducted in accordance with the Council Procedure Rules in Part 4A of this Constitution.

#### **4.4 Responsibility for Functions**

The Council has set out in Part 3 of this Constitution the responsibilities for the Council's functions, which are not the responsibility of the Leader and Cabinet.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## Appendix to Article 4.02

### Policy Framework.

1. Equality Strategy;
2. Health and Well Being Strategy;
3. Community Safety Strategy;
4. Children and Young Persons Plan;
5. Initial Local Implementation (Transport) Plan;
6. Annual Council Budget
7. Licensing Statement;
8. Gambling Strategy;
9. The Admission arrangements for Community schools;
10. The plans and strategies for planning, development and conservation in the Borough comprising the Croydon Plan and other approved and adopted development plan documents and supplementary planning documents which make up the Local Development Framework for Croydon;
11. Plans, Policies and Strategies which together make up the Housing Strategy;
12. Youth Justice Plan.
13. The Making or revising of a Council Tax Reduction Scheme

14. Exercise of the power to determine further discounts for certain dwellings and set higher amount of council tax in respect of long term empty dwellings under sections 11A and 11B of the LGFA 1992, as amended

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 5      The Mayor

### 5.1      Role and functions of the Mayor

A Mayor shall be elected by the Council annually and shall have the following roles and functions:

- (a)      The Mayor shall be the ceremonial representative of the Council, taking precedence on all such occasions.
- (b)      The Mayor, or in the Mayor's absence the Deputy Mayor, shall chair meetings of the Full Council and in this connection, shall exercise all the powers and duties described in the Council Procedure Rules as set out in Part 4 of this Constitution.

The Mayor shall have the following responsibilities:

- (c)      to uphold and promote the purpose of the Constitution and to interpret it when necessary;
- (d)      to preside over meetings of the Full Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community;
- (e)      to ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and, subject to the arrangements for Scrutiny and Overview set out at Article 6, the place at which Members who are not Members of the Cabinet or a Committee Chair are able to hold the Leader and Cabinet and Committee Chairs to account;
- (f)      to promote public involvement in the Council's activities; and
- (g)      to attend such civic and ceremonial functions as are appropriate.

### 5.2      Continuing Membership in Council Election Year

In a year when the term of office of the Mayor spans full Council elections the Mayor shall, unless he/she resigns or becomes disqualified, continue in office and remain as a Member of the Council until his/her successor becomes entitled to act as Mayor notwithstanding that he/she does not seek or achieve re-election as a Member.

In a year when the term of office of the Deputy Mayor spans full Council elections the Deputy Mayor shall, unless he/she resigns or becomes disqualified, continue in office until his/her successor

becomes entitled to act as Deputy Mayor, but shall not remain as a Member of the Council unless he/she achieves re-election as a Member.

### **5.3 Voting Rights at the Annual Council Meeting**

- (a) If the person presiding at the Annual Meeting of the Council would have ceased to be a Member of the Council but for the provision at 5.02 above, he/she shall not be entitled to vote at the Annual Meeting except in accordance with (b) below.
- (b) In the case of an equality of votes, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 6      Scrutiny and Overview

### 6.1      Terms of reference

The Council shall appoint a Scrutiny and Overview Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000, any Regulations made under Section 32 of that Act, the Health and Social Care Act 2001, the Local Government Act 2003, the Police and Justice Act 2006, National Health Service Act 2006, the Local Government and Public Involvement in Health Act 2007, the Localism Act 2011 and the Health and Social Care Act 2012 and any other subsequent legislation. Without prejudice to this legislation, the terms of reference of the Committee are as set out in Part 4 of this Constitution.

### 6.2      General Role

The Scrutiny and Overview Committee may:

- (a) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Executive's or Council's functions;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, community needs and particular service areas;
- (c) in accordance with statute and statutory regulations, review and scrutinise the work of partner agencies, partnership boards and any other body providing services to the public;
- (d) question members of the Cabinet, Committee Chairs, Council Officers and representatives of partner agencies, partnership boards and any other body providing public services about decisions and performance, whether generally in comparison of service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (e) make reports or recommendations on matters affecting the area or its inhabitants;
- (f) question and gather evidence from any other person and conduct research and consultation in the analysis of policy issues and possible options;
- (g) make reports and recommendations to the Full Council, the Executive or relevant non-executive Committee, partner agency or Partnership Board in connection with the discharge of any functions;

- (h) discharge the functions relating to petitions as set out elsewhere in this Constitution;
- (i) receive and discharge the Council's functions in relation to Health Watch referrals and Councillor Call for Action;
- (j) recommend that a key decision made by the Executive but not yet implemented be reconsidered by the Executive;
- (k) appoint such Sub-Committees as may be required in order to discharge the Scrutiny and Overview role and shall allocate areas of responsibility to each Sub-Committee, determine the terms of reference of the Sub-Committees when they are established, appoint the members to the Sub-Committee, including any co-optees and co-ordinate the work programmes of the Sub Committees;
- (l) receive the reports and recommendations of its Sub- Committees;
- (m) report annually to the Council on its work;
- (n) Establish or join Joint Scrutiny Committees in partnership with any other authority to scrutinise Executive decisions taken by Joint Committees established in accordance with Article 11 of this Constitution.

### **6.3 Application to Scrutiny and Overview Sub-Committees**

Article 6.2 shall apply to any Sub-Committees appointed by the Scrutiny and Overview Committee acting within their respective delegations with the following exceptions:

- Any Scrutiny and Overview Sub-Committees established shall not be permitted to appoint further members or co-optees onto the Sub- Committee.
- With the exception of reports and recommendations from the Children & Young People Scrutiny Sub- Committee, Health & Social Care Scrutiny Sub-Committee and Streets Environment and Homes Scrutiny Sub Committee, any reports and recommendations from the Sub- Committees established by Scrutiny and Overview Committee shall, in the first instance, be considered by the Scrutiny and Overview Committee, and Scrutiny and Overview Committee may thereafter take any of the actions specified in 6.2

If, however, the Council's Health Scrutiny functions have been delegated to a Sub-Committee, any referrals from the Health Watch shall be considered by that Sub-Committee alone.

**6.4 Proceedings of the Scrutiny and Overview Committee and its Sub Committees**

The Committee and Sub Committees shall conduct their proceedings in accordance with the Scrutiny and Overview Procedure Rules set out in Part 4 of this Constitution.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 7      **Executive Arrangements**

### 7.1      **Role**

The Council has allocated to the Leader under the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007, and any subsequent related legislation, all the powers and duties of the Authority, other than those reserved to the Council or delegated to a non-executive Committee or Sub-Committee, or the Chief Executive of the Council by Statute or this Constitution.

### 7.2      **Form and composition**

The Cabinet shall consist of the Leader appointed by Full Council together with not more than 9 other Members appointed by the Leader at least one of whom shall be the Statutory Deputy Leader.

### 7.3      **Leader**

1.      The Leader shall be a Member appointed to the position of Leader by the Council, normally at the Annual Meeting or at the next meeting of the Council after a vacancy arises. Except in an election year when the Leader's term of office ends on the day of the post election Annual Council meeting, the Leader shall hold office for four years or until he/she:

- (a)      resigns from office; or
- (b)      is suspended from being a Member under relevant statutory provisions (although he/she may resume office at the end of the period of suspension); or
- (c)      he/she ceases to be a Member except where the Leader fails to be returned as a Member following an ordinary election of all Members when, unless the Leader resigns, he/she is disqualified or is otherwise removed from office he/she shall continue as Leader until the day of the Annual Meeting; or
- (d)      is removed from office by resolution of the Extraordinary Council meeting (such a resolution may only be moved on 10 working days' notice in writing to the Head of the Paid Service of the Council); or
- (e)      by resolution of the Council where he/she fails for six months to attend any meeting of the Cabinet, or any Cabinet Committee or, acting alone, fails to discharge any functions which are the responsibility of the Leader then unless the failure was due to

some reason approved by the Council, he/she shall cease to be a Member of the Council.

2.
  - a. Where the Annual Council Meeting or any other meeting of the Council fails to elect a Leader an Extraordinary Meeting of the Council shall be held within a maximum of ten working days for the purpose of electing a Leader.
  - b. Where a meeting of the Council removes a Leader from office then a new Leader is to be elected at that meeting.
  - c. Where a Leader resigns then an Extraordinary Meeting of the Council shall be held within ten working days of the receipt of the letter of resignation for the purpose of electing a Leader.

3. In the period between the ordinary election of Members and the appointment of a Leader, if for any reason there is not a Leader in place then any Executive decisions normally reserved to Members which need to be taken as a matter of urgency to protect the interest of the Council or which cannot be delayed until after the appointment of the Leader shall be taken by the Chief Executive in consultation with the Leader of the Group with the overall majority of seats following the election. In the event of there being no Group with an overall majority of seats the Chief Executive shall consult with all Group Leaders.

4. Where the Leader ("Original Leader") ceases to be a Leader in accordance with 7.03.1 (above) the Statutory Deputy Leader shall exercise the powers of the Leader until a new Leader is appointed by the Full Council ("New Leader"). The New Leader shall hold the office for the balance of the remaining term of office of the Original Leader or until such of the conditions of paragraph 7.03.1 shall apply.

#### **7.4 Statutory Deputy Leader**

The Leader shall appoint one Cabinet Member to the position of Statutory Deputy Leader. The Statutory Deputy Leader shall hold office for a period determined by the Leader until he/she:

- (a) resigns from office;
- (b) is suspended from being a Member under relevant statutory provisions;
- (c) is no longer a Member; or
- (d) is removed from office by the Leader.

#### **7.5 Cabinet Members**

1. Cabinet Members shall be Members appointed by the Leader to the position of Cabinet Member with a specific portfolio responsibility

for a period determined by the Leader. Cabinet Members shall hold office until they:

- (a) resign from office;
- (b) are suspended from being Members under relevant statutory provisions;
- (c) are no longer Members; or
- (d) are removed from office by the Leader.

2. In an election year, the Cabinet Members shall continue to hold office until the day of the Election.

## 7.6 **Cabinet Committees**

The Leader may establish one or more Cabinet Committees to exercise specified delegated executive functions.

## 7.7 **Deputies to Cabinet Members**

The Leader may appoint one or more Members as Deputies to advise a Cabinet Member or Members on particular areas within their portfolio(s). Any such Deputies are not Executive Members and may not exercise the powers of the Executive or vote on any matter for decision at a Cabinet or Cabinet Committee meeting. The areas of responsibility of any Deputies appointed shall be determined and may be varied by the Leader of the Council.

## 7.8 **Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

## **7.9 Cabinet Member Advisory Committees**

**7.9.1 Cabinet Member Advisory Committees are advisory committees to the executive. Each Cabinet Member Advisory Committee set out below operates within the portfolio areas of the respective Cabinet Member/s to whom they provide advice in accordance with the Terms of Reference of the Cabinet Member Advisory Committee.**

**7.9.2 Cabinet Member Advisory Committee members should must ensure that they carefully consider whether or not it is appropriate to participate in an item of business may not serve as an ordinary or substitute Member at a meeting of Scrutiny and Overview Committee (or any of its sub-committees) when the latter is dealing with issues matters that have been considered by a Cabinet Member Advisory Committee at which they have participated of which they are a Member been present. In doing so Cabinet Member Advisory Committee members should have due regard to their obligations under the Code of Conduct and the requirement to avoid conflicts of interest, and take advice from the Monitoring Officer as necessary.**

**7.9.3 Council has determined that the Cabinet Member Advisory Committees**

as set out in 7.9.5 shall be established, the number of places on each Committee, the appointments to the Committees, including Chair, Deputy Chair and Vice Chair and that the rules of proportionality will apply to the Cabinet Member Advisory Committees in Article 7.9.5. Council may amend these arrangements.

7.9.4 The Terms of Reference of the Cabinet Member Advisory Committees detailed below, with the exception of Traffic Management Advisory Committee, are set out at Part 4P to this Constitution and may be amended by Full Council as necessary.

7.9.5 The Cabinet Member Advisory Committees established by Council are subject to proportionality principles and are as follows:

Health, Social Care and Community Cabinet Member Advisory Committee:

Membership 9:

Regeneration, Housing and Environment Cabinet Member Advisory Committee:

Membership 11:

Resources and Economy Cabinet Member Advisory Committee:

Membership 9:

Young People Services & Leisure Cabinet Member Advisory Committee:

Membership 9

## **7.10 Procedures at Cabinet Member Advisory Committee**

7.10.1 The Cabinet Member Advisory Committees set out in Article 7.9.5 shall be subject to the Non-Executive Procedure Rules, Part 4F and the Access to Information Procedure rules in Part 4B which apply to executive decision making.

7.10.2 The Cabinet Member Advisory Committees set out at Article 7.9.5, shall adhere to the Procedures adopted by Full Council for this purpose and set out in Part 4P. Traffic Management Advisory Committee shall adhere to the Protocol as set out at Part 5H.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 8 Non-Executive Committees

### 8.1 Non-Executive Committees

The Council has established Committees in order to discharge its functions and has determined to appoint the Committees named below. Rules of Procedure for these Committees are set out in the Non-Executive Committee Procedure Rules contained in Part 4 of this Constitution.

<u>Committee</u>	<u>Membership</u>
<b>Appointments Committee</b>	6 Members + 2 independent voting co-optees for specified purposes
<b>Ethics Committee</b>	6 Members + 2 independent non-voting co-optees
<b>General Purposes &amp; Audit Committee</b>	10 Members + 2 independent non-voting co-optees
<b>General Purposes &amp; Audit Urgency Sub-Committee</b>	3 Members drawn from the membership of the General Purposes and Audit Committee

## **Committee**

### **Health and Wellbeing Board**

## **Membership**

5 Majority Group Members (voting) –such members to include the Cabinet Member for Families Health and Social Care and the Cabinet Member for Children, Young People and Learning  
2 Minority Group Members (voting)  
Executive Director  
People (non-voting)  
Director of Public Health (non-voting)  
CCG Representative (voting)  
Croydon Health Services NHS Trust Chair (non-voting)  
Healthwatch (Croydon) Representative (voting)  
South London & Maudsley NHS Foundation Trust Representative (non-voting)  
Croydon Voluntary Action Representative (non-voting)

### **Licensing Committee**

12 voting members (+ pool of 12 reserve Members)

Licensing Sub-Committee (ad hoc)

3 voting members drawn from Membership of Licensing Committee

### **Mayoralty & Honorary Freedom Selection Sub- Committee**

5 Members

### **Pension Board**

Independent non-voting Chair and 3 Employer representatives (one to be a Councillor) & 3 Employee representatives

<b>Pension Committee</b>	8 Members + 1 voting co-optee and 2 non-voting co-optees
<b>Committee</b>	<b>Membership</b>
<b>Planning Committee</b>	10 Members
Planning Sub-Committee	5 Members drawn from the membership of the Planning Committee
<b>Scrutiny &amp; Overview Committee</b>	6 Members + 1 non-voting co-optee in respect of crime & disorder matters
Children & Young People Scrutiny Sub-Committee	8 Members + 4 voting and 1 non-voting co-optees
Health & Social Care Scrutiny Sub-Committee	6 Members + 1 non-voting co-optee from Healthwatch (Croydon)
Streets Environment and Homes Scrutiny Sub Committee-	7 Members

## 8.2 Delegations

The Council delegations to the above Committees are as set out in Responsibility for Functions contained in Part 3 of this Constitution.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 9      **The Ethics Committee**

### 9.1      **Ethics Committee**

The Council has established an Ethics Committee.

### 9.2      **Composition**

- (a)      The Ethics Committee shall be composed of five Members (none of whom shall be the Mayor or Leader).
- (b)      No Cabinet Member appointed to the Committee shall be eligible to Chair meetings of the Ethics Committee.
- (c)      Appointed "Independent Persons" shall be entitled to attend and may vote at meetings of the Ethics Committee, where the committee is dealing with a specific allegation against a Member.

### 9.3      **Role and Function**

The roles and functions of the Ethics Committee are set out in Responsibility for Functions contained in Part 3 of this Constitution.

# **CONSTITUTION OF THE LONDON BOROUGH OF CROYDON**

## **ARTICLE 10      Community Governance**

The Council may, at its discretion, create, facilitate or participate in neighbourhood partnerships, area forums, area committees, focus groups and service or user based consultative groups as part of its community leadership role and in order to aid transparent and accountable decision-making. If invited to do so, the Council may appoint representatives to serve on existing (and any subsequently established) community forums/partnerships.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 11 Joint Arrangements

### 11.1 Arrangements to promote well-being

The Council or the Leader may:

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

### 11.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Leader may only appoint Cabinet Members to a joint committee and those Members need not reflect the political composition of the local authority as a whole.
- (d) The Leader may appoint Members who are not Cabinet Members to a joint committee in the following circumstances:  
  
Where the joint committee has functions for only part of the Borough, and that part is smaller than two-fifths of the Authority by area or population. In such cases, the Leader may appoint to the joint committee any Member for a Ward, which is wholly or partly contained within the area concerned.
- (e) The Council or the Leader have established Joint Committees with terms of reference which are set out in Schedule 1 to this Article.

### **11.3 Access to Information**

- (a) The Access to Information Rules set out in Part 4B of this Constitution shall apply to any joint committees established under paragraph 11.02 above unless the Constitution of the joint committee specifies alternative Access to Information Rules.
- (b) If all the members of a joint committee are Executive Members in each of the participating authorities, then its access to information regime is the same as that applied under the Executive Procedure Rules.
- (c) If the joint committee contains Members who are not on the executive of any participating authority then the access to information rules in Part VI of the Local Government Act 1972 shall apply.

### **11.4 Delegation to and from other local authorities**

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

### **11.5 Contracting Out**

Any contracting out arrangements which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994 will appear at Schedule 2 to this article.

## **ARTICLE 11 - SCHEDULE 1**

### **The Bandon Hill Cemetery Joint Committee**

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

### **The Coast to Capital Joint Committee**

### **The Croydon/Lewisham Street Lighting Joint Committee**

The joint governance of a street lighting PFI contract.

### **South London Partnership Joint Committee**

The setting and reviewing of objectives for strategic growth, regeneration and investment with the London Boroughs of Merton, Sutton and Richmond upon Thames and the Royal Borough of Kingston upon Thames.

### **South London Waste Partnership Joint Committee**

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

### **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 sections 101 and 102 of the Local Government Act 1972.

### **The Pensions Collective Investment Vehicle (CIV) Sectoral Joint Committee**

Hosted by London Councils, the joint committee is established under section 102 of the Local Government Act 1972 with a view to pooling pension investments and with functions necessary for the proper functioning of the Authorised Contractual Scheme (ACS) Operator (which is the company that would manage the ACS), including the effective oversight of the ACS Operator.

**ARTICLE 11 - SCHEDULE 2**

None

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 12 Staff

### 12.1 Definition

“Staff” includes all persons with a permanent, short term, fixed or temporary contract with the Authority.

### 12.2 Management Structure

- (a) **General.** The Authority may engage such staff as it considers necessary to carry out its functions.
- (b) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.**

The Council designates the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Council Solicitor	Monitoring Officer
Assistant Chief Executive (Corporate Resources and Section 151 Officer) Resources department	Chief Finance Officer and Section 151 Officer

### 12.3 Functions of the Chief Executive as Head of Paid Service

- (a) **Discharge of functions by the Council.** The Chief Executive shall report to the Council on the manner in which the discharge of the Council’s functions is co-ordinated and the staff required for the discharge of functions.
- (b) **Restrictions on functions.** The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

- (c) **Consideration of applications for dispensation by Executive Members in relation to Conflicts of Interest relating to Executive Decisions in which they are involved.** The Chief Executive, by virtue of the Access to Information Procedure Rules in Part 4B of the Constitution, is required to consider applications for a dispensation from Members of the Executive in relation to an Executive Decision where they are either:
- (i) a Member of the executive decision making body and have a conflict of interest; or
  - (ii) are consulted by a Member taking an Executive Decision and the Executive Member consulted has a conflict of interest; or
  - (iii) are consulted by an officer taking an Executive Decision and the Executive Member consulted has a conflict of interest

And grant a note of dispensation if satisfied that it is appropriate to do so

#### 12.4 **Functions of the Monitoring Officer (Council Solicitor)**

- (a) **Maintaining the Constitution.** The Monitoring Officer shall maintain an up-to-date version of the Constitution including making such changes as envisaged by paragraph 15.02 and shall ensure that it is widely available for Members, staff and the public to consult.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Chief Executive and the Chief Finance Officer, the Monitoring Officer shall report to the Full Council, or the Leader in relation to an executive function, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to unlawful action. Such a report shall have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Ethics Committee.** The Monitoring Officer shall contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics Committee.
- (d) **Conducting investigations.** The Monitoring Officer shall conduct investigations into matters referred by the Ethics Committee and make reports and recommendations in respect of them to the Ethics Committee.
- (e) **Dispensations where Disclosable pecuniary interests exist:** The Monitoring Officer shall consider applications for a grant of a dispensation for a Member with a Disclosable Pecuniary Interest in the following circumstances:

- i. That so many Members of the decision-making body have disclosable pecuniary interests (DPIs) in a matter that it would impede the transaction of the business; or
- ii. That, without a dispensation, no Member of the Cabinet would be able to participate in consideration of this matter.

And may refer the dispensation request to the Ethics Committee to advise on or express a view should the Monitoring Officer consider it appropriate to do so. Granting dispensations in other circumstances is a matter reserved to the Ethics Committee.

- (f) **Proper Officer for Access to Information.** The Monitoring Officer shall ensure that Cabinet and other executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether decisions are within the Budget and Policy Framework.** The Monitoring Officer shall advise whether decisions of the Council, a Committee, or Sub-Committee, the Leader, the Cabinet, or Cabinet Committee or an Officer under their allocated or delegated powers are in accordance with the budget and policy framework.
- (h) **Contributing to corporate management.** The Monitoring Officer shall contribute to the corporate management of the Council, in particular through the provision of professional legal advice.
- (i) **Providing advice.** The Monitoring Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, probity and Policy Framework issues to all Members.
- (j) **A Monitoring Officer Protocol** is included at Part 5C of this Constitution.
- (k) **Restrictions on functions.** The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

## 12.5 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer shall report to the Full Council, or to the Leader (and/or Cabinet as appropriate) in

relation to an executive function, and the Council's external auditor if they consider that any proposal, decision or course of action shall involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- (b) **Administration of financial affairs.** The Chief Finance Officer shall have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer shall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer shall provide advice on the scope of powers and authority to take financial decisions, financial impropriety, probity and budget issues to all Members and shall support and advise Members and staff in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer shall provide financial information to the media, members of the public and the community.
- (f) **Restrictions of Functions.** The Chief Finance Officer cannot be the Monitoring Officer.

## 12.6 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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

## 12.7 **Conduct**

Staff shall comply with the Staff Code of Conduct and the protocol on Staff-Member Relations as set out in Part 5B of this Constitution.

## 12.8 **Employment**

The recruitment, selection and dismissal of staff shall comply with the Staff Employment Procedure Rules set out in Part 4 of this Constitution.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 13 Decision making

### 13.1 Responsibility for decision making

The Authority shall issue and keep up to date a record of the body or individual that has responsibility on behalf of the Council for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### 13.2 Types of decision

- (a) Various levels of decision making provided for under this Constitution can be described as follows:
  - (i) **Non-Executive functions:** Council - Committees - Sub-Committees - delegations to the Chief Executive.
  - (ii) **Executive functions:** The Leader, the Cabinet - Cabinet Committees - Cabinet Member - delegations to the Chief Executive.

Whilst specific functions are reserved to the Full Council by statute a purpose of this Constitution is to encourage delegation of decision making to individual officers. Where such decisions have been delegated it remains open to the body or person making the delegation to call back for their own decision, issues of significance or sensitivity and for the decision maker to refer matters upwards for determination.

Except where a decision is taken by the Chief Executive on grounds of urgency, as a matter of principle all Key Decisions shall be taken by the Leader, or Cabinet at a meeting of the Cabinet or a Cabinet Committee, or by a Cabinet Member or Chief Officer using powers as specifically delegated.

Decisions which the Council are delegating to Committees are identified in Article 8 and Part 3, Responsibility for Functions, of this Constitution.

- (b) Decisions reserved to the Full Council. Decisions relating to the functions listed in Article 4.1 shall be made by the Full Council and not delegated, except to the General Purposes and Audit Committee or the Chief Executive on grounds of urgency and where this is not in conflict with a statutory provision.
- (c) Urgency shall mean a decision that is required where the interests of the Council are prejudiced if a decision were not to be taken prior to the next scheduled ordinary meeting of the Full Council. Decisions taken under this urgency procedure shall be reported to the next Council meeting. Matters reserved by statute to the Full Council may not be dealt with under this urgency procedure.
- (d) Key Decisions: Subject to the provision that a decision taker may only

take a decision in accordance with the requirements of the Executive Procedure Rules and in compliance with the provisions of the Access to Information Procedure Rules set out, respectively in Part 4 of this Constitution, a Key Decision is an executive decision which is likely to:

- (i) result in the Council incurring expenditure, or making savings, of (a) more than £~~1,0500,000~~ or (b) between £100,000 and £500,000 AND is more than 25% such smaller sum which the decision-taker considers is significant having regard to of the Council's budget for the service or function to which the decision relates; or
- (ii) significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.

### **13.3 Decision making by the Full Council**

Subject to article 13.8, the Council meeting shall follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **13.4 Decision making by the Leader and Cabinet**

Subject to article 13.8, the Leader and Cabinet shall follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter. No executive decision or Key Decision shall be taken in private unless it complies with the Access to Information Procedure Rules.

### **13.5 Decision Making by Officers**

Subject to article 13.8, Officers shall follow the Decision Making Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **13.6 Decision making by the Scrutiny and Overview Committee**

The Scrutiny and Overview Committee and its sub committees shall follow the Scrutiny and Overview Procedure Rules set out in Part 4E of this Constitution when considering any matter.

### **13.7 Decision making by other Committees and Sub Committees established by the Council**

Subject to article 13.8 ~~and 13.9~~ and 13.10, other Council Committees and Sub- Committees shall follow the Non-Executive Committee Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **13.8 Decision making by Council bodies acting as tribunals**

The Authority or Members acting as a tribunal or in a quasi-judicial manner in respect of any person shall follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing contained in Article 6 of the European Convention on Human Rights

### 13.9 **Decision making by Health and Wellbeing Board**

The Authority has established a Health and Wellbeing Board with functions and terms of reference as set out in Part 4L. The Health and Wellbeing Board is, save for the following exceptions, to be treated as a Council Committee and subject to the Non-Executive Procedure Rules as set out in Part 4 of this Constitution. The exceptions are:

- 13.9.1 The Health and Wellbeing Board is not permitted to establish or delegate functions to a Sub-Committee
- 13.9.2 The Health and Wellbeing Board is not permitted to appoint additional members or co-opt members onto the Board
- 13.9.3 The Health and Wellbeing Board is not subject to the Rules on proportionality or the duty to allocate seats under the provisions of the Local Government and Housing Act 1989
- 13.9.4 All Board members who are also elected Members of the authority, and all statutory members of the Health and Wellbeing Board, except the Executive Director People and the Director of Public Health, shall be voting members of the Board. Any non-statutory members of the Board shall be non-voting members.
- 13.9.5 The Health and Wellbeing Board may only perform those functions specifically assigned to it by statute or delegated by this Constitution
- 13.9.6 Health and Wellbeing board is not permitted to undertake Health Scrutiny functions.

### **13.10 Decision Making by Cabinet Member Advisory Committees**

13.10.1 With the exception of Traffic Management Advisory Committee, and as set out in Article 7.9.5, the Council has established four Cabinet Member Advisory Committees with functions and terms of reference as set out in Part 4P.

13.10.2 Cabinet Member Advisory Committees are subject to the Non-Executive Procedure Rules Part 4D and the provisions of Part 4B which apply to executive decision making.

# **CONSTITUTION OF THE LONDON BOROUGH OF CROYDON**

## **ARTICLE 14 Finance, contracts and legal matters**

### **14.1 Financial management**

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

### **14.2 Contracts**

Every contract which falls within the remit of the Council's Tenders and Contracts Regulations must comply with the provisions of those Regulations, as set out in Part 4I of this Constitution.

### **14.3 Legal proceedings**

The Council Solicitor is authorised 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 some or all of its citizens. Only the Council Solicitor may authorise the engagement of a lawyer to act for the Council.

### **14.4 Authentication of documents**

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, or other person authorised by the Council Solicitor.

The Common Seal of the Council shall be kept in a safe place in the custody of the Council Solicitor. 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 should be sealed. The affixing of the Common Seal shall be attested by the Council Solicitor, a Deputy Council Solicitor or some other person so authorised by the Council Solicitor. Where the affixing of the Common Seal follows a decision of the Council it may instead be attested by the Mayor and Chief Executive.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 15      Review and revision of the Constitution

### 15.1    Duty to monitor the Constitution

The Council shall monitor and review the operation of the Constitution to ensure the aims and principles of the Constitution are given full effect.

### 15.2    Changes to the Constitution

- (a) Subject to paragraph (b) ~~and (f)~~ below, changes to this Constitution, including in relation to Article 7.9.5 shall only be approved by the Full Council after consideration of written proposals made by the Leader, Cabinet, General Purposes and Audit Committee or Monitoring Officer and the submission of a recommendation to a meeting of the Council. Changes approved by the Council shall take effect from the conclusion of the meeting at which those changes are agreed unless the recommendation specifies otherwise.
- (b) Provision exists within the remit of the General Purposes and Audit Committee to approve changes on the grounds of urgency. The Leader and certain Council Committees are also authorised to make changes to certain matters included in the Constitution, for example the establishment of sub-committees, as indicated in the Constitution. The Council Solicitor is authorised, after consultation with the Leader or Committee Chair, to make any necessary amendments to the Constitution consequent on legislation or a decision of the Council, the Leader, the Cabinet or a Committee.
- (c) Assistant Chief Executive (Corporate Resources and Section 151 Officer) Resources Department may agree changes to the Council's Financial Regulations in consultation with the Chief Executive and the Monitoring Officer.
- (d) The Council Solicitor shall be empowered to make any changes to the Constitution which arise as a result of legislative changes and any changes necessitated by administrative convenience.
- (e) The Head of Paid Service is empowered to make any changes to the job titles and/or descriptions of Officers within the Constitution as necessitated by changes to these titles/descriptions.

| -

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## ARTICLE 16 Suspension, interpretation and publication of the Constitution

### 16.1 Suspension of the Constitution

- (a) Limit to Suspension. The articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Full Council to the extent permitted within those Rules and the law:

Council Procedure Rules

- (b) Procedure to Suspend. A motion to suspend Council Procedure Rules shall not be moved without notice unless at least one half of the total number of Members are present.

### 16.2 Interpretation

The ruling of the Chair of the Council as to the construction or application of the Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation shall have regard to the purposes of this Constitution contained in Article 1.

The Council may agree protocols to give guidance on the detailed operation of any part of the Constitution. In addition the following bodies may agree protocols in respect of the matters shown:

The Scrutiny and Overview Committee – Scrutiny and Overview Committee/Sub-Committee Protocols.

General Purposes and Audit Committee – Protocols relating to the exercise of non-executive functions delegated to the Committee.

The Planning Committee and Planning Sub-Committee – Protocols relating to participation at meetings of the Committee, the conduct of Members in relation to planning matters and other aspects of the operation of the Committee.

The Licensing Committee – Protocols relating to the licensing function and the conduct of hearings under the Licensing Act 2003 and Gambling Act 2005.

Any protocol agreed under this Article shall be fully in accordance with the Articles of the Constitution and shall be included at Part 5 of the Constitution.

### 16.3 **Publication**

- (a) The Council Solicitor and Monitoring Officer may give a copy of this Constitution to every Member at an appropriate time.
- (b) The Council Solicitor shall ensure that copies of this Constitution are available for inspection at Bernard Weatherill House, Council Libraries and any other appropriate locations and can be purchased by members of the local press and the public on payment of a reasonable fee. The Constitution shall also be published on the Council's website.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## SCHEDULE 1 Description of Executive Arrangements

The following parts of this Constitution constitute Executive Arrangements under the provisions of the Local Government Act 2000 as amended:

1	Article 6	Scrutiny and Overview
2	Article 7	The Leader and Cabinet
3	Article 10	Community Governance
4	Article 11	Joint Arrangements;
5	Article 13	Decision Making
6	Part 3	Responsibility for Functions.
7	Part 4B	Access to Information Procedure Rules;
8	Part 4D	Executive Procedure Rules; and
9	Part 4E	Scrutiny & Overview Procedure Rules

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## Part 4.A - Council Procedure Rules

### 1 GENERAL PROCEDURES APPLYING TO ALL FULL COUNCIL MEETINGS

#### Quorum

- 1.1 No business shall be considered unless 18 Members are present in the Chamber or meeting room. If the Chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the Council, unless an alternative date is fixed by the Chair.

#### Powers of the Chair

- 1.2 The Chair shall decide all matters of order, competence, relevancy, interpretation of Procedure Rules relating to the conduct of the meeting or the appropriateness of Council Questions. The Chair shall have the power to vary the order of business so as to give precedence to any Report, Motion or other matter. The decision of the Chair shall be final.
- 1.3 A Member may be directed to discontinue speaking if the Chair considers the Member is being repetitive, tedious or irrelevant, uses unbecoming language, or is in some other way breaching the order of the meeting. When necessary, the Chair, having warned the Member shall move that the Member called by name, leaves the meeting. The motion, if seconded, shall be put immediately to the vote without further debate and if carried the Member shall leave immediately. In the event of a general disturbance within the Chamber by Members the Chair may order an adjournment for up to 15 minutes.
- 1.4 In the case of a member of the public disrupting the meeting, the Chair may order the removal of a person or that the public areas be cleared. Re-admission shall be at the discretion of the Chair.
- 1.5 Council Members, officers and members of the public are reminded that the use of mobile electronic devices during the meeting is permitted for the use of wifi services. You are asked to leave the meeting should you wish to make or receive a telephone call.

The recording/reporting of meetings using any type of audio or visual equipment is permitted subject to the proviso that any such reporting/filming/photography does not become distracting, disruptive or

contrary to the good order or conduct of the meeting. Should any such reporting/filming/photography become distracting, disruptive or contrary to the good order or conduct of a meeting, the person/s responsible may be asked by the Chair to terminate this, regardless of the format in which the reporting/filming/photography is taking place.

### **Disclosure of Interests**

- 1.6 Members shall abide by the Members' Code of Conduct. It is the responsibility of every Member to declare any disclosable pecuniary interest not already recorded on their register of interests or subject to a pending notification at the beginning of the meeting or as soon as the relevant item of business is reached. These disclosures shall be minuted.

### **Rules of Debate**

- 1.7 A Member may indicate their desire to speak by standing or by raising their hand, but shall only speak when called by name by the Chair. When speaking the Member shall stand, unless unable to do so.
- 1.8 Members shall when speaking address the Chair and:
- 1 refer to each other as Mayor, Deputy Mayor, Leader, Cabinet Member, Chair or Councillor, as the case may be;
  - 2 refrain from using unbecoming language;
  - 3 refrain from comments of a personal nature about another Member;
  - 4 not attribute improper motives to another Member.
- 1.9 No debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion or amendment may be considered at a time. A motion or amendment once moved and seconded may be withdrawn only by the mover and with the consent of the meeting. No further debate shall take place on a motion or amendment once it has been withdrawn.
- 1.10 Every motion or amendment must be moved and seconded and if the Chair requires, be put in writing for the Chief Executive to read out before it is debated and put to the meeting. A Member may not move more than one amendment or motion on the same subject.
- 1.11 The following procedural motions may be moved without prior notice at the discretion of the Chair to:
- 1 appoint the Deputy Mayor or another Member to chair the meeting if the Mayor is absent;

- 2 amend the minutes of the previous meeting when these are submitted for approval, for reasons of accuracy;
- 3 change the order of business from that printed in the Agenda, other than where this has already been determined by the Chair;
- 4 receive reports and decide recommendations presented as part of the agenda;
- 5 extend the termination of the meeting by not more than 20 minutes to enable business set out on the agenda to be transacted;
- 6 refer an item of business to the Leader (and/or Cabinet as appropriate) or a Committee;
- 7 permit the withdrawal of a motion or a question;
- 8 suspend specific Procedure Rules for the purpose stated in the Motion provided that at least one half of the whole Council are present;
- 9 proceed to the next item of business or put to a vote the matter under debate;
- 10 adjourn the debate or the meeting;
- 11 exclude the public from the meeting under statutory provisions for that purpose;
- 12 exclude a Member from further participation in the debate or from the meeting.

1.12 An amendment to a motion may be proposed, provided it is seconded and:

- 1 is not moved whilst another amendment is under discussion;
- 2 does not have the same intent as one already defeated at the meeting;
- 3 refers to the subject matter under discussion and does not introduce a new subject;
- 4 does not render ineffective the motion under consideration.

1.13 Only in respect of a planning application referred to the Council for decision may an amendment specify that the application be refused and must in that event include the proposed grounds for refusal in the amendment.

1.14 A Member may not move a motion to rescind or amend a resolution passed within the previous six months, nor may a Member move a motion or

amendment to the same effect as one rejected within the previous six months. An exception shall be allowed in either case where not less than fifteen Members sign a notice in support of such a motion in which case an item shall be placed on the Agenda.

- 1.15 A Member may raise a point of order by declaring “point of order”, in which case the Chair shall ask the Member speaking to give way. The Chair shall invite the point of order to be explained by the Member concerned.
- 1.16 A Member may assert a right to be heard immediately on a point of personal explanation by declaring “point of personal explanation”, in which case the Chair shall ask the Member speaking to give way. The Chair shall invite the point of personal explanation to be made by the Member concerned.

## **Voting**

- 1.17 Unless required otherwise by law, all matters shall be decided by a simple majority. Voting shall in the first instance be by voices saying “Yes” or “No” as appropriate. The Chair shall declare that either the Yes vote or the No vote is successful, as the case may be. In the event that the Council introduces electronic voting, voting may take place electronically.
- 1.18 Where immediately after a vote is taken at a meeting of the Council, if any Member so requires there shall be recorded in the minutes of the proceedings of that meeting whether the person cast their vote for or against the question or whether they abstained from voting.
- 1.19 If the result is unchallenged, the Chair shall declare the result. If the result is challenged, the Chair shall ask Members to indicate their vote. The method of voting shall be determined by the Chair.
- 1.20 One Member may rise and ask that a Poll vote be taken and if ten Members rise in their places in support of the request the Chair shall instruct the Chief Executive to call each Member by name and record their vote where this voting takes place orally, or to confirm their vote where this takes place electronically, with the Chair being called upon to vote last. These provisions are subject to paragraph 3.37 of this Part 4A.
- 1.21 In the event of an equality of votes on either side, the Chair (including where this is the Mayor) shall have a second or casting vote and may use their casting vote even where they have not used their first vote.

## **2 THE ANNUAL MEETING**

- 2.1 In a year when there is an ordinary election of Members, the Annual Meeting shall take place within 21 days of the retirement of the outgoing Members. In any other year, the Council has determined that the Annual Meeting shall take place in May unless it decides otherwise.

- 2.2 The Council Solicitor, shall prepare and provide lists of appointments to be made by the Council to the Secretary of each Political Group represented on the Council prior to the Annual General Meeting of each Political Group, taking account of the statutory rules of proportionality, where these apply. The Secretary of each Political Group shall submit a list of the members of the Group together with nominations for all appointments, as listed, to the Council Solicitor not less than eight working days prior to the day of the Annual Council meeting.
- 2.3 The Annual Meeting of the Council shall be reserved for the election of the Mayor, Deputy Mayor who shall be the Vice Chair of the Council meeting, the Leader and all other Members holding an Office of Special Responsibility; appointments to Committees and outside bodies, receiving the Annual Reports from Committees, including Overview and Scrutiny, which are required to be presented to full Council and approval of the minutes of the last meeting. No other business shall be transacted at the Annual Meeting unless in the opinion of the Mayor or the Monitoring Officer there is business that the Council is required urgently to consider before the next Ordinary Meeting.
- 2.4 The Mayor shall determine the order of business for the meeting.

#### **Appointment of substitute Members of Committees and Sub-Committees**

- 2.5 As well as allocating seats on Committees and Sub-Committees, the Annual Meeting of the Council will allocate seats for substitute Members.
- 2.6 For all non-Executive Committees, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee.
- 2.7 Those substitute Members will be required to undertake any mandatory training required of ordinary Members of those Committees prior to participating in any meeting of those Committees.
- 2.8 Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

#### **Leader, Cabinet and Shadow Cabinet**

- 2.9 The Leader of the Council shall be appointed at the Annual Meeting of the Council or at an Ordinary or Extraordinary Council Meeting as necessary. The Leader shall act within the powers allocated to him/her, be a member of the Cabinet and Chair its meetings.
- 2.10 In addition to the Leader of the Council, the appointment of up to nine other Members to serve as members of the Cabinet shall also be noted.

- 2.11 The Leader and up to nine other members of the Cabinet shall compose the Executive Members of the Council.
- 2.12 Other Political Groups represented on the Council may nominate a Member to act as their Leader. The Leader of the largest Political Group represented on the Council having no Executive Members shall be known as the Leader of the Opposition and shall act as the spokesperson for the Opposition on all matters of general policy and business.
- 2.13 In addition to the Leader of the Opposition, up to nine other Members of the largest Political Group having no Executive Members shall be appointed by that Group and their appointment shall be noted at the Annual Meeting of the Council or at an Ordinary or Extraordinary Council Meeting as necessary, to serve as members of the Shadow Cabinet.
- 2.14 One or more members of the Shadow Cabinet may be appointed Opposition Deputy Leader(s) by that Group. Each Shadow Cabinet Member, except the Opposition Leader, shall be nominated by their Political Group to act as Opposition Spokesperson for a portfolio.

### **3 COUNCIL MEETINGS**

#### **Dates, Time and Frequency of Meetings**

- 3.1 Seven meetings of the Council, including the Annual and Council Tax Meetings, shall be scheduled to be held at the Town Hall, Croydon, on such dates as the General Purposes and Audit Committee may agree on behalf of the Council and occasionally as the Mayor shall direct during each Council Year.
- 3.2 Unless the Mayor or the Council determines otherwise Ordinary Council Meetings and the Council Tax Meeting shall begin at 6.30 p.m. The Annual Meeting shall begin at 6.30 p.m. or such other time determined by the Mayor or the General Purposes and Audit Committee. Ordinary Council Meetings shall conclude by 10.00 p.m. The Council Tax Meeting shall conclude by 9.35 p.m.
- 3.3 In the event that business remains outstanding at the time specified for the meeting to conclude and the Council does not agree to a motion to extend the meeting under Procedure Rule 1.11, or if no such motion is moved, the following Guillotine procedure shall apply:
- 1) The Chair shall put to the vote without further debate any motion or amendment currently under discussion;
  - 2) The Chair shall then put to the vote in turn, without further debate, any further recommendations included in the Leader and Cabinet Business Report, reports from Committees or other agenda item which remains outstanding for consideration;

- 3) Any other outstanding business shall be taken as read;
  - 4) The Chair shall then close the meeting.
- 3.4 The date and time of any Special or Extraordinary Council Meeting may be determined by the Mayor or the General Purposes and Audit Committee. On occasions when a Special or Extraordinary Meeting is on the same date as an Ordinary Meeting, the Mayor or General Purposes and Audit Committee may determine the arrangements for a shortened Ordinary Council Meeting.

### **Order of Business at Ordinary Council Meetings**

- 3.5 The business at an Ordinary Meeting shall be as follows, taken in the sequence indicated unless otherwise directed by the Chair or agreed following a motion carried:

1. Apologies for absence;
2. Minutes of the previous meeting;
3. Disclosures of interests;
4. Urgent business (if any);
5. Announcements by the Mayor, the Leader, Head of Paid Service and/or Returning Officer;

6. Croydon Question Time: Public Questions from the public gallery

- ~~6.7.~~ The Croydon Debate:
- a) Borough Petition Debate;
  - b) Local Petition Debate.

- ~~7. Croydon Question Time:~~
- ~~a) Public Questions from the public gallery;~~
  - ~~b) Leader and Cabinet Questions.~~

8. Member Petitions Recommendations of Cabinet or Committees referred to the Council for decision (if any);

9. Recommendations deferred for Debate;

- ~~9.10. Maiden Speeches Backbench Matters (Only taken as an item at Ordinary Council meetings following the/an election and permits newly elected Members to speak for up to three minutes each. No more than 5 maiden speeches shall be taken at any Ordinary Council meeting and Members who have previously been elected or have been re-elected shall be ineligible to make a Maiden~~

Speech.)

11. Leaders' Question Time

12. Cabinet Questions

~~10-13.~~ 13. Council Debate Motions;

~~Recommendations of Cabinet or Committees referred to the Council for decision (if any);~~

~~11-14.~~ 14. Any other relevant business specified in the Agenda, included at the discretion of the Mayor or required by law (e.g. Section 151, Monitoring Officer reports);

~~12-15.~~ 15. Any exempt or confidential business where the Public are excluded from the meeting.

**Agendas and Minutes**

- 3.6 The Council Solicitor shall ensure that an Agenda and Summons for the meeting is dispatched to Members and available to the public and press in advance of the meeting.
- 3.7 The Council Solicitor shall ensure that a record is made of the decisions taken at every meeting of the Council. The minutes shall also include a record of the Members in attendance, those absent and any apologies received.
- 3.8 The disclosure of any disclosable pecuniary interest shall be recorded in the minutes of the meeting
- 3.9 Minutes shall be considered for approval at the next meeting and shall be only open to question as to their accuracy before being signed. Minutes of an Extraordinary Meeting shall be signed at the next convenient Ordinary Meeting following the Extraordinary Meeting.

**Announcements**

- 3.10 Up to 5 minutes shall be available at each Ordinary Council Meeting for announcements by the Mayor or other Member chairing the meeting; the Leader; the Head of Paid Service; and/or the Returning Officer, and Council Solicitor, which shall be limited to civic and statutory matters. The number and order of any such announcements shall be at the discretion of the Chair.

**Croydon Question Time**

- 3.11 The Croydon Question Time item shall not be taken at the Annual Council Meeting or at the Council Tax Meeting.

**Public Questions:**

- 3.12 Public questions can be asked of the Leader or Cabinet Members on issues of policy at the Meeting as set out within these Rules. Any questions of a purely factual or of a detailed nature shall be noted and shall receive a written response within 3 weeks following the meeting. The responses shall be published on the Council's website.
- 3.13 Questions which relate to a current planning or licensing matter or any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment shall not be permitted. In addition, questions shall not be received or responded to where they pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related issues or disputes. A named member of staff shall not be the subject of a question. If necessary, the Council Solicitor shall provide guidance for members of the public and staff on the above.
- 3.14 Public Questions shall only be taken at Ordinary Council meetings and shall be allocated a total time of 30 minutes. This time frame shall include both the response by the relevant Cabinet Member or Leader and any supplementary questions permitted under Paragraph 3.15.
- 3.15 The Mayor has absolute discretion to decline to allow any question to be dealt with under this procedure on the grounds that it addresses matters that would be inappropriate to consider at the meeting, including where the questions being asked are repetitive or have already been addressed.

3.15(i) At the Mayor's discretion, questions shall be dealt with in the following order: questions from members of the public present in the public gallery who have emailed in their questions in advance in accordance with 3.15(ii); questions from members of the public in the public gallery who did not email their questions in advance, followed by the Mayor reading out public questions from members of the public not present in the public gallery but who emailed their questions in advance in accordance with 3.15 (ii) below. Members of the public seated in the public gallery may be invited in turn by the Mayor to address the Leader or Cabinet Member. Members of the public invited to put their questions will also be permitted to ask a single supplementary question but shall do so only if called upon by the Mayor to do so as this may be subject to time constraints.

3.15(ii) The Mayor may also accept questions from Members of the Public submitted by email to the designated email address by 12 noon on the Friday prior to an ordinary Council meeting. The Mayor will put questions received by email to the relevant Cabinet Member and, where a number of questions are received on the same subject, the Mayor may put a summary of those questions instead.

## **The Croydon Debate**

- 3.103.16 The Croydon Debate item shall not be taken at Annual Council or the Council Tax Meeting. The Croydon Debate item shall, where relevant, comprise the following matters: Borough Petitions Debate and Local Petitions Debate.

## **Petitions: General requirements for all Petitions and Croydon Debate items**

3.17.1 ~~Two~~ ~~three~~ types of petition may be presented to full Council under the Croydon Debate item: Borough Petitions and; Local Petitions; ~~and Member Petitions~~ each of which are governed by these Rules and, where relevant, the provisions of the Council's Petition Protocol.

3.17.2 Petitions presented to full Council under the Croydon Debate item shall not include any petitions in respect of which there is a statutory petitions process, for example Statutory Petitions with regard to changes to Governance Arrangements for the Council. Statutory Petitions shall be governed in accordance with their respective statutory processes and are not set out in these Rules. Nor may they include Petitions presented in response to a statutory process or associated consultations being undertaken by the Council

3.17.3 Petitions shall not be received or debated by the Council at the Annual or Council Tax Meeting.

3.17.4 Petitions shall not be received or debated by the Council under the Croydon Debate Item where they relate to a current planning or licensing matter or any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment. In addition, the Council shall not receive or debate items under the Croydon Debate item which pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related disputes. Petitions may address other issues within the direct responsibility of the Council or where the Council could be reasonably expected to lobby on behalf of citizens of the Borough.

3.17.5 Petitions may only be submitted for the Croydon Debate item by "Local People" who appear on the electoral register within the Borough, are a person who lives and/or works in the area or a child or young person who lives in, or attends a school or college in, the Borough.

### 3.17.6 In order to be valid:

3.17.6.1 Petitions must be materially accurate in respect of the facts upon which the Petition is based. Petitions which are defamatory, discriminatory or which incite civil unrest shall not be received or debated by the Council.

3.17.6.2 A full Copy of any Petition to be submitted to the Council, including the full Petition wording and any supporting petitioners' details and signatures, including the date upon which they have appended their signature to the Petition, must be delivered to the Council Solicitor or his/her nominee by noon fifteen (15) clear working days before the Council meeting to which it seeks to be presented. Any Petition submitted less than fifteen (15) clear working days before the Council meeting shall, if successfully verified, be presented to the following Council meeting.

3.17.8 The Council shall be responsible for verifying that the qualifying numbers of Local People have signed the Petition in question based on the information provided by the petitioners. If the qualifying number of Local People have signed the petition, and provided the above requirements for a valid petition are met, the Petition will be presented to the next available Ordinary Council meeting.

3.17.9 The subject matter of a Petition which has been debated at Full Council shall not be the subject of a further Petition to the Council within a period of twelve months and where a similar or substantially similar matter has been debated by the Council in the previous six months or is due to be debated within the next six months the Petition shall not be deemed to be valid.

### **3.18 Petitions by Members of the Public**

3.18.1. Other than Statutory Petitions, which are not dealt with in these Rules, members of the public may submit two different types of Petition to the Council: Borough Petitions and Local Petitions.

3.18.2 Only one Borough and one Local Petition debate shall be considered at each Ordinary Council Meeting. Where two or more Borough or two or more Local Petitions are received in accordance with these Rules, subject to validation of the necessary number of signatures, the first Local and the first Borough petition submitted shall be the petitions that go forward to be received and debated at the next Ordinary Council Meeting.

3.18.3 Where two or more Borough or Local petitions are received, or where a Borough or Local Petition is received in accordance with these Rules and the next meeting of Council is the Council Tax Meeting or Annual Meeting, receipt and debate of any additional Petitions will be dealt with at the next Ordinary Council Meeting in the order they have been submitted and in accordance with 3.18.2.

3.18.4 At the conclusion of a Borough or Local Petition debate the relevant Cabinet Member will announce what steps the Council will take in response. These steps will take into account whether the matter debated relates to an executive or non-executive function or responsibility of the Council and whether a decision has or has not yet been taken.

3.18.5 Borough Petitions:

3.18.5(a) The number of signatures required in order to trigger a Borough Petition Debate at a Full Council meeting shall be 2000 signatures of Local People.

3.18.5(b) The rules of debate for a Borough Petition will be as follows:

- i. The Lead Petitioner or their representative may address the Council on the Petition for up to three minutes from the public gallery;
- ii. A member from the Majority group may address the Council for up to three minutes;

- iii. A member of the Opposition group may address the Council for up to three minutes;
- iv. A second member from the Majority group may address the Council for up to three minutes;
- v. A second member of the Opposition group may address the Council for up to three minutes;
- vi. The Lead Petitioner or their representative may address the Council for a further three minutes;
- vii. A member from the Majority group may address the Council for a final response for up to one minute and summarise the next steps to be taken in the matter.
- viii. No further debate shall take place on the Borough Petition thereafter.

### 3.18.6 Local Petitions

3.138.6(a) The number of signatures required in order to trigger a Local Petition Debate at a Full Council meeting shall be 1000 signatures of Local People living, working or studying in the Ward where the matter which is the subject of the Local Petition arises.

3.183.6(b) The rules of debate for a Local Petition will be as follows:

- i. The Lead Petitioner or their representative may address the Council on the Petition for up to 3 minutes from the public gallery;
- ii. A Member of the Majority Group may then speak for up to three minutes
- iii. A Member of the Opposition Group may then speak for up to three minutes;
- iv. A Member of the Majority Group may then make a final response for up to one minute and summarise the next steps to be taken in the matter;
- v. No further debate shall take place on the Local Petition thereafter.

### Recommendations from Cabinet and Committees

3.19 These rules do not apply to any recommendations contained in the Annual Report of the Scrutiny and Overview Committee. The Leader or Chair of the Committee making the recommendation may exercise a right to introduce the recommendation; in so doing the Leader or Chair of the Committee shall speak for a maximum of 3 minutes.

3.20 The recommendation shall be seconded without any further speakers and if not deferred for debate shall immediately be put to the vote.

3.21 Any Member supported by a seconder, may ask that a recommendation be deferred for debate and the recommendation shall immediately stand deferred.

3.22 In the event that any Cabinet or Committee recommendations have not been reached when the time limit for the meeting has expired, those recommendations

shall immediately be put to the vote without further debate.

### **Cabinet and Committee Recommendations Deferred for Debate**

3.23 No more than one recommendation shall be the subject of debate at any one time. The Member moving the deferral debate shall indicate in writing to the Chair their intention by way of the form of any amendment proposed to the recommendation, or that the recommendation be referred back to the Cabinet or relevant Committee for further consideration.

3.24 The time allowed for consideration of each Cabinet or Committee recommendation that is the subject of a deferral debate shall not exceed 21 minutes, or 6 speakers in total. The Member moving the amendment or reference back shall speak for not more than five minutes. The Cabinet Member or Committee Chair exercising a right of reply shall not speak for more than four minutes. Up to four other speakers shall be called, including the Member seconding the motion, each of whom shall not speak for more than three minutes.

3.25 If a Member simply seconds the motion they shall be deemed to have reserved the right to speak until later in the debate.

### **Backbench Matters**

3.26 Backbench matters may only be raised by Backbench members in accordance with these Rules. For these purposes “backbench” Members shall exclude all those Members who form part of the Cabinet or Shadow Cabinet and shall also exclude the Mayor and Deputy Mayor.

3.27 Backbench matters may only be considered at ordinary Council meetings. They shall not be considered at Extraordinary, Annual or Council tax meetings.

3.28 No more than three backbench matters may be included on the agenda at any one Ordinary Council meeting and each Backbench Member allocated a speaking slot shall only be permitted a 3 minute slot within which to raise the matter in question. If it is necessary for a response to be provided to the backbench matter raised, the relevant Cabinet Members shall respond in writing following the meeting.

3.29 Backbench matters shall not be the subject of a Debate or of a Vote.

3.30 Matters which relate to a current planning or licensing matter or any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment shall not be permitted. In addition, backbench matters shall not be received or responded to where they pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related issues or disputes. A named member of staff shall not be the subject of a backbench matter. If necessary, the Council Solicitor shall provide guidance for members of the public and staff on the above.

3.31 The item “Backbench Matters” may be used for the purposes of a maiden or valedictory speech, subject to the restrictions within these Rules. The expectation is that these backbench matters are not predominantly political speeches although they may include reference to use of that Members’ ward budget. Maiden speeches may only be made under this item by Members who have not previously been elected as Members.

3.32 For each 4 year Council term the Head of Democratic Services and Scrutiny shall devise a schedule to allocate speaking slots to each political group represented on the Council, in line with proportionality rules.

3.33 In advance of the publication of agenda papers for each ordinary council the Group Whips will be asked to notify the Head of Democratic Services & Scrutiny of the names of those Backbench Members to speak in the slots allocated for the upcoming meeting.

### **Croydon Question Time**

~~3.11 The Croydon Question Time item shall not be taken at the Annual Council Meeting or at the Council Tax Meeting.~~

~~3.12 The Croydon Question Time item shall comprise Leader and Cabinet Questions and Public Questions at meetings.~~

### **Public Questions:**

~~3.13 Public questions can be asked of the Leader or Cabinet Members on issues of policy at the Meeting as set out within these Rules. Any questions of a purely factual or of a detailed nature shall be noted and shall receive a written~~

~~response within 3 weeks following the meeting. The responses shall be published on the Council's website.~~

~~3.14 Questions which relate to a current planning or licensing matter or any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment shall not be permitted. In addition, questions shall not be received or responded to where they pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related issues or disputes. A named member of staff shall not be the subject of a question. If necessary, the Council Solicitor shall provide guidance for members of the public and staff on the above.~~

~~3.15 Public Questions shall only be taken at Ordinary Council meetings and shall be allocated a total time of 30 minutes. This time frame shall include both the response by the relevant Cabinet Member or Leader and any supplementary questions permitted under Paragraph 3.20.~~

~~3.16 The Mayor has absolute discretion to decline to allow any question to be dealt with under this procedure on the grounds that it addresses matters that would be inappropriate to consider at the meeting, including where the questions being asked are repetitive or have already been addressed.~~

~~3.20(i) At the Mayor's discretion, questions shall be dealt with in the following order: questions from members of the public present in the public gallery who have emailed in their questions in advance in accordance with 3.20(ii); questions from members of the public in the public gallery who did not email their questions in advance, followed by the Mayor reading out public questions from members of the public not present in the public gallery but who emailed their questions in advance in accordance with 3.20 (ii) below. Members of the public seated in the public gallery may be invited in turn by the Mayor to address the Leader or Cabinet Member. Members of the public invited to put their questions will also be permitted to ask a single supplementary question but shall do so only if called upon by the Mayor to do so as this may be subject to time constraints.~~

~~3.20(ii) The Mayor may also accept questions from Members of the Public submitted by email to the designated email address by 12 noon on the Friday prior to an ordinary Council meeting. The Mayor will put questions received by email to the relevant Cabinet Member and, where a number of questions are received on the same subject, the Mayor may put a summary of those questions instead.~~

### **Leader and Cabinet Questions:**

3.34 This item is to enable Members to ask questions of the Leader and Cabinet on issues of policy. Any questions of a purely factual or of a detailed nature shall be noted and shall receive a written response within 3 weeks following the meeting. The responses shall be published on the Council's website. Questions which relate to a current planning or licensing matter or any matter relating to an individual or entity in respect of which that individual or entity has a right of

recourse to a review or right of appeal conferred by or under any enactment shall not be permitted. In addition, questions shall not be received or responded to where they pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related issues or disputes.

3.34 ~~The Leader shall be the first to respond to questions under this item and the total time allocated to questions by Members to, and responses from the Leader, shall be 15 minutes. The first two minutes of the Leader's 15 minute slot may be used by the Leader to make any announcements.~~

~~3.35 Cabinet Members, divided up into three 'pools' of three Members each, shall thereafter respond to questions by other Members of the Council. The total time allocated to each 'pool' of Cabinet Members shall be 30 minutes. The three Cabinet Members shall each be permitted to use two minutes of this 30 minute slot to make announcements.~~

~~3.36 The Leader of the Opposition shall be the first Member to be called by the Mayor to ask a question of the Leader of the Council. Thereafter the Mayor Representatives of political groups may give advance notice to the Council Solicitor by 12 noon on the Friday preceding an ordinary Council Meeting, the names of the first two Members of their respective political group that they wish the Mayor to call to ask a question of each Member of the Cabinet, including the Leader of the Council. After those Members have been called, the Mayor will call Members that indicate they have a question, alternating between Minority and Majority group Members so that the second Member to ask a question will be a Minority group member, with a presumption of inviting questions from as many different Members as possible. Each Member asking a question will also be allowed to ask a supplementary question.~~

~~3.37~~ The Leader of the Council ~~and Cabinet Members~~ may submit bulletins to be included in the Council agenda papers for this item. Bulletins may summarise the business undertaken by ~~a Cabinet Member~~ the Leader since the last ordinary meeting of the Council.

### Cabinet Questions:

3.38 This item is to enable Members to ask questions of the Cabinet Members (excluding the Leader) on issues of policy. Any questions of a purely factual or of a detailed nature shall be noted and shall receive a written response within 3 weeks following the meeting. The responses shall be published on the Council's website. Questions which relate to a current planning or licensing matter or any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment shall not be permitted. In addition, questions shall not be received or responded to where they pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related issues or disputes.

3.39 Cabinet Members, divided up into two 'pools', one pool of five Members and one pool of four Members, shall thereafter respond to questions by other Members of

the Council. The total time allocated to the 'pool' of five Cabinet Members shall be 50 minutes and the total time allocated to the 'pool' of four Cabinet Members shall be 40 minutes. The Cabinet Members shall each be permitted to use two minutes of the 'pool' slot to make announcements.

3.40 The Mayor shall call on the relevant Shadow Cabinet Member to ask the first question following any announcements by the Cabinet Member, before calling for the next Cabinet Member. Thereafter, the Mayor will call Members that indicate they have a question, alternating between Minority and Majority group Members so that the second Member to ask a question of the relevant Cabinet Member will be a Minority group member, with a presumption of inviting questions from as many different Members as possible. Each Member asking a question will also be allowed to ask a supplementary question. This process shall be followed with each Cabinet Member in that pool subject to the total time limit for the 'pool'.

3.41 The Cabinet Members may submit bulletins to be included in the Council agenda papers for this item. Bulletins may summarise the business undertaken by a Cabinet Member since the last ordinary meeting of the Council.

### **The Council Debate Motions**

3.42 The Leader of the Council and the Leader of the Opposition may each put forward a single motion for debate at an Ordinary Council meeting on a matter which they respectively consider as being of importance to the Borough, which pertains to a matter that is within the direct responsibility of the Council, or where the Council could reasonably be expected to lobby on behalf of citizens of the Borough. Despite the provisions of paragraph 1.09 and 1.10 above, no amendments may be made or proposed to the Council Debate Motion submitted by either the Leader of the Council or the Leader of the Opposition under this item.

3.43 The subject of such a motion shall not be a current planning or licensing application or a public petition that has been received and debated by Full Council within the previous six months or has been received and is to be debated within the next six months.

3.44 The wording of the motion shall be contained on the notice submitted to the Council Solicitor. Such notices shall be received by the Council Solicitor no later than noon of the third clear working day prior to the day of the Council meeting. The names of the Councillors proposing the motion and seconding the motion are to be submitted by 12 noon on the Friday prior to the Council meeting and a composite list will be circulated to political group leaders.

3.45 The time available for Council Debate Motions shall be divided equally between them subject to each motion having no more than 12 minutes for debate. If the amount of time available prior to 10.00 p.m. to debate two Motions for Debate is less than 24 minutes, the Chair shall confirm that the Motions have fallen. In the event that only one Council Debate Motion is presented to the Council for debate, if the time available prior

to 10.00 p.m. to debate the Motion is less than 12 minutes, the Chair shall confirm that the Motion has fallen.

3.46 The proposer of a Motion for Debate shall be allowed to speak for a maximum of 3 minutes. All other speakers shall be restricted to a maximum of 3 minutes. There shall be no more than four speakers (including the proposer) called to speak in respect of each Motion.

3.47 The proposer of a Motion for Debate shall have no right of reply but, a speaker from the same Political Group as the proposer shall close the debate and if necessary, the time limit referred to above shall be extended to enable the speech to be concluded and the vote taken. Despite the general provisions of paragraph 1.20 above, it shall not be in order for a Motion to become the subject of a poll vote.

3.48 If any Motion is considered to be not in order it shall be submitted to the Mayor for consideration. If the Mayor considers that the Motion is out of order, the Member responsible for proposing the Motion shall be informed.

3.49 Any Motion, which is listed, if not moved at the meeting shall be deemed to have fallen.

3.50 For the purposes of these rules, a Political Group shall be as defined by statute.

3.51 No Motions for Debate shall be submitted or dealt with at the Annual Council Meeting or at an Ordinary Meeting called for the purposes of setting the Council Tax.

### **Annual Report of the Scrutiny and Overview Committee**

3.413.52 In accordance with 2.03 the Annual report of the Scrutiny and Overview Committee shall be received at the Annual Council meeting.

3.423.53 The overall time, which may be devoted to questioning the Annual Report of the Scrutiny and Overview Committee, shall be not more than 20 minutes. The Chair of the Committee (or in the absence of the Chair, the Deputy Chair) and the Chairs of each Sub-Committee shall introduce and answer questions on the Report. The Chair of the Committee shall have not more than 3 minutes' speaking time and the Chairs of each Sub-Committee shall each have not more than 3 minutes' speaking time to introduce the report.

3.433.54 For the remaining time available, the report will be open to questions. In the event that any recommendation in the report has not been reached when the overall time limit has expired, it shall be put immediately to the vote.

3.443.55 Any Member, except the Secunder of the Report, may ask the Chair, Deputy or Vice Chair, as appropriate, not more than two questions on each paragraph of the Report.

### **Annual Reports**

3.453.56 In accordance with 2.03 the Annual reports shall be received at the Annual

Council meeting.

~~3.46~~3.57 The overall time which may be devoted to questioning any Annual Reports shall be not more than ten minutes per report. The Chair of the relevant Committee (or in the absence of the Chair, the Vice-Chair) shall introduce and answer questions on the report. The Chair of the Committee shall not have more than 3 minutes speaking time to introduce the report.

~~3.47~~3.58 For the remaining time available, the report will be open to questions. In the event that any recommendation in the report has not been reached when the overall time limit has expired, it shall be put immediately to the vote.

~~3.48~~3.59 Any Member, except the seconder of the report, may ask the Chair or Vice-Chair (as appropriate) not more than two questions on each paragraph of the report.

3.60(i) The outgoing Young Mayor, elected annually, will be permitted to present their annual report to an ordinary meeting of the Council in October of each year or as close to the end of the Young Mayor's annual term as possible. Following the presentation of the annual report, the report will be open to questions from Members.

3.60(ii) The overall time available for this item will be ten minutes.

### **Any Other Relevant Business Petitions Presented by Members**

3.61 Any matter raised under this item shall be dealt with by two speakers from each party called by the Mayor, who shall be entitled to speak for up to 3 minutes each, allowing a total time of 12 minutes for the matter.

3.62 The matter shall not be the subject of a further Debate and shall immediately be put to the vote following the speakers called to speak by the Mayor.

~~3.21~~ Subject to the provisions set out in Rule 3.12, any Member may formally present a Member Petition in accordance with the Rules 3.27—3.31 below

~~3.22~~ In order to be valid, a Member Petition shall contain the signatures of at least 100 Local People or 50% of the Local People affected by the subject of the Petition.

~~3.23~~ No Member Petitions shall be received at Annual Council or the Council Tax meeting.

~~3.24~~ Where more than three Member Petitions are received in accordance with these Rules, subject to validation of the necessary number of signatures, the first three Valid Member Petitions submitted shall be the petitions which go forward to be received at the next Ordinary Council Meeting. The remaining Petitions shall not automatically be received at the following Ordinary Council meeting but may be resubmitted by the Member subject to Paragraph 3.12.

~~3.25~~

~~3.26~~ The full Petition wording of each of the three Member Petitions to be received

~~will be included in the Council agenda. The Member Petitions will be received but shall not be the subject of a debate or questions at that or a subsequent Council meeting. Where possible, the Cabinet Member shall provide a response at the Council meeting at which the Member's Petition is received. Where a response is not provided at the meeting, a written response shall be provided within three weeks of the meeting.~~

- ~~3.27 A copy of the wording of any Petition to be submitted to the Council must be delivered to the Council Solicitor, or his/her nominee by noon, seven clear working days before the Council meeting by the Member who is to formally present it to the Council meeting.~~
- ~~3.28 The Leader of the Council and the Leader of the Opposition may each put forward a single motion for debate at an Ordinary Council meeting on a matter which they respectively consider as being of importance to the Borough, which pertains to a matter that is within the direct responsibility of the Council, or where the Council could reasonably be expected to lobby on behalf of citizens of the Borough. Despite the provisions of paragraph 1.09 and 1.10 above, no amendments may be made or proposed to the Council Debate Motion submitted by either the Leader of the Council or the Leader of the Opposition under this item.~~
- ~~3.29 The subject of such a motion shall not be a current planning or licensing application or a public petition that has been received and debated by Full Council within the previous six months or has been received and is to be debated within the next six months.~~
- ~~3.30 The wording of the motion shall be contained on the notice submitted to the Council Solicitor. Such notices shall be received by the Council Solicitor no later than noon of the third clear working day prior to the day of the Council meeting. The names of the Councillors proposing the motion and seconding the motion are to be submitted by 12 noon on the Friday prior to the Council meeting and a composite list will be circulated to political group leaders.~~
- ~~3.31 The time available for Council Debate Motions shall be divided equally between them subject to each motion having no more than 12 minutes for debate. If the amount of time available prior to 10.00 p.m. to debate two Motions for Debate is less than 24 minutes, the Chair shall confirm that the Motions have fallen. In the event that only one Council Debate Motion is presented to the Council for debate, if the time available prior to 10.00 p.m. to debate the Motion is less than 12 minutes, the Chair shall confirm that the Motion has fallen.~~
- ~~3.32 The proposer of a Motion for Debate shall be allowed to speak for a maximum of 3 minutes. All other speakers shall be restricted to a maximum of 3 minutes. There shall be no more than four speakers (including the proposer) called to speak in respect of each Motion.~~

- ~~3.33 The proposer of a Motion for Debate shall have no right of reply but, a speaker from the same Political Group as the proposer shall close the debate and if necessary, the time limit referred to above shall be extended to enable the speech to be concluded and the vote taken. Despite the general provisions of paragraph 1.20 above, it shall not be in order for a Motion to become the subject of a poll vote.~~
- ~~3.34 If any Motion is considered to be not in order it shall be submitted to the Mayor for consideration. If the Mayor considers that the Motion is out of order, the Member responsible for proposing the Motion shall be informed.~~
- ~~3.35 Any Motion, which is listed, if not moved at the meeting shall be deemed to have fallen.~~
- ~~3.36 For the purposes of these rules, a Political Group shall be as defined by statute.~~
- ~~3.37 No Motions for Debate shall be submitted or dealt with at the Annual Council Meeting or at an Ordinary Meeting called for the purposes of setting the Council Tax.~~

### **~~Recommendations from Cabinet and Committees~~**

- ~~3.49 These rules do not apply to any recommendations contained in the Annual Report of the Scrutiny and Overview Committee. The Leader or Chair of the Committee making the recommendation may exercise a right to introduce the recommendation; in so doing the Leader or Chair of the Committee shall speak for a maximum of 3 minutes.~~
- ~~3.50 The recommendation shall be seconded without any further speakers and if not deferred for debate shall immediately be put to the vote.~~
- ~~3.51 Any Member supported by a seconder, may ask that a recommendation be deferred for debate and the recommendation shall immediately stand deferred.~~
- ~~3.52 In the event that any Cabinet or Committee recommendations have not been reached when the time limit for the meeting has expired, those recommendations shall immediately be put to the vote without further debate.~~

### **~~Cabinet and Committee Recommendations Deferred for Debate~~**

- ~~3.53 No more than one recommendation shall be the subject of debate at any one time. The Member moving the deferral debate shall indicate in writing to the Chair their intention by way of the form of any amendment proposed to the recommendation, or that the recommendation be referred back to the Cabinet or relevant Committee for further consideration.~~
- ~~3.54 The time allowed for consideration of each Cabinet or Committee recommendation that is the subject of a deferral debate shall not exceed 21 minutes, or 6 speakers in total. The Member moving the amendment or reference back shall speak for not more than five minutes. The Cabinet Member or Committee Chair exercising a right of reply shall not speak for more than four minutes. Up to four other speakers shall be called, including the Member~~

~~seconding the motion, each of whom shall not speak for more than three minutes.~~

~~3.55 If a Member simply seconds the motion they shall be deemed to have reserved the right to speak until later in the debate.~~

## 4 THE COUNCIL TAX MEETING

4.1 The Council Tax shall be discussed annually at a meeting of the Council called for the purpose of discussing the proposed level of Council Tax, the Budget and to deal with questions from Members on those matters. There shall be no Public Questions, Petition Debates or Council Debate Motions. The Mayor shall exercise discretion as to any other relevant urgent business that shall be included on the agenda.

4.2 The business to be transacted shall include approval of the Minutes of the previous Council meeting. Unless the Mayor or the Council agrees otherwise, the meeting will begin at 6.30 p.m. and terminate no later than 9.35 p.m.

1. The business at the Council Tax Meeting shall be as follows, taken in the sequence indicated unless otherwise directed by the Chair or agreed following a motion carried:

1. Apologies for absence;
2. Minutes of the previous meeting;
3. Disclosures of interests;
4. Urgent business (if any);
5. Announcements by the Mayor, the Leader, Head of Paid Service and/or Returning Officer;
6. Council tax and Budget report
  - Questions to the Leader and Cabinet Member for Finance incorporating questions on the items contained in the Council Tax Report ;
  - Scrutiny Business report – specific to the Council Tax setting ;
  - Council Tax Debate –Vote

### **Council Tax and Budget report: Questions to Leader and Cabinet Member for Finance**

4.3 This report will contain the recommendations to the Cabinet Member for Finance made by the Cabinet on the Council tax and Budget to Council

4.4 This item is to enable Members to ask questions of the Leader and Cabinet for Finance on a matter related to the Council Tax or draft Budget. Any questions of a detailed nature regarding a specific budget item shall be noted and shall receive a written response within 3 weeks following the meeting. The responses shall be published on the Council's website. Questions asked under this item are also subject to the rules detailed in 3.21 above. In case of doubt, the Mayor shall decide whether it is appropriate for the matter to be considered at a Council Tax Meeting and shall disallow any questions considered inappropriate

- 4.5 The Leader shall be the first to respond to questions under this item and the total time allocated to questions by Members to, and responses from the Leader, shall be 15 minutes. The first three minutes of the Leader's 15 minute slot may be used by the Leader to make any announcements. The Cabinet Member for Finance shall be the second party to respond to questions under this item and the total time allocated to questions by Members to, and responses from the Cabinet Member for Finance, shall be 15 minutes. The first three minutes of the Cabinet Member for Finances' 15 minute slot may be used by the Cabinet Member for Finance to make any announcements.
- 4.6 Representatives of political groups can give advance notice to the Council Solicitor by 12 noon on the Friday preceding the Council Tax Meeting, the names of the first two Members of their respective political group that they wish the Mayor to call to ask a question. After those Members have been called, the Mayor will call Members that indicate they have a question, with a presumption of inviting questions from as many different Members as possible. Each Member asking a question will also be allowed to ask a supplementary question.

#### **Business Report of the Scrutiny and Overview Committee**

- 4.8 The Business Report of the Scrutiny and Overview Committee shall comprise a written scrutiny update following the Scrutiny Council Tax meeting with a brief opportunity for questions to the Chair of the Committee, subject to a time limit of 10 minutes including up to 2 minutes for announcements.

#### **Council Tax Debate**

- 4.9 The Leader of the Council or other Cabinet Member in moving the motion for the Council Budget shall have not more than 10 minutes. The seconder of the motion shall be deemed to have reserved their right to speak later in the debate. The Leader of the Opposition shall have not more than 10 minutes to speak.
- 4.10 Five further Members from each Group shall be called alternately by the Chair and shall each speak for not more than 3 minutes.
- 4.11 The Chair shall exercise complete discretion in calling any other Member from a third or other Group or any ungrouped Member to speak for not more than 3 minutes each, before inviting the Leader of the Council or other Cabinet Member to wind up the debate. The Leader, or other Cabinet Member, in exercising a right of reply shall be allowed to speak for a maximum of 5 minutes.
- 4.12 At the conclusion of all speeches, the Chair shall immediately put the Council Tax and budget report recommendations to the vote. Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting. For these purposes, references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be. The provisions of this paragraph 4.12 are not subject to the requirements of paragraph 1.20 above.

## **5 Extraordinary Meetings**

- 5.1 Extraordinary Meetings of the Council may be called by the Mayor.
- 5.2 Any five or more Members may submit a requisition for an Extraordinary Council Meeting. The requisition shall bear the signatures of the Members and shall specify the business to be transacted at the meeting. If the Mayor does not call an Extraordinary Council Meeting within 7 days of receiving a valid requisition, the Members submitting that requisition may themselves call such a meeting.
- 5.3 The Mayor shall determine the order of business in respect of any Extraordinary Meeting.
- 5.4 The business to be transacted may include approval of the Minutes of the previous Council meeting as the first item and confirmation of the date of the next meeting as the last item. Unless the Council agrees otherwise, the time limit for each remaining item of business shall be equal to that for 6 speakers. The proposer of the item shall be allowed to speak for a maximum of 5 minutes. The Leader, other Cabinet Member, or Committee Chair exercising a right of reply shall be allowed to speak for a maximum of 5 minutes. Four other speakers shall be permitted, each restricted to a maximum of 3 minutes.
- 5.5 At the conclusion of the sixth speaker, the Chair shall immediately put the item of business to the vote.

## **6 SPECIAL MEETINGS**

- 6.1 The Council at an Ordinary or Extraordinary Meeting may resolve to hold a Special Meeting for the purposes of admitting former Members to the Roll of Honorary Aldermen and Alderwomen, or for the grant of Freedom of the Borough to any person, organisation or body that meets the criteria approved by the Council and as set out below:

### **Honorary Aldermen and Alderwomen**

Former Members of the London Borough of Croydon, nominated by the Leader of a political group represented on the Council, who have either:

(i) rendered eminent service in their capacity as Member, considering the contribution that they have made to the borough, including roles served and how their service rendered is above and beyond that expected of all Members; or

(ii) served a period of twelve years on the Council

### **Freedom of the Borough**

Persons of distinction who have rendered eminent service to Croydon.

- 6.2 The Mayor shall determine the order of business in respect of any Special Council Meeting.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## Part 4.B - Access to Information Procedure Rules

### I. Access to information procedure rules: Council, Council non-executive committees and Scrutiny and Overview Committee

#### 1 SCOPE

These rules apply to all meetings of the Council, the Scrutiny and Overview Committee and all other non-executive Committees and any non-executive Sub-Committees which together are referred to hereafter as “non-executive meetings”.

#### 2 ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in the Constitution or the law.

#### 3 RIGHTS TO ATTEND MEETINGS

Members of the public and media may attend all non-executive meetings of the Council, Committees and Sub-Committees subject only to the exceptions in these rules.

#### 4. NOTICE OF MEETINGS

The Council Solicitor shall, on behalf of the Authority give at least five clear working days' notice of any meeting (unless called at a later time) by posting details of the meeting at Bernard Weatherill House (8 Mint Walk, Croydon) and on the Council's website.

#### 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council Solicitor shall, on behalf of the Authority, make copies of the agenda and reports open to the public and press available for inspection at Bernard Weatherill House, 8 Mint Walk, Croydon at least five clear working days before the meeting or as soon as available if later. These documents will also be posted on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)).

If an item is added to the agenda later, as an item of urgent business at the direction of the Chair, the Council Solicitor shall make each such report available to the public and press and open to inspection as soon as the report is available to Members attending the meeting.

## **6 SUPPLY OF COPIES**

The Authority shall supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any background documents identified in the report;

to any person on payment of a charge for postage and any other costs.

## **7. ACCESS TO MINUTES ETC. AFTER THE MEETING**

The Authority shall make available copies of the following for six years after a meeting listed in paragraph 1 of these rules:

- (a) the minutes of the meeting, or records of decisions taken together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of the proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **List of Background Papers**

The Lead Officer named at the head of every report shall set out at the end of every report a list of those documents (under the heading Background Papers) relating to the subject matter of the report which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report.

The List of Background Papers shall not include published works or those which disclose exempt or confidential information as defined in rule 10 below.

## **Public Inspection of Background Papers**

Every Executive Director shall make arrangements to ensure that documents referred to in any report written by them or by a member of their staff are available for inspection for four years after the date of the non-executive meeting concerned. One copy of each of the background documents listed shall be retained for this purpose.

### **9. SUMMARY OF PUBLIC'S RIGHTS**

These Rules, as part of the Constitution of the Council, shall be regarded as the written summary of the public's rights to attend non-executive meetings and to inspect and copy documents. These Rules together with the whole Constitution are available for inspection at Bernard Weatherill House, 8 Mint Walk, Croydon, and shall be available on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)).

### **10. EXCLUSION OF ACCESS BY THE PUBLIC TO NON-EXECUTIVE MEETINGS**

#### **Confidential Information – Requirement to Exclude Public**

The public must be excluded from non-executive meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

#### **Exempt Information – Discretion to Exclude Public**

The public may be excluded from non-executive meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the non-executive meeting shall determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the non-executive meeting shall be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

#### **Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

## Meaning of Exempt Information

Exempt information means information falling within the categories set out in Part 1 of Schedule 12a of the Local Government Act 1972 (as amended) and as reproduced in Appendix 1 attached to these rules.

Information falling within those categories is not exempt by virtue of that paragraph if it relates to proposed development for which the Council as local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

## Licensing Sub-Committee

At any meeting of a Licensing Sub-Committee convened for the purpose of a hearing under the provisions of the Licensing Act 2003, the Press and Public may be excluded at any time to enable the Sub-Committee to deliberate in private on any matter.

## 11 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Council Solicitor thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the non-executive meeting is likely not to be open to the public. Such reports shall be marked "Not for publication" together with the category of information likely to be disclosed.

## II. Access to information procedure rules: Leader, Cabinet, Cabinet Committees and Cabinet ~~Advisory~~ and Cabinet Member Advisory Committees and sub-committees

### 12 SCOPE

These rules apply to all meetings of the Cabinet, Cabinet Committees, Cabinet ~~Advisory~~ and Cabinet Member Advisory Committees and all other executive Committees, ~~executive Committees~~ and executive Joint Committees which together are referred to hereafter as "executive meetings".

For the purposes of these Rules "executive decision" means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a local authority. Cabinet ~~Advisory~~ and Cabinet Member Advisory Committees do not take executive decisions but fulfil the role of advising the Cabinet Member in relation to decision making.

A decision is regarded as being "in connection with the discharge of a function which is the responsibility of the executive" if it is closely connected to the discharge of the executive function in question and not merely an administrative action.

For the purposes of these Rules “decision maker” means the decision making body by which or the individual by whom an executive decision is made.

### **13 GENERAL PROVISIONS RELATING TO INFORMATION AND REPORTING OF MEETINGS**

13.1 Nothing in these Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

13.2 Nothing in these Rules—

- (a) authorises or requires a local authority to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information; or
- (b) requires a local authority to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant.

13.3 Where a member of the executive or an officer makes an executive decision in accordance with executive arrangements, nothing in these Rules—

- (a) authorises or requires documents relating to that decision to be disclosed to the public, or made available for public inspection where, the documents contain confidential information; or
- (b) requires documents relating to that decision to be disclosed to the public, or made available for public inspection where the disclosure of the documents would, in the opinion of the member or officer making the decision, give rise to the disclosure of exempt information or the advice of a political adviser or assistant.

13.4 For the purposes of these Rules:

13.4.1 Reporting on proceedings at a meeting means-

- (a) Filming, photography, or making an audio recording of the proceedings at the meeting;
- (b) Using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later; or
- (c) Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available to a person not present, as the meeting takes place or later.

13.4.2 Whilst the meeting is open to the public, any person attending is permitted to report the proceedings;

13.4.3 Subject to 13.4.4,

- A person who attends the meeting to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities; and
- Publication and dissemination of the report may take place at the time of the meeting or occur after the meeting.

13.4.4 Paragraphs 13.4.1 - 13.4.3 above do not permit the oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting. In addition, any reporting is subject to the Chair's power to require that any person terminate their reporting if such reporting is distracting, disruptive or contrary to the good order or conduct of the meeting.

13.4.4 Where the public are excluded from a meeting pursuant to these Rules, no person may report on the proceedings using methods which can be used without that person's presence at the meeting or which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later;

13.5 These rules do not affect any more specific rights to information contained elsewhere in the Constitution or the law.

## **14. RIGHTS TO ATTEND EXECUTIVE MEETINGS**

Members of the public and media may attend all executive meetings of the Cabinet and Executive Committees, Cabinet Member Advisory Committees, Sub-Committees and Joint Committees subject only to the exceptions in these rules.

## **15 NOTICE OF PUBLIC EXECUTIVE MEETINGS**

The Council Solicitor shall, on behalf of the Authority give at least five clear working days' notice of any executive meeting (unless called at a later time) by posting details of the executive meeting at Bernard Weatherill House (8 Mint Walk, Croydon) and on the Council's website

## **16 ACCESS TO AGENDA AND REPORTS BEFORE PUBLIC EXECUTIVE MEETINGS**

The Council Solicitor shall, on behalf of the Authority, make copies of the agenda and reports open to the public and press available for inspection at Bernard Weatherill House, 8 Mint Walk, Croydon at least five clear working days before the executive meeting or as soon as available if later. These

documents will also be posted on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)).

If an item is added to the agenda later, as an item of urgent business at the direction of the Chair, the Council Solicitor shall make each such report available to the public and press and open to inspection as soon as the report is available to Members attending the executive meeting.

## **17. NOTICE OF PRIVATE EXECUTIVE MEETINGS**

At least twenty eight clear days before a private executive meeting the Council Solicitor shall, on behalf of the Authority, make available for inspection at Bernard Weatherill House, 8 Mint Walk, Croydon and on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)), a notice of intention to hold a meeting or part thereof in private and the reasons for doing so.

The Council Solicitor shall, on behalf of the Authority make available for inspection at Bernard Weatherill House, 8 Mint Walk, Croydon and on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)), at least five clear working days before the date of the private executive meeting, a further notice of its intention to hold a meeting or part thereof in private. The notice shall include the reasons for holding the meeting in private, any representations received about why the meeting should be open to the public and a statement of the Council's response to any such representations.

## **18. URGENT PRIVATE EXECUTIVE MEETINGS**

Where the date by which an executive meeting must be held makes compliance with Rule 17 impractical, the executive meeting may only be held in private where the decision making body has obtained agreement from:

- (a) the Chairman of the Scrutiny and Overview Committee; or
- (b) if the Chairman of the Scrutiny and Overview Committee is unable to act, the Mayor, or
- (c) if neither the Chairman of the Scrutiny and Overview Committee nor the Mayor is able to act, the Deputy Mayor

that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after agreement has been obtained to hold a private meeting, the Council Solicitor shall, on behalf of the Authority, make available for inspection at Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA and on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)), a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

## **19. ACCESS TO REPORTS BEFORE PRIVATE EXECUTIVE MEETINGS**

Where the Council Solicitor considers that whole or any part of a report relates to matters during which it is likely the meeting will be a private meeting the report or part thereof shall not be available for inspection by the public.

Where the whole or any part of a report for a public meeting is not available for inspection by the public—

- (a) every copy of the whole report or of the part of the report, as the case may be, must be marked “not for publication”; and
- (b) there must be stated on every copy of the whole or the part of the report—
  - (i) that it contains confidential information; or
  - (ii) by reference to the descriptions in Schedule 12A to the Local Government Act 1972 the description of exempt information by virtue of which the decision-making body discharging the executive function are likely to exclude the public during the item to which the report relates.

## **20. RECORD OF EXECUTIVE DECISIONS MADE AT EXECUTIVE MEETINGS**

As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the Council Solicitor must ensure that a written statement is produced for every executive decision made which includes the following information —

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

## **21. RECORD OF EXECUTIVE DECISIONS MADE BY INDIVIDUAL MEMBERS**

As soon as reasonably practicable after an individual Member has made an executive decision, the Council Solicitor must ensure that a written statement is produced for that executive decision which includes the following information —

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the Member when making the decision ;
- (d) a record of any conflict of interest declared by any Executive Member who is consulted by the Member which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service

## **22 RECORD OF EXECUTIVE DECISIONS MADE BY OFFICERS**

As soon as reasonably practicable after an individual officer has made an executive decision, the Council Solicitor must ensure that a written statement is produced for that executive decision which includes the following information —

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision ;
- (d) a record of any conflict of interest declared by any Executive Member who is consulted by the officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service

## **23. ACCESS TO MINUTES ETC. AFTER THE EXECUTIVE MEETING**

The Authority shall make available copies of the following for six years after an executive meeting:

- (a) the minutes of the executive meeting, or records of decisions taken together with reasons, excluding any part of the minutes of proceedings when the executive meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of the proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the executive meeting; and
- (d) reports relating to items when the executive meeting was open to the public.

## **24. BACKGROUND PAPERS**

### **24.1 List of Background Papers**

The Lead Officer named at the head of every report shall set out at the end of every report a list of those documents (under the heading Background Papers) relating to the subject matter of the report which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and
- (c) does not include published works

The list of Background Papers shall not include published works or those which disclose exempt information, confidential information or advice of a political advisor or assistant as defined in Rule 27 below.

### **24.2 Public Inspection of Background Papers**

Every Executive Director shall make arrangements to ensure that any background papers listed in any report written by them or by a member of their staff are available for inspection for four years after the date of the executive decision concerned. One copy of each of the background documents listed shall be retained for this purpose.

## **25. SUPPLY OF COPIES**

The Authority shall supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any background documents identified in the report which are open to public inspection;
- (c) such further statements or particulars as are necessary to indicate the nature of the items contained in the agenda; and
- (d) if the Council Solicitor thinks fit in the case of any item, a copy of any other document supplied to Members of the Executive in connection with the item
- (e) Any records prepared in accordance with Rules 20-22 and any reports considered by the individual Member or officer and relevant to the decision taken, or where only part of the report is relevant to such decision, only that part.

to any person on request and payment of a charge for postage, copying or other necessary charge for transmission. The supply of copies is subject to the restriction that such supply shall not occur in respect of documentation which is not open to the public by virtue of containing confidential information, exempt information or advice of a political advisor or assistance as set out in Rule 27.

## **26. SUMMARY OF PUBLIC'S RIGHTS**

These Rules, as part of the Constitution of the Council, shall be regarded as the written summary of the public's rights to attend executive meetings and to inspect, copy and request copy documents. These Rules together with the whole Constitution are available for inspection at Bernard Weatherill House, 8 Mint Walk, Croydon, and shall be available on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)).

## **27 EXCLUSION OF ACCESS BY THE PUBLIC TO EXECUTIVE MEETINGS**

### **Confidential Information – Requirement to Exclude Public**

The public must be excluded from Executive meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### **Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms (however expressed) which forbid its public

disclosure or information which cannot be publicly disclosed by virtue of a prohibition by or under any enactment or by a Court Order.

### **Exempt Information – Requirement to Exclude Public**

The public shall be excluded from executive meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the executive meeting shall determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the executive meeting shall be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **Meaning of Exempt Information**

Exempt information means information falling within the categories set out in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) and as reproduced in Appendix 1 attached to these rules.

Information falling within those categories is not exempt by virtue of that paragraph if it relates to proposed development for which the Council as local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

### **Exclusion to maintain orderly conduct or prevent misbehaviour**

The public must be excluded from a meeting during an item of business whenever a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehavior at an executive meeting.

## **28. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Monitoring Officer or Council Solicitor thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 27, the executive meeting is likely not to be open to the public. Such reports shall be marked "Not for publication" together with a statement that it contains confidential information or if it contains exempt information, the category of information likely to be disclosed.

## **29 KEY DECISION RULES**

In these Rules a "key decision" is as defined in Article 13.02 namely an executive decision, which is likely to—

- (a) result in the Council incurring expenditure, or making savings, of (a) more than £1,050,000 or (b) ~~(b) between £100,000 and £500,000 AND is more than 25% such smaller sum which the decision-taker considers is significant having regard to~~ of the Council's budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.

Key decision rules apply only in respect of Executive decisions and not to non-executive decisions.

### **30 PUBLICITY IN CONNECTION WITH KEY DECISIONS:**

30.1 Subject to Rule 31 (General Exception) and Rule 32 (Special Urgency) a Key Decision may not be taken unless:

- (a) a notice has been made available for inspection at Bernard Weatherill House, 8 Mint Walk, Croydon and published on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)) in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the notice; and
- (c) if the decision is to be taken at an executive meeting, notice of the executive meeting has been given in accordance with Rule 15 (Notice of executive meetings) and where applicable Rule 17 (Procedures before private meetings).

30.2 The notice shall contain matters, which shall be the subject of a Key Decision to be taken by the decision maker in accordance with any agreed Protocol in the course of the discharge of an executive function and shall state:

- (a) that a key decision is to be made on behalf of the relevant local authority;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made;

- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

30.3 Where, in relation to any matter—

- (a) the public are to be excluded under Rule 27 from the meeting at which the matter is to be discussed; or
- (b) documents relating to the decision contain confidential information, exempt information or advice of a political advisor or assistant,

the notice shall contain particulars of the matter but may not contain any confidential information, exempt information or particulars of the advice of a political advisor or assistant.

## **31 GENERAL EXCEPTION**

31.1 Subject to Rule 32 (Special Urgency), where the publication of the intention to make a key decision under Rule 30 is impracticable, that decision may only be made where—

- (a) the Chairman of Scrutiny and Overview Committee has been informed of the matter about which the decision is to be made by notice in writing or where there is no Chairman, each Member of the Scrutiny and Overview Committee ;
- (b) the Council Solicitor has made available for inspection at Bernard Weatherill House, 8 Mint Walk Croydon and published on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)) a copy of the notice provided in accordance with Rule 31.1(a) above; and
- (c) Five clear working days have elapsed following the day on which the notice required by Rule 31.1(a) was made available for inspection and published on the Council's website.

31.2 As soon as reasonably practicable after Rule 31.1 has been complied with, the Council Solicitor shall make available for inspection at Bernard Weatherill

House, 8 Mint Walk, Croydon and published on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)) a copy of a notice setting out the reasons why compliance with Rule 30 are impractical

## **32 CASES OF SPECIAL URGENCY**

32.1 Where the date by which a key decision must be made, makes compliance with Rule 31 (General Exception) impracticable, the decision may only be made where the decision maker has obtained agreement from—

- (a) the Chairman of the Scrutiny and Overview Committee; or
- (b) if there is no such person, or if the Chairman of the Scrutiny and Overview Committee is unable to act, the Mayor; or
- (c) where there is no Chairman of the Scrutiny and Overview Committee or Mayor, the Deputy Mayor of the Council,

that the making of the decision is urgent and cannot reasonably be deferred.

32.2 As soon as reasonably practicable after Rule 32.1 has been complied with the Council Solicitor shall make available for inspection at Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA and published on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)) a copy of a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred

## **33. REPORTS TO COUNCIL: WHEN SCRUTINY AND OVERVIEW COMMITTEE CAN REQUIRE REPORTS**

33.1 Where an executive decision has been made and—

- (a) was not treated as being a key decision; and
- (b) Scrutiny and Overview Committee are of the opinion that the decision should have been treated as a key decision,

Scrutiny and Overview Committee may require the Leader or executive decision maker which is responsible for the decision to submit a report to the Council within such reasonable period as the Committee may specify.

33.2 The report must include details of—

- (a) the decision and the reasons for the decision;
- (b) the decision maker by which the decision was made; and

- (c) if the Leader and/or Cabinet are of the opinion that the decision was not a key decision, the reasons for that opinion.

33.3 The power to require a report rests with the Scrutiny and Overview Committee who shall raise it by resolution passed at a meeting of the Committee.

33.4 The Leader and/or Cabinet shall submit a report to the next available meeting of the Council. However, if the next meeting of the Council is within 7 working days of the resolution of the Committee, then the report may be submitted to the meeting after that.

#### **34. REPORTS TO COUNCIL ON USE OF SPECIAL URGENCY**

The Leader shall submit to Council, at least one annual report, containing details of each executive decision taken during the period since the last report was submitted to Council where the making of the decision was agreed as urgent in accordance with Rule 32 (Special Urgency)

The report submitted shall include—

- (a) particulars of each decision made; and
- (b) a summary of the matters in respect of which each decision was made.

#### **35. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF THE COUNCIL**

35.1 Subject to Rules 35.4 and 35.5. , any document which—

- (a) is in the possession or under the control of the Executive of the Council; and
- (b) contains material relating to any business to be transacted at a public executive meeting,

shall be available for inspection by any Member of the Council.

35.2 Any document which is required by Rule 35.1 to be available for inspection by any Member of the Council shall be available for such inspection for at least five clear working days before the executive meeting except that—

- (a) where the executive meeting is convened at shorter notice, such a document must be available for inspection when the executive meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available in relation to that item, shall be available for inspection when the item is added to the agenda.

35.3 Subject to Rules 35.4 and 35.5 any document which—

- (a) is in the possession or under the control of the Executive of the Council; and
- (b) contains material relating to—
  - (i) any business transacted at a private executive meeting;
  - (ii) any decision made by an individual Member in accordance with executive arrangements; or
  - (iii) any decision made by an officer in accordance with executive arrangements,

shall be available for inspection by any Member of Council within 24 hours of the conclusion of the meeting or where an executive decision is made by an individual member or an officer, within 24 hours after the decision has been made.

35.4 If it appears to the Council Solicitor that any of the information or documentation referred to in Rules 35.1 or 35.3 discloses confidential information, exempt information of a description falling within Part 1 of Schedule 12A of the Local Government Act 1972 or that compliance with Rules 35.1 or 35.3 in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant, the document or part thereof is not required to be available to Members.

35.5 Notwithstanding Rule 35.4 the document/s shall be available for inspection by Members if the information is information of a description for the time being falling within—

- (a) paragraph 3 of Schedule 12A to the 1972 Act (*except* to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract); or
- (b) paragraph 6 of Schedule 12A to the 1972 Act.

## **36. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF SCRUTINY AND OVERVIEW COMMITTEES**

36.1 Subject to Rule 36.2 a Member of Scrutiny and Overview Committee is entitled to a copy, no later than 10 clear working days after the Executive receives the request, of any document which—

- (a) is in the possession or under the control of the Executive of the Council; and
- (b) contains material relating to—
  - (i) any business transacted at an executive meeting;
  - (ii) any decision made by an individual Member in accordance with executive arrangements; or
  - (iii) any decision made by an officer in accordance with executive arrangements,

36.2 No member of Scrutiny and Overview is entitled to a copy—

- (a) of any such document or part of a document as contains exempt or confidential information unless that information is relevant to—
  - (i) an action or decision that that member is reviewing or scrutinising; or
  - (ii) any review contained in any programme of work of such a committee or sub-committee of such a committee; or
- (b) of a document or part of a document containing advice provided by a political adviser or assistant.

36.3 Where the Executive determines that a Member of Scrutiny and Overview Committee is not entitled to a copy of a document or part of any such document for a reason set out Rules 36.1 or 36.2 it must provide Scrutiny and Overview Committee with a written statement setting out its reasons for that decision.

**LOCAL GOVERNMENT ACT 1972 (as amended)**

**SCHEDULE 12A**

**ACCESS TO INFORMATION: EXEMPT INFORMATION**

**PART 1**

**DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND**

*This appendix to Part 4B of the Constitution is referred to at Rules 10 and 27*

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes—
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**PART 2**

**QUALIFICATIONS: ENGLAND**

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—

- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974;
- (c) the Friendly Societies Act 1992;
- (d) the Industrial and Provident Societies Acts 1965 to 1978;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 1993.

**9.** Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

**10.** Information which—

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### PART 3

#### INTERPRETATION: ENGLAND

**11.** —(1) In Parts 1 and 2 and this Part of this Schedule—

"employee" means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means—

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or

by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

"registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in Parts 1 and 2 and this Part of this Schedule to "the authority" is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—

(a) in the case of a principal council, to any committee or sub-committee of the council; and

(b) in the case of a committee, to—

(i) any constituent principal council;

(ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and

(iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and

(c) in the case of a sub-committee, to—

(i) the committee, or any of the committees, of which it is a sub-committee; and

(ii) any principal council which falls within paragraph (b) above in relation to that committee.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## Part 4.D - Executive Procedure Rules

### 1 THE EXECUTIVE

#### 1.1 Who may make Executive Decisions

The arrangements for the discharge of executive functions are as set out in Executive Arrangements adopted by the Council. These arrangements provide for executive functions to be discharged by:

The Leader – who may delegate to:

- i. the Cabinet as a whole;
- ii. a Cabinet Committee;
- iii. the appropriate Cabinet Member who, within delegated powers granted by the Leader, shall have authority to award contracts, and approve other relevant contractual and property transaction matters, including waiving of the Tenders and Contracts Regulations and appointment to approved list of contractors, only when acting in accordance with the procedures contained in the protocols (see Appendix 1);
- iv. the Chief Executive;
- v. an Executive Director;
- vi. joint arrangements;
- vii.. another local authority; or
- viii. a Cabinet Member.

Key Decisions may only be taken by the Leader, the Cabinet, a Cabinet Committee, the Chief Executive in case of urgency, or by a Cabinet Member or officer using powers as specifically delegated by the Leader.

#### 1.2 Sub-delegation of Executive Functions

- (a) Where the Leader, the Cabinet, a Cabinet Committee or a Cabinet Member is responsible for an executive function, they may delegate further to a joint Committee or an Officer.

- (b) Where a Joint Committee is responsible for an executive function it may further delegate its functions to a sub-committee (or an officer) according to the terms of its constitution.
- (c) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated.

### **1.3 The Council's Scheme of Delegation and Executive Functions**

The Council's Scheme of Delegation as set out in Part 3 of this Constitution (Responsibility for Functions), shall be subject to adoption by the Council and may only be amended by the Council. Within the powers allocated to the Cabinet, amendments to the Constitution with regard to the creation or dissolution of a Cabinet Committee and the delegation of Executive Functions to a Cabinet Committee or an Officer may be made by the Leader.

Portfolio descriptions of Cabinet Members are set out on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)) and may be amended on decision of the Leader.

Appendix 1 sets out the protocol to be followed by the appropriate Cabinet Member in regard to approval of contractual and property transaction matters. This Protocol and any others adopted by the Leader from time to time for whatever purpose may be amended on decision of the Leader and shall be set out in Appendix 1 to these Rules.

### **1.4 Disclosable Pecuniary Interests and Conflicts of Interest**

Cabinet Members shall act in accordance with the Members' Code of Conduct set out in Part 5I of this Constitution. Executive Members shall also have regard to the need, if they are consulted by a decision maker in relation to an executive decision, to declare any conflict of interest to that decision maker and seek a dispensation from the Chief Executive as provided for in Part 2 and Part 4B of this Constitution.

### **1.5 Meetings of the Cabinet**

- (a) The Cabinet shall meet on the dates as determined annually by the Leader. As Chair of the Cabinet, the Leader may convene such additional meetings of the Cabinet as are necessary to enable the efficient conduct of business, and may cancel or re-schedule meetings as necessary.
- (b) Meetings of the Cabinet shall be held in the Town Hall, Katharine Street and shall commence at 6.30 p.m., unless determined otherwise and stated on the Notice and Summons for the meeting and shall last

no longer than three hours, at the expiry of which period any recommendations remaining outstanding for consideration shall be put to the vote in turn without further debate and the Chair shall then close the meeting.

- (c) Meetings of the Cabinet shall be open to the media and public unless the business under consideration is exempt or confidential as determined under the Access to Information Rules set out in Part 4 of this Constitution. Participation at meetings by the Shadow Cabinet and Members of other Political Groups represented on the Council may be governed by a Leader's protocol.
- (d) Notice of each meeting shall be given and the agenda and papers for each meeting shall be available in compliance with the Access to Information Rules set out in Part 4 of this Constitution.

## 1.6 **Quorum**

The quorum for a meeting of the Cabinet shall be three, one of whom shall be the Leader or the Statutory Deputy Leader; and for a Cabinet Committee, three Members.

## 1.7 **Decisions taken by the Leader and Cabinet**

Save for those matters reserved by the Leader to the Leader, the Leader has chosen to reserve collective responsibility for taking executive decisions to the Cabinet with the proviso that the Leader has delegated responsibility for decisions relating to contractual and property transactions including the determination of surplus land and property matters to the relevant Cabinet Members on the basis that the responsibility will be exercised with due regard to the Scheme of Delegation approved by the Leader and set out at Part 6C of this Constitution and that from time to time the Leader may further delegate to any Cabinet Member or any Cabinet Committee the Leader has created or decides to create.

- (a) Executive decisions, which have been allocated to the Cabinet, or delegated to a Cabinet Committee, shall be taken at a meeting convened in accordance with the Access to Information Rules set out in Part 4B of this Constitution.
- (b) Subject to any protocol relating to the same where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to the Cabinet as a whole.

- (c) Executive decisions taken by the appropriate Cabinet Member, with regard to contractual and property transaction matters shall be taken with regard to any Protocol governing the exercise of that delegated power.

## 1.8 Recommendation to Council

Any recommendation of the Leader, Cabinet or Cabinet Committee referred to the Full Council for approval may be made within the Business Report of the Leader and Cabinet and shall summarise the matter, setting out the recommendation for the Council to consider. The recommendation shall be submitted to the next convenient Ordinary Council Meeting following the meeting of the Cabinet or Cabinet Committee at which the recommendation was framed.

## 2 THE CONDUCT OF EXECUTIVE MEETINGS

### Appointment of Chair

- 2.1 The Cabinet meeting shall be chaired by the Leader. If the Leader is absent then the Statutory Deputy Leader shall chair the meeting.
- 2.2 The Chair of the meeting shall decide on all matters of order, competence, relevance and interpretation of these Rules. The Chair shall have the power to vary the order of business to give precedence to any item of business. Matters of urgent business shall be taken at the discretion of the Chair if satisfied that the item cannot reasonably be deferred until the next meeting of the Committee. The reports concerning such matters shall explain the reason for urgency.
- 2.3 The decision of the Chair as to the general conduct of the meeting shall be final. The Chair may direct a Member to discontinue speaking if they consider the Member is being repetitive, tedious or irrelevant, uses unbecoming language, or is in some other way breaching the order of the meeting. When necessary, the Chair, having warned the Member shall move that the Member called by name, leaves the meeting. The motion, if seconded, shall be put to the vote without further debate and if carried the Member shall leave immediately.
- 2.4 In the case of a member of the public disrupting the meeting or if there is a general disturbance, the Chair may order the removal of a person or that the public areas be cleared. Re-admission shall be at the discretion of the Chair

### Business

- 2.5 At each meeting of the Cabinet the following business shall be conducted although the Leader shall have the power to determine the content and order of business:

## **Attendance by Non-Executive Members**

- 2.6 The Chair of the Scrutiny and Overview Committee together with the relevant Deputy or the Vice Chair shall have automatic entitlement to attend any Cabinet or Cabinet Committee meeting at which a report from a Scrutiny and Overview Committee or a Sub-Committee is under consideration and participate in the consideration of that item of business but not vote.
- 2.7 A job-share Cabinet Member who is not the current acting Cabinet Member for the job-share portfolio shall have automatic entitlement to attend any Cabinet or Cabinet committee meeting and participate in the consideration of any item of business but not vote.
- 2.8 The Leader or Chair of a Cabinet Committee may agree that a non-executive Member may attend to participate in the debate of an item of business on the grounds that the presence of the Member concerned can be justified. Such a Member shall not have any right to vote in deciding the outcome of the matter under consideration. In the absence of a Cabinet Member, the relevant Deputy shall be invited to attend and participate in the meeting in accordance with these arrangements. A Deputy shall not have a right to vote and shall not be included for the purposes of determining whether the meeting is quorate.
- 2.9 The Committees established by the Leader and their delegations as approved by the Leader are set out in Section 3 of these Rules.

## **3 COMMITTEES OF THE CABINET**

- 3.1 The Leader may establish one or more Cabinet Committees to exercise specified delegated executive functions. Standing Committees established by the Leader are listed below. In addition the Leader may from time to time establish ad hoc committees on a time-limited basis.

### **General Purposes Committee**

- 3.2 To deal with any matters of business allocated to the Cabinet.

The membership of the Committee shall comprise all 10 Cabinet Members, and be quorate if not less than 3 Members are present.

## **4. CABINET MEMBER ADVISORY COMMITTEES**

- 4.1 The Council has established the following Cabinet Member Advisory Committees to advise the relevant Cabinet Member/s as detailed in Part 2 and Part 4P:
- 4.2 All Cabinet Member Advisory Committees, with the exception of Traffic Management Advisory Committee, shall meet no more than 4 times per year and conduct their meetings in accordance with the Procedures at Part 4P.

## **5. CABINET ADVISORY COMMITTEES**

### **Traffic Management Advisory Committee** **(Membership 6)**

**5.1** The Traffic Management Advisory Committee shall meet as frequently as business requires for the purpose of advising the Cabinet Member for Environment, Transport & Regeneration 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 for Place, 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 for Place.

**5.24.3** Participation in the proceedings of the meetings of the **Traffic Management Advisory** Committee shall be in accord with the Protocol set out in Part 5H of the Constitution governing such arrangements as approved by the Committee from time to time in consultation with the Cabinet Member for Environment, Transport & Regeneration.

## **PROTOCOLS OF THE EXECUTIVE**

Each Protocol shall indicate whether it applies to the Leader, Cabinet, or, when exercising delegated powers in taking an executive decision, a Cabinet Committee or the appropriate Cabinet Member with regard to contractual and property transaction matters or the Chief Executive.

### **1. PROTOCOL ON APPOINTMENTS OF SCHOOL GOVERNORS AND THE APPROVAL OR AMENDMENT OF INSTRUMENTS OF GOVERNMENT**

This Protocol applies to the Executive Director for People who shall exercise delegated powers to appoint School Governors and in approving or amending Instruments of Government relating to the size and composition of individual governing bodies.

#### **Appointment of School Governors**

Before approving, or otherwise, any appointment of a person as a School Governor, the Executive Director for People shall:

- 1 Be satisfied that the applicant or any organisation representing the applicant has granted their full consent to be considered for the appointment concerned; and
- 2 Consult the Cabinet Member for Children, Young People and Learning, and Deputy, together with the Shadow Cabinet Member for Children, Families and Learning on the intention to appoint or not appoint the person and take account of the views expressed by Members on the suitability of that person for appointment.

#### **Instruments of Government**

Before approving, or otherwise, any Instrument or amendment to an Instrument of Government, the Executive Director for People shall:

Consult the Cabinet Member for Children, Young People and Learning and Deputy, together with the Shadow Cabinet Member for Children, Families and Learning on the draft Instrument, amended or otherwise and take account of the views expressed by Members on the draft.

## **2. PROTOCOL GOVERNING THE EXERCISE OF DELEGATED AUTHORITY TO APPROVE CONTRACTUAL AND PROPERTY TRANSACTION MATTERS RELATED TO EXECUTIVE FUNCTIONS**

This Protocol applies to executive decisions on contractual and property transaction matters including the declaration of land and property as surplus to the Council's requirements taken under delegated authority from the Leader by the relevant Cabinet Member:

- a) The Cabinet Member shall not consider any contractual or property transaction relating to an executive function that has not been the subject of a report to the Cabinet or Cabinet Member.
- b) The Cabinet Member, if in agreement with the recommendations of the report shall sign a decision notice, in the form set out in Appendix A to this Protocol, in respect of the contractual and property transaction matter concerned indicating that the contract shall be awarded or action taken as per the recommendation. All matters dealt with shall be included in a schedule as part of the next Leader's and Cabinet Business Report to the Council. Members may ask questions at the Council Meeting on the contents of the schedule.
- c) If the Cabinet Member is not minded to agree with a recommendation set out in the report, the contractual and property transaction matter to which it refers shall stand immediately referred, without further discussion, to the Leader, if necessary to be dealt with as urgent business.
- d) If the Cabinet Member has a disclosable pecuniary interest or conflict of interest in or in relation to any contract or property transaction matter referred for consideration, the declaration will be recorded and the relevant matters will immediately stand referred to the Leader for decision.
- e) Any contractual and property transaction matters referred to the Leader for decision shall be the subject of a full report.

**APPENDIX A**

**CROYDON COUNCIL**

**RECORD OF EXECUTIVE DECISION**

TITLE:-	
REFERENCE NO:-	
RECOMMENDATIONS:-	
BACKGROUND PAPERS/ CABINET OR COMMITTEE REPORT:-	

I agree/do not agree\* to the recommendation [as amended\*]  
(\*delete as appropriate)

Signature:

Title:

Date:

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## Part 4.F - Non-Executive Committee Procedure Rules

### 1 Application

- 1.1 Without prejudice to the Licensing, Licensing Sub-Committee, Planning Committee and Planning Sub-Committee Procedure Rules, these Rules shall apply to meetings of all Non-Executive Committees and Sub-Committees established by the Council. These rules shall also, subject to the exceptions set out in Part 4P, apply to Cabinet Member Advisory Committees governed by Part 4P. These rules do not apply to Traffic Management Advisory Committee for which there are separate arrangements in Part 5H.

### 2 Appointments

- 2.1 Appointment as a member of a Committee or Sub-Committee shall be limited to the duration of the Council Year or the remainder of it. Vacancies on Sub-Committees arising during the Council year shall be filled by decision of the parent Committee.
- 2.2 Membership of a Statutory Review Board shall be drawn from a Panel of Members appointed for that purpose by the Council. The Council Solicitor shall have delegated power to constitute a Review Board. The Appointments Committee shall be constituted as and when a Committee is required to make an appointment. Membership of the Licensing Sub-Committee shall be drawn from the membership of the Licensing Committee. The Council Solicitor shall have delegated power to constitute a Licensing Sub-Committee as and when a hearing under the Licensing Act 2003 or Gambling Act 2005 is required.
- 2.3 With the exception of the Licensing Sub-Committee, every Committee and Sub-Committee and Panel, at their first meeting shall appoint a Chair and Vice-Chair for the duration of the Council Year. The Licensing Committee shall appoint a Chair and two Vice-Chairs. The Licensing Sub-Committee shall appoint a Chair for the duration of business for which that Sub-Committee is convened.
- 2.4 In the event of a vacancy to either the Chair or Vice-Chair arising during the Council Year, this shall be filled by election at the first meeting of the relevant Committee or Sub-Committee following notification of the vacancy to the Council Solicitor. In the event of the absence of a Chair and Vice-Chair from a Committee or Sub-Committee, the representative of the Council Solicitor shall arrange for the election of a Chair for the purposes of the meeting.

- 2.5 Seats shall be allocated in accordance with the rules governing proportionality, by the Council at its Annual Meeting or at any Ordinary or Extraordinary Meeting as appropriate should a vacancy arise during the Council Year. Except in the case of the Licensing Sub-Committee it shall be in order for a Member to be appointed to a Sub-Committee although they are not a member of the parent Committee. The Council Solicitor is empowered to make in year appointment to committees after consultation with party whips.
- 2.6 During the Council Year, changes in membership shall be notified either by way of a resignation from the Member concerned or notification from the relevant Group Secretary. The relevant Group Secretary shall also submit a notification of the Member nominated to fill a vacancy arising for a seat allocated to that particular Group. In all cases the notification shall be submitted to the Council Solicitor.
- 2.7 The Council Solicitor shall cause an item to be placed on the agenda of the next meeting of the relevant Committee, or in case of urgency the General Purposes and Audit Committee, and the Committee shall resolve that a named Member be appointed to the vacancy.
- 2.8 The Council Solicitor shall arrange for any Member appointed to the Licensing Committee or its Sub-Committee to receive appropriate training before that Member shall serve as a Member of the Committee or Sub-Committee.

### **3 Powers of the Chair**

- 3.1 The Chair of the meeting shall decide on all matters of order, competence, relevance and interpretation of these Rules. The Chair shall have the power to vary the order of business to give precedence to any item of business. Matters of urgent business shall be taken at the discretion of the Chair if satisfied that the item cannot reasonably be deferred until the next meeting of the Committee. The reports concerning such matters shall explain the reason for urgency.
- 3.2 The Chair shall ensure that the split of business between Parts A and B (i.e. Part B shall constitute that part which is exempt or confidential business) is agreed, if necessary by a majority of the Members present. The Chair shall ensure that Members that wish to speak on any item of business have the opportunity to do so, within the scope of the meeting and within reasonable limits of time. The decision of the Chair as to the general conduct of the meeting shall be final.
- 3.3 The Chair may direct a Member to discontinue speaking if they consider the Member is being repetitive, tedious or irrelevant, uses unbecoming language, or is in some other way breaching the order of the meeting. When necessary, the Chair, having warned the Member shall move that the Member called by

name, leaves the meeting. The motion, if seconded, shall be put to the vote without further debate and if carried the Member shall leave immediately.

- 3.4 In the case of a member of the public disrupting the meeting or if there is a general disturbance, the Chair may order the removal of a person or that the public areas be cleared. Re-admission shall be at the discretion of the Chair.
- 3.5 The recording/reporting of meetings using any type of audio or visual equipment is permitted subject to the proviso that any such reporting/filming/photography does not become distracting, disruptive or contrary to the good order or conduct of the meeting. Should any such reporting/filming/photography become distracting, disruptive or contrary to the good order or conduct of a meeting, the person/s responsible may be asked by the Chair to terminate this, regardless of the format in which the reporting/filming/photography is taking place.

#### **4 Recommendation to Council**

- 4.1 Any recommendation referred to the Council for approval shall be made by way of a report summarising the matter and setting out the recommendation for the Council to consider. The Report shall be presented to the next convenient Ordinary Council Meeting following the meeting or meetings of the relevant Committee at which the recommendations are made.

#### **5 Agendas and Minutes**

- 5.1 The Council Solicitor shall ensure that an Agenda and Summons for each meeting are dispatched to Members and available to the public in advance of the meeting.
- 5.2 The Council Solicitor shall ensure that a record is made of the decisions taken at every meeting of a Committee or Sub-Committee. The minutes shall also include a record of the Members in attendance, those absent and any apologies received.
- 5.3 The disclosure of any disclosable pecuniary interests not already on a Members' Register of Interest or subject to a pending notification to the Monitoring Officer shall be recorded in the minutes of the meeting and notified by the Member to the Monitoring Officer in accordance with the Members' Code of Conduct.
- 5.4 All minutes, except those prepared following a meeting of an Appointments Committee or Licensing Sub-Committee shall be considered for approval at the next meeting of the Committee or Sub-Committee to which they relate and shall be open to question as to their accuracy before being signed. The accuracy of the minutes of a meeting shall not be open to question or

amendment other than at a meeting of the Committee or Sub-Committee concerned.

- 5.5 Minutes shall be made available to Members, the public and press in accordance with the Access to Information Procedure Rules at Part 4B of this Constitution.

## **6 Dates and Frequency of Meetings**

- 6.1 The dates of scheduled meetings with the exception of those for the Appointments Committee and Licensing Sub-Committees shall be as printed in the Council diary. Each Committee or Sub-Committee or the Council Solicitor in consultation with the relevant Chair may convene meetings on such other dates as they may agree in the light of business to be transacted.
- 6.2 The Planning Committee shall generally meet at three-weekly intervals and the Planning Sub-Committee at six-weekly intervals. The Licensing Committee and its Sub-Committee shall meet as frequently as business requires.
- 6.3 The Chair shall have power to cancel a meeting for lack of business or reschedule a meeting, having observed the courtesy of consulting any member of the Committee or Sub-Committee designated as the Opposition Spokesperson for the Committee or Sub-Committee in question.

## **7 Attendance by Members not appointed to a Committee or Sub-Committee**

- 7.1 The Chair of a Committee or Sub-Committee may agree that a Member not appointed to the Committee or Sub-Committee may attend and participate in the debate of an item of business on the grounds that the presence of the Member concerned can be justified. Such a Member shall not have any right to vote in deciding the outcome of the matter under consideration. This provision shall not apply in respect of the Licensing Sub-Committee.

## **8 Quorum**

- 8.1 No business shall be considered at a meeting of a Committee or Sub-Committee unless there are present either one third of the membership of the Committee or Sub-Committee or 3 members, whichever figure is the greater. If the meeting is inquorate, it shall be deferred for 15 minutes. If after 15 minutes there is still no quorum, the consideration of any business not transacted shall be held over until the next scheduled meeting or another date fixed by the Chair.

8.2 Where the Licensing Sub-Committee is inquorate and it is not possible to appoint a Chair for the duration of the business as provided for in Rule 2.03 above, the Chair of the Licensing Committee or in the absence of the Chair, one of the Vice Chairs, shall be deemed to be appointed as Chair for the purpose of deferring the business to the next scheduled meeting if appropriate, to another date fixed for hearing of the business or to a later time on the date of the scheduled meeting for hearing of the business.

## **9 Rules of Debate**

9.1 A Member may indicate their desire to speak by raising their hand, but shall only speak when called by name by the Chair.

9.2 Members shall, when speaking, address the Chair and:

- 1 refer to each other as Chair or Member, as the case may be;
- 2 refrain from using unbecoming language;
- 3 refrain from comments of a personal nature about another Member;
- 4 not attribute improper motives to another Member.

9.3 Only one motion or amendment may be considered at a time. A motion or amendment once moved and seconded may be withdrawn, only by the mover. No further debate shall take place on a motion or amendment once it has been withdrawn.

9.4 Every motion or amendment must be moved and seconded.

9.5 An amendment to a motion may be proposed, provided it is seconded and:

- 1 is not moved whilst another amendment is under discussion;
- 2 does not have the same meaning as one already defeated at the meeting;
- 3 refers to the subject matter under discussion and does not introduce a new subject.

9.6 A Member may raise a point of order by declaring “point of order” identifying the appropriate Procedure Rule number, in which case the Chair shall ask the Member speaking to give way. The Chair shall invite the point of order to be explained by the Member concerned.

9.7 A Member may assert a right to be heard immediately on a point of personal explanation by declaring “point of personal explanation”, in which case the

Chair shall ask the Member speaking to give way. The Chair shall invite the point of personal explanation to be made by the Member concerned.

## **10 Voting**

- 10.1 Unless required otherwise by law, all matters shall be decided by a simple majority.
- 10.2 Where immediately after a vote is taken at a meeting of a Committee or Sub-Committee, if any Member so requires there shall be recorded in the minutes of that meeting whether the person cast their vote for or against the question or whether they abstained from voting.
- 10.3 In the event of an equality of votes on either side, the Chair shall have a second or casting vote.

## **11 Disclosure of Interests**

- 11.1 Every agenda shall include as an item of business "Disclosures of Interest". Members shall abide by the Members Code of Conduct set out at Part 51 of this Constitution. It is the responsibility of every Member to declare any disclosable pecuniary interest during the course of a meeting that is not already on their register of interests or subject to a pending notification to the Monitoring Officer. Each disclosure shall be minuted but Members are required to notify the Monitoring Officer of any disclosure so minuted in accordance with the Members' Code of Conduct.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## Part 4.P – TERMS OF REFERENCE AND PROCEDURES FOR CABINET MEMBER ADVISORY COMMITTEES ESTABLISHED BY COUNCIL

**NEW**

### 1. FUNCTIONS OF THE CABINET MEMBER ADVISORY COMMITTEES

1.1 Full Council has established the following four Cabinet Member Advisory Committees to which the rules of Proportional representation will apply:

1.1.1 Health, Social Care and Community Cabinet Member Advisory Committee:  
Membership 9  
Maximum of 3 reserve Members from each party.  
Majority group Chair and one Deputy Chair from the majority Group and a Vice Chair from the minority group.

To advise the relevant Cabinet Member/s in relation to the following Cabinet Portfolios:

- Families, Health and Social Care
- Safer Croydon & Communities

1.1.2 Regeneration, Housing and Environment Cabinet Member Advisory Committee:  
Membership 11  
Maximum of 3 reserve Members from each party.  
Majority group Chair and one Deputy Chair from the majority Group and a Vice Chair from the minority group.

To advise the relevant Cabinet Member/s in relation to the following Cabinet Portfolios:

- Homes & Gateway Services
- Clean & Green Croydon
- Environment, Transport and Regeneration

This specifically excludes any functions allocated to Traffic Management Advisory Committee for which there are separate arrangements.

1.1.3 Resources and Economy Cabinet Member Advisory Committee:  
Membership 9  
Maximum of 3 reserve Members from each party.  
Majority group Chair and one Deputy Chair from the majority Group and a Vice Chair from the minority group.

To advise the relevant Cabinet Member/s in relation to the following Cabinet Portfolios:

- Finance and Resources
- Economy and Jobs

- 1.1.4 Young People Services & Leisure Cabinet Member Advisory Committee:  
 Membership 9  
 Maximum of 3 reserve Members from each party.  
 Majority group Chair and two deputy Chairs – one majority group one minority group.

To advise the relevant Cabinet Member/s in relation to the following Cabinet Portfolios:

- Children Young People & Learning
- Culture Leisure and Sport

- 1.2 The Cabinet Member Advisory Committees are not decision making bodies and are not permitted to take executive decisions. Cabinet Member Advisory Committees serve only in an advisory capacity to the relevant Cabinet Member/s within the parameters set out within this Part 4P.

- 1.3 The Cabinet Member Advisory Committees, subject to 1.4 and 1.5, may consider and advise on any matters which are executive in nature and fall within the portfolios which comprise the remit of the specific Cabinet Member Advisory Committee in question. Matters will not be considered by more than one Cabinet Member Advisory Committee and in the event of an overlap of Portfolios the Chair/s of the relevant Cabinet Member Advisory Committees shall, in consultation with the relevant Cabinet Member/s, determine which Cabinet Member Advisory Committee is to consider the matter.

- 1.4 The Cabinet Member Advisory Committees may, subject to 1.5:

- a) Receive reports on upcoming key decisions due to be taken by the Leader, Cabinet, Cabinet Committee, Cabinet Members or Officers and to make recommendations in relation to such matters which the decision maker may accept, reject or refer back to the Cabinet Member Advisory Committee for further comment and record their reasons for doing so;
- b) Receive reports at the consultation stage in relation to proposed significant executive decisions to be taken by the Leader, Cabinet, Cabinet Committee Cabinet Members or Officers and to make comments in relation to such matters. For these purposes a decision is significant where the decision is likely to have a substantial impact on those living and/or working in one or more wards of the Borough but which is not a key decision;  
 It will be a judgment call as to what may be significant within this category however assessment will consider both detrimental impact and positive impact – either could be significant. Some considerations which may be relevant in deciding the significance of an executive decision under this criteria could include:
  - the extent of the impact (i.e. how many people within the ward will be affected);
  - the likely views of those affected (i.e. is the decision likely to result in substantial public interest/opposition/support –

regard should be had to any consultation undertaken to assist in this regard and matters which require public consultation whether by statute or otherwise are more likely to be regarded as significant);

- whether the decision is likely to be a matter of political sensitivity;
  - where the decision may incur a significant social, economic or environmental risk; or
  - where the decision may have a significant impact on those with protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity).
- c) Be consulted in relation to the development of policies by the executive which form part of the Policy Framework and to make comments in relation to executive proposals at a formative stage (for this purpose, this excludes policies, plans and statements relating to regulatory matters reserved to non-executive committees);
- d) Invite the relevant Cabinet Member/s to attend a Cabinet Member Advisory Committee meeting;
- e) Receive reports, including annual reports which are not required to go to Full Council, in relation to performance and make comments and recommendations to the relevant Cabinet Member which the decision maker may accept, reject or refer back to the Cabinet Member Advisory Committee for further comment and record their reasons for doing so.
- (f) Receive Member Petitions relating to the Cabinet Member Advisory Committee's area of responsibility in accordance with paragraph 3 below.

1.5 The Cabinet Member Advisory Committees may not consider/advise on the following matters:

- a) Urgent matters as defined in the Constitution or which in the opinion of the Leader or Council Solicitor require a decision to be taken within a time frame which makes involvement of a Cabinet Member Advisory Committee impractical.
- b) Matters which are within the remit of a non-executive Committee of the Council or are delegated to officers from a non-executive Committee
- c) Operational day to day matters or staffing matters
- d) Matters which relate to a current planning or licensing determination
- e) Matters within the remit of Traffic Management Advisory Committee
- f) Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.
- g) Any matters which pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related matters or disputes.
- h) Any matters which fall within the statutory remit of Overview and Scrutiny or one of its sub-committees.
- i) Any matter which has already been the subject of consideration, including via pre-decision scrutiny, by Overview and Scrutiny or any of its sub-committees in the past 6 months or has been subject or will be subject to scrutiny as part of the Overview and Scrutiny work

plan within the next 6 months.

- j) Any matter which has been the subject of or is due to be considered by another Cabinet Member Advisory Committee.

## **2. PROCEDURES: MEETINGS, QUORUM, VOTING & SPEAKING RIGHTS**

- 2.1 These Procedures apply to Cabinet Member Advisory Committees established by Full Council with the exception of Traffic Management advisory Committee for which separate arrangements are set out in Part 5H.
- 2.2 The meetings of the Cabinet Member Advisory Committees will be governed by the Non-Executive Committee Procedure Rules Part 4F except that:
  - a) Council shall appoint a Chair, Deputy Chair and Vice Chair for the Cabinet Member Advisory Committees
  - b) In the event of a vacancy on a Cabinet Member Advisory Committee during the Council Year, this shall be filled in accordance with the provisions of Article 4.1(f). Vacancies to the role of Chair, Vice Chair or Deputy Chair during the Council Year shall be filled in accordance with Part 4F.
  - c) There is no power to make reports or recommendations to Full Council
  - d) Each Cabinet Member Advisory Committee shall meet no more than 4 times per year.
  - e) The duration of each meeting shall not exceed 3 hours and any business not transacted within that time frame shall be deferred until the next Cabinet Member advisory Committee meeting unless decided otherwise, by vote of members present and eligible to vote.
  - f) The quorum shall be either one third of the membership of the Cabinet Member Advisory Committee or 3 voting members, whichever figure is the greater.
- 2.3 Meetings of the Cabinet Member Advisory Committees will be open to the public and press except during consideration of items containing confidential or exempt information within the meaning of the Local Government Act 1972 (as amended).
- 2.4 The Access to Information procedure rules in Part 4B of the Constitution shall apply to the Cabinet Member Advisory Committees as if it were an executive decision making committee of the Council.
- 2.5 Minutes of the Cabinet Member Advisory Committee shall be available to the public and press as though they were minutes of a meeting of the Council.
- 2.6 The Chair may invite any person to attend a meeting of the Cabinet Member Advisory Committee for the purpose of making a presentation, or participating in discussion, on any item relevant to the Cabinet Member Advisory Committees functions where that person is able to provide a professional or user viewpoint, which the Chair considers would be of assistance to the Cabinet Member Advisory Committee.
- 2.7 There shall be no power to co-opt Members onto the Committee and no power to set up task and finish groups or create sub-committees.

- 2.8 Should the Chair be absent the Deputy Chair shall act in the Chair's stead. Should both Chair and Deputy Chair be absent, the Vice Chair shall act in the Chair's stead.
- 2.9 Cabinet Member Advisory Committee members may not serve as an ordinary or substitute Member at a meeting of Scrutiny and Overview Committee (or any of its sub-committees) when the latter is dealing with issues that have been considered by a Cabinet Member Advisory Committee at which they have been present.
- 2.10 The Agenda for each Committee meeting should be based on the agreed work programme for the Committee. Timings and the order of business should be decided by the Chair, Deputy Chair or Vice Chair, as appropriate, in sufficient time to allow invitations and requests for reports to be made with adequate notice.
- 2.11 Any Member of the Cabinet Member Advisory Committee shall be entitled to give notice to the Chair of their wish to add an item, which is not already on the agreed work programme, to the agenda for the Committee of which they are a member, subject to such item being relevant to the functions of the Committee in question. In addition, any Member of the Council shall be entitled to give notice to the Chair of their wish to add an item, not already on the agreed work programme, to the agenda for the Committee with responsibility for the portfolio to which the matter relates, provided that the item is both relevant to the functions of the Committee and it is not an "excluded matter" as set out in 1.5 above. The Chair may determine, in their sole discretion, to include this item at the next or a subsequent meeting.
- 2.12 It is recognised that Cabinet Members or officers may not be available at short notice. Members and officers invited to Cabinet Member Advisory Committee meetings should always, unless there are exceptional circumstances, receive adequate notice and where appropriate reminders of meeting dates.
- 2.13 Public questions can be asked of the Committee on matters which fall within the remit of the portfolios for the relevant Cabinet Member Advisory Committee. Any questions of a purely factual or of a detailed nature shall be noted and shall receive a written response within 4 weeks following the meeting. The responses shall be published on the Council's website.
- 2.14 Questions which relate to any matters set out in 1.5 shall not be permitted and do not fall within the remit of the Cabinet Member Advisory Committee. In addition, questions shall not be received or responded to where they pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related issues or disputes. A named member of staff shall not be the subject of a question. If necessary, the Council Solicitor shall provide guidance on the above.
- 2.15 Public questions shall only be allocated a total time of 20 minutes. This time frame shall include both the response and any supplementary questions permitted under 2.17.
- 2.16 The Chair has absolute discretion to decline to allow any question to be

dealt with under this procedure on the grounds that it addresses matters that would be inappropriate to consider at the meeting, including where the questions being asked are repetitive or have already been addressed.

2.17 At the Chair's discretion, questions shall be dealt with in the following order:

- a) questions from members of the public present in the public gallery who have emailed in their questions in advance in accordance with 2.18;
- b) questions from members of the public in the public gallery who did not email their questions in advance,
- c) followed by the Chair reading out public questions from members of the public not present in the public gallery but who emailed their questions in advance in accordance with 2.18 below.

Members of the public seated in the public gallery may be invited in turn by the Chair to address the Committee. Members of the public invited to put their questions will also be permitted to ask a single supplementary question but shall do so only if called upon by the Chair to do so as this may be subject to time constraints.

2.18 The Chair may also accept questions from Members of the Public submitted by email to the designated email address by 12noon on the Friday prior to the scheduled Cabinet Member Advisory Committee in question. The Chair will put questions received by email to the Committee and, where a number of questions are received on the same subject, the Chair may put a summary of those questions instead.

### **3. MEMBER PETITIONS**

3.1 Member Petitions are governed by these Rules and, where relevant, the provisions of the Council's Petition Protocol.

3.2 Member Petitions presented shall not include any petitions in respect of which there is a statutory petitions process, for example Statutory Petitions with regard to changes to Governance Arrangements for the Council. Statutory Petitions shall be governed in accordance with their respective statutory processes and are not set out in these Rules. Nor may they include Petitions presented in response to a statutory process or associated consultations being undertaken by the Council.

3.3 Member Petitions shall not be received or debated where they relate to a current planning or licensing matter or any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment. In addition, the Council shall not receive or debate items which pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related disputes. Petitions may address other issues within the direct responsibility of the Cabinet Member/s for the Portfolio/s which are covered by the relevant Cabinet Member Advisory Committee.

- 3.4 Member Petitions may only be submitted where supported by “Local People” who appear on the electoral register within the Borough, are a person who lives and/or works in the area or a child or young person who lives in, or attends a school or college in, the Borough.
- 3.5 In order to be valid:
- 3.5.1 Member Petitions must be materially accurate in respect of the facts upon which the Member Petition is based. Petitions which are defamatory, discriminatory or which incite civil unrest shall not be received or debated by the Cabinet Member Advisory Committee.
- 3.5.2 A full Copy of any Member Petition to be submitted, including the full Member Petition wording and any supporting petitioners’ details and signatures, including the date upon which they have appended their signature to the Petition, must be delivered to the Council Solicitor or his/her nominee by noon seven (7) clear working days before the Cabinet Member Advisory Committee meeting by the Member who is formally to present it to the Cabinet Member Advisory Committee. Any Member Petition submitted less than seven (7) clear working days before the relevant meeting shall, if successfully verified, be presented to the following meeting of the relevant Cabinet Member Advisory Committee.
- 3.5.3 The Council shall be responsible for verifying that the qualifying numbers of Local People have signed the Petition in question based on the information provided by the petitioners. If the qualifying number of Local People have signed the petition, and provided the above requirements for a valid petition are met, the Petition will be presented to the next available Cabinet Member Advisory meeting.
- 3.5.4 The subject matter of a Petition which has been debated at Full Council or a Member Petition received at a Cabinet Member Advisory Committee shall not be the subject of a further Petition to Full Council or a Cabinet Member Advisory Committee within a period of twelve months and where a similar or substantially similar matter has been debated by the Council or received by Cabinet Member Advisory Committee in the previous six months or is due to be debated within the next six months, the Member Petition shall not be deemed to be valid.
- 3.5.6 The Member Petition shall contain the signatures of at least 100 Local People or 50% of the Local People affected by the subject of the Petition.
- 3.6 Where more than three Member Petitions are received in accordance with these Rules, subject to validation of the necessary number of signatures, the first three Valid Member Petitions submitted shall be the petitions which go forward to be received at the next meeting of the relevant Cabinet Member Advisory Committee. The remaining Petitions shall not automatically be received at the following Cabinet Member Advisory Committee meeting but may be resubmitted by the Member subject to the requirements of these Rules.
- 3.7 The full Petition wording of each of the three Member Petitions to be received will be included in the agenda. The Member Petitions will be received but shall not be the subject of a debate or questions at that or a

subsequent Cabinet Member Advisory Committee meeting. Where possible, the Cabinet Member shall provide a response at the meeting at which the Member's Petition is received. Where a response is not provided at the meeting, a written response shall be provided within three weeks of the meeting.