

**For General Release**

<b>REPORT TO:</b>	<b>COUNCIL</b> <b>26 JUNE 2017</b>
<b>AGENDA ITEM NO:</b>	<b>10</b>
<b>SUBJECT:</b>	<b>PROPOSED CHANGES TO THE CONSTITUTION</b>
<b>LEAD OFFICER:</b>	<b>JACQUELINE HARRIS-BAKER,</b> <b>DIRECTOR OF LAW AND MONITORING OFFICER</b>
<b>WARDS:</b>	<b>ALL</b>

**CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:**

Article 15 of the Constitution provides that the Council shall monitor and review its operation to ensure that its aims and principles are given full effect. In that context the recommendations in this report are designed to further improve the efficiency of the Council's decision making processes.

**1. RECOMMENDATIONS**

Council is recommended to consider the proposals contained in this report and:

- 1.1 Approve the amendments to the Constitution detailed in sections 3 and 4 of this report and detailed more specifically in Appendices 1 - 9.
- 1.2 Subject to the approval of the changes to the Health and Wellbeing Board membership and terms of reference as detailed in the report to:

- a) Note the Nominations to Health and Wellbeing Board by the Leader pursuant to the Health and Social Care Act 2012 and approve the Councillor appointments to Health and Wellbeing Board as Nominated by the Leader and set out in paragraph 4.11 of this report;
- b) Direct, in accordance with the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 that
  - i. the Health and Wellbeing Board not be permitted to establish sub-committees
  - ii. the Members of Health and Wellbeing Board specified in Paragraph 4.12 and 4.13 shall have the voting rights as indicated therein

and

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| <p>1.3 For the reasons set out in section 5, agree the Scheme of Members' Allowances detailed in section 5 of this report and appended in full at Appendix 10.</p> |
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## **2. EXECUTIVE SUMMARY**

- 2.1 At its meeting on 23 May 2016, the Council resolved to make a number of changes to the Constitution. The primary changes were focused on increasing opportunities for participation and engagement at Council meetings and the Council further resolved that these changes be evaluated after a period of twelve months. The proposed changes in relation to the Council meeting procedure in this report flow from that evaluation.
- 2.2 This report also details proposals to amend other elements of the Constitution in relation to the Planning Committee, Scrutiny and Overview Committee, Health and Wellbeing Board and Pensions Committee. These proposed changes flow from an evaluation of current practice and are designed to deliver enhanced decision making process.

## **3. PROPOSED CHANGES TO THE COUNCIL MEETING**

- 3.1 Having been in operation for twelve months, the new Constitutional arrangements for ordinary Council meetings have bedded in well. Following consultation with both political groups represented on the Council, two areas have been highlighted for consideration:
- (i) Formalising the order in which public questions are taken at ordinary meetings whilst making clear that the taking of such questions is at the Chair's discretion; and
  - (ii) Delivering a more focused Council Tax debate that allows the vote on council tax and budget setting to be taken following the conclusion of the debate, questions and the Scrutiny Budget report.
- 3.2 The change in (i) above has been effected by amending the wording of 3.20(i) of Part 4 A to read as follows:  
*"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.”*

3.3 The changes to effect (ii) above is set out via tracked changes in Appendix 5 hereto.

#### **4. FURTHER CHANGES TO OTHER AREAS OF THE CONSTITUTION**

##### **4.1 Part 4E - Scrutiny and Overview Committee Procedure Rules**

4.2 The existing scrutiny procedure rules contain a number of outdated references to Task and Finish Working Groups and a small number of anomalies that impact upon the sound governance of the Scrutiny Committee and its sub-committees. In addition, the terms of reference of the Scrutiny and Overview Sub-Committees are now included within the body of Part 4E. There are updates to Part 1 paragraph 3.9, Part 2 Article 6 and 8 and Part 6D which are consequent upon the changes set out in Part 4E

4.3 Appendix 1 to this report details proposed amendments to Article 6, Appendix 2 sets out the proposed amendments to Article 8 and Appendix 6 sets out the proposed amendments to Part 4E of the Constitution..

##### **4.4 Part 4K – Planning Procedures**

4.5 A number of minor amendments to the procedure rules for planning committee and planning sub-committee are suggested to promote clarity, consolidate current practice and improve the decision making process. These include:

- All speakers must register by 4pm on Tuesday before planning committee. This includes members of the public, the GLA member and MPs;
- Clarification of the procedure for public speaking, particularly in areas of notification requirements;
- Clarification of the various ways in which members of the public may be notified about planning applications and the timescales for responding and where to respond to;
- Revised sections which deal with role of the chair that replicate the standard section included in each agenda pack;
- Part 3 changes clarifying the role of planning committee in respect of “reserved matters” (where an initial application is an outline planning permission) and the role of sub-committee in respect of varying planning conditions;
- Ensuring that the wording of the guillotine procedure is made consistent across Part 3 and Part 4K of the Constitution.

- 4.6 Appendix 7 to this report details the proposed amendments via tracked changes to Part 4K. There are also consequent changes to Part 2 Article 8 (Appendix 2) and Part 3 (Appendix 4)..
- 4.7 Part 4L – Health and Wellbeing Board
- 4.8 The Health and Wellbeing Board is constituted under the Health and Social Care Act 2012 and is required by statute to comprise certain members, including those detailed below. Regulations made under the Health and Social Act 2012 provide that even though the Board is to be regarded as a Section 102 Committee (Under the Local Government Act 1972), Section 15 and 16 of, and Schedule 1 to, the 1989 Act of the Local Government and Housing Act 1989 (Duty to allocate seats to political parties, give effect to such allocations and political balance provisions) do not apply to the composition of this Board.
- 4.9 The Council currently has a Health and Wellbeing Board which comprises 22 more members than is required by statute. This is not only out of keeping with the approach taken by the majority of other authorities but also does not take account of the fact that, nationally, the roles and responsibilities which the Health and wellbeing board may be called upon to fulfil have evolved and continue to do so. There has been a recent review of best practice for Health and Wellbeing boards and the current structure is not in line with those recommendations. In addition, the Health and Wellbeing Board now has direct responsibilities in respect of the allocations of the Improved Better Care Fund, which substantially expands the Board's remit. Accordingly the terms of reference for and membership of the Board have been reviewed. A number of changes are proposed that are designed to reflect the increased role of the board in local health decision making, both in terms of financial and non-financial decision making. In addition, the terms of reference for Health and Wellbeing Board is being updated to accord with the procedure rules which apply to other non-executive committees of the Council as provided in Part 4F and Part 4L
- 4.10 Appendix 8 to this report details both proposed revisions to the membership of the Board and to its procedure rules. In addition, there are changes in Part 2 by the introduction of Article 13.9 (Appendix 3), inclusion of reference to Health and Wellbeing Board at 2.4 of Part 3 (Appendix 4), and reference in Part 4F to the application of the Non-Executive Procedure Rules to Health and Wellbeing Board
- 4.11 Subject to Members approving the revised terms of reference and membership as provided for in Appendix 8, Members are asked to note the Councillor nominations by the Leader for the Board and to approve that the following additional Councillor appointments be made to the Board:– Cllrs Simon Hall and Carlton Young.
- 4.12 The following non-Councillor members are required by statute to be appointed to the Board:

- CCG Representative (voting and vice-chair)
- Healthwatch Representative (voting)
- Executive Director People (non-voting)
- Director of Public Health (non-voting)

4.13 In addition, to ensure their ongoing contribution to the work of the Health and Wellbeing Board, the following non-councillor non-statutory members are proposed to be included as members of the Board:

- Croydon University Hospital Chair (non-voting)
- SLAM representative (non-voting)

#### 4.11 Part 4N – Pension Committee Procedure Rules

4.12 A number of minor amendments to the Pension Committee procedure rules are proposed. These include:

- Introducing voting rights to one of the co-opted representative of pensioners of the fund positions on the committee. This does not affect the proportionality of the Committee;
- Minor changes to the Terms of Reference to reflect recent changes to the Investment Regulations; and
- Further minor changes to the terms of reference to reflect that Croydon has entered an agreement with the London Collective Investment Vehicle (CIV). These minor changes will ensure the function of delegation meets with the new arrangements.

4.13 These proposed amendments are detailed in full in Appendix 9 to this report. There are consequential changes to Part 2 Article 8 (Appendix 2) and to Part 3 (Appendix 4).

#### 4.14 Consequential Changes Elsewhere in the Constitution

4.15 Should Council approve the Constitutional changes proposed in the report, there will be a small number of consequential amendments required to ensure that the articles and responsibility for functions sections are in keeping with the detailed proposals appended to this report. In addition there are changes to:

- the title of Executive Director of Resources throughout
- consequential changes to Article 8 of Part 2 to update committee membership details
- Correction of an error in Article 9 to the reference to the membership numbers for Ethics Committee
- the manner of publication and availability of the Constitution and agenda and reports throughout to align the Constitution with the statutory wording in this regard

- make clear that the Leaders' Scheme of Delegation is available on the Council's website
- typographical and numbering changes to ensure the correct references within the Constitution to the revised paragraphs. and

4.16 These changes will be made by the Council Solicitor under her power detailed in paragraph 15.2(d) of Article 15 of the Constitution. This paragraph empowers the Council Solicitor to make any changes to the Constitution that are necessitated by administrative convenience.

## **5. SCHEME OF MEMBERS' ALLOWANCES**

5.1 The Council's scheme of Members' Allowances was last revised and approved at the meeting of the General Purposes and Audit Committee held on 29 June 2016.

5.2 The revised scheme detailed at Appendix 10 to this report contains two revisions. The first revision is the removal of the one-off ICT transition payment to Councillors which was only payable in 2016. The second revision is an amendment to the level of special responsibility allowance (SRA) awarded to the Chair of the Health and Wellbeing Board.

5.3 London Councils operates an Independent Remuneration Panel ("IRP") that advises on the level of allowances paid to Elected Members across London. In setting or amending the levels of remuneration to its Councillors the authority is required to have regard to the recommendations of the IRP. In its most recent report in 2014, the IRP stated:

*"These new bodies govern commissioning decisions across health, public health and social care. They must develop with commissioning groups a shared understanding of the health and wellbeing needs of the community. They must undertake a Joint Strategic Needs Assessment and develop a joint strategy for how these needs can be best addressed. This will include recommendations for joint commissioning and integrating services across health and social care. The Boards must drive local commissioning of health care, social care and public health and create a more effective and responsive local health and care system. They must also address other services that impact on health and wellbeing such as housing and education".*

*"It was recommended to us that the Chair of the Health and Wellbeing Board should receive a special responsibility allowance in Band Three [£35,128 to £41,675] that designed for Cabinet members. We entirely agree: this is a statutory post conferring personal statutory responsibility. The role is of major importance to local government and should be remunerated accordingly where they are councillors. In practice we imagine that Chairs of Health and Wellbeing Boards will be members of the Cabinet and have been remunerated within Band Three since their creation".*

- 5.4 At the time of these recommendations, Croydon established an SRA for the Chair of the Health and Wellbeing Board at £12,507. This award was in keeping with Band Two roles as defined by the Independent Remuneration Panel, such as the Chairs of regulatory committees and the majority group chief whip and sought to reflect the anticipated responsibilities which the Chair would, at that point, undertake.
- 5.5 As the role of the Health and Wellbeing Board has evolved over the past three years and there is an increased responsibility for both financial and non-financial decision making, it is proposed that this SRA be increased to bring it in keeping with other roles described in Band Three by the Independent Remuneration Panel to £24,105. While the proposed increase still falls well short of the £35,128 to £41,675 recommended by the Independent Panel, it would put the level of SRA on a par with the Chair of the Scrutiny Committee which is considered appropriate in the circumstances.
- 5.6 The increased role of the Chair will also be reflected in their inclusion as an invitee at Cabinet.

## **6. CONSULTATION**

- 6.1 Both political groups represented on the Council have been consulted on the proposed changes detailed above.
- 6.2 Before the Council is permitted to direct that certain non-councillor members of the Health and Wellbeing Board are to be non-voting, the Council is required by statute to consult the members of the Health and Wellbeing Board. Accordingly the Members of the Health and Wellbeing Board have been consulted on the proposed changes to its Membership and terms of reference.

## **7. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

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

(Approved on behalf of the Director of Law and Monitoring Officer)

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**CONTACT OFFICER:** Jacqueline Harris-Baker, Director of Law and Monitoring Officer.

**BACKGROUND DOCUMENTS:** This report is not dependent upon any previously unpublished documents.

# 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 ~~and task and finish working groups~~ 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 6.02 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 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****Membership****Health and Wellbeing Board**

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)

**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 + <u>1 voting co-optee and 2</u> <u>3</u> non-voting co-optees
<b><u>Committee</u></b>	<b><u>Membership</u></b>
<b>Planning Committee</b>	10 <u>Members</u>
<u>Planning Sub-Committee</u>	<u>5 Members drawn from the membership of the Planning Committee</u>
<b>Scrutiny &amp; Overview Committee</b>	6 Members + 1 <u>non-voting</u> co-optee in respect of crime & disorder <u>matters</u>
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 <u>Members</u>

## 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 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 4.01 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 more than £1,000,000 or such smaller sum which the decision-taker considers is significant having regard to the Council's budget for the service or function to which the decision relates; or
  - (ii) be 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 13.08, 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 13.08, 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 13.08, 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 13.08 and 13.9, 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.



# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## PART 3

### RESPONSIBILITY FOR FUNCTIONS

#### 1 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

The Council has determined that all local choice functions contained in Schedules 2 and 3 of The Local Authorities (Functions and Responsibilities) Regulations (to be known as the Functions Regulations) except approval of non-executive contracts, are to be Executive functions.

#### 2 RESPONSIBILITY FOR COUNCIL FUNCTIONS

The Council has delegated the responsibilities and functions to the Committees and Sub-Committees named below. These Committees may consider and decide any matter of relevant non-executive business referred to the Committee by a Sub-Committee, the Chief Executive or an Executive Director.

All Committees have power to create such Sub-Committees as are necessary for the efficient conduct of their business.

##### 2.1 **Appointments Committee** (Membership 6 + 2 Independent voting Co-optees for consideration of disciplinary matters as detailed below.)

1. To appoint Executive Directors and the Chief Executive and to such other senior posts in accordance with the Staff Employment Procedure Rules in Part 4 of this Constitution
2. The Authority's Consultation requirements with the staff side
3. Consideration and recommendation to Full Council of the Pay Policy Statement as required
4. The functions in respect of voting on salary packages upon appointment and severance packages of staff above such specified threshold as may, from time to time, be updated by statutory guidance.
5. The function of deciding, in respect of severance packages, whether the Council wishes to vote on a severance package above the specified threshold
6. Consideration of disciplinary action, as defined within the Staff Employment Procedure Rules in Part 4 of the Constitution, which could

result in dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer. For this purpose, the Appointments Committee shall include at least one Member of the Cabinet and at least two voting co-opted Independent Persons when consideration is being given to dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer. The Appointments Committee shall consider the matter in accordance with the processes and procedures approved by Ethics Committee for this purpose from time to time and make a report and recommendations to full Council for consideration and final determination. Any such report shall specifically include the Committees recommendations on appropriate action.

7. Consideration of suspension of Head of Paid Service, Chief Finance Officer or Monitoring Officer, including following provisional suspension by the Chair of the Appointments Committee in accordance with the Staff Employment Procedure Rules in Part 4 of the Constitution;
8. Any matter not reserved to the Council or delegated to another Committee which pertains to a staffing matter and is referred to the Committee by the Head of Paid Service for consideration

## 2.2 **Ethics Committee** (Membership 6 + 2 Independent non-voting co-optees)

1. Supporting the statutory role of the Monitoring Officer.
2. Receiving reports from the Monitoring Officer on matters of probity and ethics, and to consider and recommend any necessary revisions of the Members' Conduct of Conduct (the Code) to the Council.
3. Reviewing the operation of the Code and recommending revisions for the consideration of full Council as necessary.
4. Monitoring compliance with the Code and granting any dispensations church and parent governor representatives from requirements relating to interests set out in the Code.
5. To comment on the content of guidance and advice to be issued to elected and non-elected Members.
6. Agreeing programmes of advice and training for elected, co-opted and non-elected Members on ethics and probity, and on the Code.
7. To consider applications for a grant of dispensation in the following circumstances:
  - a. That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.

- b. That the authority considers that the dispensation is in the interests of persons living in the authority's area.
  - c. That the authority considers that it is otherwise appropriate to grant a dispensation.
  - d. If referred to them for consideration by the Monitoring Officer, to advise on or express a view on whether a dispensation would be appropriate in either of 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 on this matter.
8. To agree the processes and procedures for the Appointments Committee for the consideration of disciplinary action and suspension pursuant to Part 4J of the Constitution.
  9. To make future invitations for appointment of Independent Persons in accordance with and for the purposes of the Staff Procedure Rules.
  10. To undertake the role of Hearings Panel in respect of a complaint that a Member or co-opted Member has failed to comply with the Code of Conduct upon the matter being referred to the Committee by the Monitoring Officer in accordance with the arrangements adopted by the Council under the Localism Act 2011.

### 2.3 **General Purposes and Audit Committee**

(Membership 10 including 2 independent non-voting co-opted Members who may not be Members or officers of the Council and who are involved only in relation to Audit Functions)

#### **General Purposes Functions:**

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

which requires, in the Committee's view or on the recommendation of the Cabinet, the Chief Executive or an Executive Director, action as a matter of urgency.

5. Any protocol concerning the exercise of relevant delegated powers of the Committee.

**Audit Functions:**

1. In exercising its audit functions the Committee's purpose is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent it affects the Council's exposure to risk and weakens the control environment, and to oversee financial reporting.
6. To consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
7. To seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
8. To be satisfied that the Council's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.
9. To review (but not direct) internal audit's strategy, plan and monitor performance and make recommendations as appropriate to Cabinet and/or Full Council.
10. To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
11. To receive the annual report of the Head of Internal Audit and make recommendations as appropriate to Cabinet and/or Full Council.
12. To consider the reports of external audit and inspection agencies and make recommendations as appropriate to Cabinet and/or Full Council.
13. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
14. To review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit.
15. To make an annual report to the full Council.

### **General Purposes and Audit Urgency Sub-Committee**

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

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

2.4 **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 University Hospital Chair (non-voting), Healthwatch Representative (voting), SLAM representative (non-voting). The terms of Reference of the Health and Wellbeing Board are set out in Part 4L

2.5 **Licensing Committee** (Membership 12. A further 12 Members shall form a pool of reserve Members for the Committee).

- 1 All licensing, registration and related functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and the Licensing Act 2003 (Note: *Applications and other matters under the Licensing Act 2003 shall be determined in accordance with the schedule of delegations at Annex 2 to the Protocol on Licensing Hearings. Responsibility for hearing and determining applications where a hearing is required under the provisions of the Licensing Act 2003 shall be delegated to the Licensing Sub-Committee*).
- 2 Matters relating to the adoption or review of the Authority's Licensing Statement prior to final consideration by the Council as part of the policy framework.
- 3 Subject to any matters reserved to the full Council by statute, to exercise all functions of the Council as Licensing Authority under the Gambling Act 2005 including the power to set fees under s212 of the Act. (Note: *Responsibility for hearing and determining applications where a hearing is required under the Gambling Act 2005 shall be delegated to the Licensing Sub-Committee*).
- 4 To comment on the three year Statement of Principles in respect of the Authority's functions under the Gambling Act 2005 prior to its adoption by the full Council; and to make recommendations to the full Council on all Licensing functions under both the Gambling Act 2005 and the Licensing Act 2003 where those functions are reserved to full Council.
- 5 Health and Safety functions under the relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

- 6 Registration of births, deaths and marriages.
- 7 To agree any protocol concerning the exercise of relevant delegated powers.

**Licensing Sub-Committee** (Membership 3, drawn from the Membership of the Licensing Committee and constituted as and when necessary by the Council Solicitor)

Hearing and determining applications when a hearing is required under the provisions of the Licensing Act 2003 and the Gambling Act 2005. Hearings will be conducted in accordance with the requirements of the relevant Act, Regulations issued under the Act, and the Council's agreed Protocol for Licensing Hearings.

## **2.6 Mayoralty and Honorary Freedom Selection Sub-Committee** (Membership 5)

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

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

## **2.7 Pension Board** (Membership 1 Independent non-voting Chair, 3 Employer representatives (one to be a Councillor) & 3 Employee representatives)

The Pension Board, with an independent non-voting Chair, is formed of three employer representatives and three representatives of the Pension Fund.

The Board secures the effective and efficient governance and administration of the Croydon Council Pension Fund.

## **2.8 Pension Committee** (Membership 8, plus 1 Staff Side non-voting co-opted member and 2 Pensioner Side non-voting-co-opted Members (1 voting co-opted member and one non-voting co-opted member). The Staff side and Pensioners Side members are appointed on an annual basis following consultation with the Staff Side and Pensioners of the Pension Fund). Terms of Reference are set out at Part 4N. Functions of the Pensions Committee are:

- 2.8.1. To ensure that the Fund is properly operated in accordance with the Local Government Pensions Scheme Regulations ("the Regulations") all other relevant legislation and best practice as advised by the Pensions Regulator, including financial, governance and administrative matters.

2.8.2 To adopt Fund specific policies concerning the administration of the Fund, investing of Fund monies and the management of the Fund's solvency level. In addition, the Committee is responsible for compliance with all financial and regulatory requirements of the Fund.

2.8.3 To discharge its fiduciary responsibility in the best interest of the Fund, in particular:

- a. To set the investment policy and review the performance of the Fund's investment managers, pooling operators, scheme administration, and external advisors;
- b. To make arrangements for the triennial actuarial valuation;
- c. To determine the Pension Administration Strategy;
- d. To approve and monitor compliance of statutory statements and policies required under the Regulations;
- e. To approve the Fund's Statements of Accounts and annual report;
- f. To ensure that the Council discharges its obligation, as administrating authority for the local government pension scheme, to other scheme employers;
- g. To make representations to government as appropriate concerning any proposed changes to the Local Government Pension Scheme; and
- h. To keep these terms of reference under review.

## **~~2.6.1 Terms of Reference for Croydon Council Pension Committee~~**

~~2.6.1.1 Without prejudice to the Non-Executive Committee Procedure Rules, Part 4.F of the Constitution, the purpose of this document is to set out the terms of reference for the Pension Committee ("the Committee"), to discharge the responsibilities for Croydon Council in its role as lead authority for the administration of the Croydon Pension Fund ("the Fund").~~

### **Role of the Committee**

~~2.6.1.2 To ensure that the Fund is properly operated in accordance with the Local Government Pensions Scheme Regulations ("the Regulations") all other relevant legislation and best practice as advised by the Pensions Regulator, including financial, governance and administrative matters.~~

~~2.6.1.2 To adopt Fund specific policies concerning the administration of the Fund, investing of Fund monies and the management of the Fund's solvency level. In addition, the Committee is responsible for compliance with all financial and regulatory requirements of the Fund.~~

~~2.6.1.3 To discharge its fiduciary responsibility in the best interest of the Fund, in particular:~~

- ~~a. To set the investment policy and review the performance of the Fund's investment managers, scheme administration, and external advisors;~~

- ~~a. To make arrangements for the triennial actuarial valuation;~~
- ~~a. To determine the Pension Administration Strategy;~~
- ~~a. To approve and monitor compliance of statutory statements and policies required under the Regulations;~~
- ~~a. To approve the Fund's Statements of Accounts and annual report;~~
- ~~a. To ensure that the Council discharges its obligation, as administering authority for the local government pension scheme, to other scheme employers;~~
- ~~a. To make representations to government as appropriate concerning any proposed changes to the Local Government Pension Scheme; and~~
- ~~a. To keep these terms of reference under review.~~

### ~~—~~ **Delegations**

~~2.6.1.5 Unless otherwise reserved for this Committee or Full Council by law or the Constitution, this Committee hereby delegates all Fund matters to the Executive Director Resources (Section 151 Officer). As appropriate the Executive Director Resources (Section 151 Officer) will delegate aspects of the role to other officers of the Council including the Head of Pensions and Treasury, and to professional advisors within the scope of the Regulations.~~

### ~~—~~ **Structure**

~~2.6.1.2 In accordance with those recommendations made by Chartered Institute of Public Finance and Accountancy (CIPFA) and the Myners Principles and notwithstanding resignations etc. the Committee will comprise the following voting members:~~



- ~~• 8 elected members (plus 6 substitutes) at a ratio of 5 majority Members to three minority Members;~~
- ~~• Two representatives of Pensioners of the Fund elected by ballot of Pensioners of the Fund; and~~
- ~~• One Trade Union Representative nominated by the three Trade Unions.~~

~~2.6.1.3 There will be a minimum of three meetings in public a year of the Committee. Informal meetings will be arranged as required. The outcomes of informal meetings will be reported at formal Committee meetings.~~

~~———— **Quorum**~~

~~2.6.1.4 Three voting members.~~

~~———— **Local Pensions Board**~~

~~2.6.1.5 As part of good governance of the scheme, the Committee will work with, receive and consider reports from the Local Pensions Board. The Board is not a decision making body and it will be for the Committee to ensure that the appropriate actions are undertaken as required.~~

~~———— **Knowledge and Understanding**~~

~~2.6.1.9 Members of the Committee are expected to continually demonstrate their own personal commitment to training and to ensure that governance objectives are met. To assist in achieving these objectives training sessions will be organised to ensure Committee members are familiar with the rules of the Fund with relevant legislation.~~

~~———— **Review of Terms of Reference Policy**~~

~~2.6.1.10 This policy document will be reviewed annually and updated as required.~~

**2.9 Planning Committee** (Membership: 10. A further 10 councillors shall form a pool of reserve members for the committee.)

1 To determine applications for planning permission, where the recommendation is for approval by the Director of Planning and Strategic Transport, and the development is for:

- a) a residential development containing 200 or more new dwellings or, where the number of dwellings is not given, the site area is 4 hectares or more; or
- b) the erection of a building or buildings with a gross floor space of 10,000 square metres or more or, where the floor space is not given, the site area is 2 hectares or more; or
- c) applications for reserved matters pursuant to outline planning

permission related to the development types specified by 1a) and 1b) above

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

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

3. Planning Committee will only deal with reserved matters pursuant to outline planning permission related to development types specified in 2a) and 2b) above where the Planning Committee have expressly requested (when determining applications for outline planning permission) for the subsequent reserved matters to be referred to Planning Committee. This request will be included in the minutes and specified by way of an informative attached to the outline planning permission.

4 Applications for minor material amendments, variations of planning conditions and non-material amendments submitted under S.73 and S.96A of the Town and Country Planning Act 1990 will be determined by officers under delegated authority in all instances

5. \_\_\_ The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.

- 6 \_\_\_ Any other application or planning matter referred to the Planning Committee by the Director of Planning and Strategic Transport acting in his or her discretion.

- 7 \_\_\_ Where the Planning Committee determines an item on an agenda:

- a) In the event of changes being made to an officer recommendation by the committee, the task of formalising the wording of those changes, in accordance with the substantive nature of the committee's decision, is delegated to the Director of Planning and Strategic Transport;
- b) the Director of Planning and Strategic Transport has delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Director of Planning and Strategic Transport is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably

have led to a different decision having been reached by the committee.

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

**2.10 Planning Sub-Committee** (Membership: for each meeting, 5 drawn from the membership of the Planning Committee).

1. To determine the following application types:
  - a. Applications for Planning Permission made under the Town & Country Planning Act 1990 for the construction of or a development in relation to a single building with an existing floorspace of no greater than 300 square or a new building or extension within the curtilage of such a qualifying building;
  - b. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990;
  - c. ~~Variations of planning conditions (covering issues such as variations in hours of use or other related changes in how a use operates pursuant to previous grants of planning permission) Applications for Consent to Display an Advertisement made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;~~

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

2. all applications submitted pursuant to the Town and Country Planning (General Permitted Development) Order, applications for advertisement consent, determination of reserved matters pursuant to outline planning permissions, minor material amendments and non-material amendments submitted under S.73 and 96A of the Town and Country Planning Act 1990 and notwithstanding the above, minor residential extensions and alterations (including boundaries and rear outbuildings) involving less than 20 square metres of additional internal accommodation (gross internal) will be determined by officers under delegated authority in all instances
3. Any other application or planning matter referred to the Planning Sub-Committee by the Director of Planning and Strategic Transport acting in his or her discretion.
4. Any other application or planning matter referred to the Planning Sub-Committee by the Director of Planning and Strategic Transport acting in his or her discretion.
5. The Planning Sub-Committee may refer agenda items to Planning

Committee for consideration and determination if they consider it necessary or appropriate to do so.

6.          Where the Planning Sub-Committee determine an item on an agenda:

- a. In the event of changes being made to an officer recommendation by the committee, the task of formalising the wording of those changes in accordance with the substantive nature of the committee's decision, is delegated to the Director of Planning and Strategic Transport;
- b. the Director of Planning and Strategic Transport has delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Director of Planning and Strategic Transport is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

~~7.          Where items for consideration and determination by the Planning Sub Committee have not been considered or have not started to be considered by 10pm, the determination of those matters shall be automatically delegated to the Director of Planning and Strategic Transport.~~

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

### **3 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

Other than those matters reserved to the Council or delegated to a non-executive Committee or to the Chief Executive as a non-executive function, all other remaining functions are allocated as executive functions.

The Leader has power to create Cabinet Committees, agree protocols on matters relating to the operation of their remit and, between Annual Meetings of the Council, to make nominations to outside bodies where Executive Members are required to be appointed.

### **4 EXECUTIVE DIRECTORS**

**4.1** The following posts shall be Executive Directors for the purposes of this Constitution:

Chief Executive  
Executive Director of People  
Executive Director for Place  
Executive Director for Resources

### **Non-Executive delegations to the Chief Executive**

4.2 The Chief Executive has delegated to him/her all the powers of the Council other than those reserved to the Council or to a Non-Executive Committee or Sub-Committee or allocated to the Leader by Statute or this Constitution. This delegation is subject to:

- 4.2.1 such protocols as may be approved by a Committee or Sub-Committee from time to time and deposited with the Council Solicitor;
- 4.2.2 all Policies of the Authority;
- 4.2.3 any consequent expenditure being included in the Council's Revenue Budget or approved Capital Programme;
- 4.2.4 the requirements of the Tenders and Contracts and Financial Regulations;
- 4.2.5 compliance with any legal requirements and the provisions of any statutory codes of conduct or statutory guidance;
- 4.2.6 the approval of the Council Solicitor to the instigation and conduct and settlement of legal proceedings and to the engagement of any lawyer to act for the Council;
- 4.2.7 compliance with any legal requirements and the provisions of any statutory codes of conduct or statutory guidance;
- 4.2.8 the approval of the Director of Human Resources to the grading and conditions of service of staff (other than those based in schools or subject to the conditions of service of the Chief Officers and Chief Executives J.N.C.);
- 4.2.9 the approval of the Appointments Committee to the grading and conditions of service of staff employed subject to the conditions of service of the Chief Officers and Chief Executives J.N.C.

### **Executive delegations to the Chief Executive**

4.3 The Leader's delegation of Executive functions is contained in Part 6C of this Constitution.

#### 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**

4.85 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~~Six 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 ~~contained in the Business Report of the Leader and Cabinet~~ 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 4.0128 are not subject to the requirements of paragraph 1.20 above.

#### ~~4.9 Business Report of the Leader and Cabinet and Questions to Cabinet Members.~~

~~This item is to enable Members to ask questions of the Leader and Cabinet on a matter related to the Council Tax or draft Budget or the business report. 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~~

~~4.3 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 20 minutes. The first four minutes of the Leader's 20 minute slot may be used by the Leader to make any announcements.~~

~~4.4 Cabinet Members, divided 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.~~

~~4.5 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 for 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, 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.~~



# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## Part 4.E - Scrutiny and Overview Procedure Rules

### 1. THE SCRUTINY AND OVERVIEW COMMITTEE AND ITS SUB-COMMITTEES

1.1 The Council shall have one Scrutiny and Overview Committee which shall perform all overview and scrutiny functions on behalf of the Council. The Committee may delegate those functions to one or more Scrutiny Sub-Committees.

1.2 In accordance with Article 6 of this Constitution, the terms of reference of the Scrutiny and Overview Committee shall be as follows:

- (i) to oversee the performance of all overview and scrutiny functions, including development of and procedures governing the operation of the Committee and its Sub-Committees;
- (ii) to carry out reviews related to the Council's wider power to promote the economic, environmental and social well-being of the Borough;
- (iii) to carry out the scrutiny of partner bodies and crime and disorder matters in line with the Council's statutory duties and powers, subject to any delegation referred to in Rule 1.01 above;
- (iv) to appoint such Sub-Committees as it considers appropriate, by resolution determining terms of reference and membership including the appointment of a Chair and Vice-Chair and any co-opted members to the Sub-Committee/s in line with (x) below. This will normally be done at the meeting of the Scrutiny and Overview Committee commencing at the rise of Annual Council and the Sub-Committees shall not be permitted to further co-opt members. This role shall be reserved to the Scrutiny and Overview Committee;

~~(v) to appoint such Task and Finish Working Groups as it considers appropriate, by resolution determining scope, membership and timescale;~~

~~(vi)~~(v) to recommend the establishment of any Joint Scrutiny and Overview Committees to the Council in accordance with Article 11 of this Constitution;

~~(vii)~~(vi) to agree an initial annual scrutiny work programme at its first full meeting after the Annual Meeting in accordance with section 6 of these rules;

~~(viii)~~(vii) to delegate elements of its annual work programme to its Sub-Committees to ensure effective use of the Committee's and Sub-Committees' time;

~~(ix)~~(viii) to submit an Annual Report on the work undertaken during the year and on the work programme as agreed at its first meeting of the year to Annual Council;

~~(x)~~(ix) to ~~determine~~recommend the training and development needs of the Committee to the Learning and Development Panel;

~~(xi)~~(x) to appoint non-voting co-opted Members.

1.3 Any Sub Committees of the Scrutiny and Overview Committee shall comprise of a minimum of 7 Members, appointed in accordance with the overall political balance of the Council.

1.4 The Scrutiny and Overview Committee, or any Sub-Committee appointed to undertake scrutiny of Education functions under Rule 1.01 above, ~~will appoint~~shall include:

i) 2 statutory voting Church of England and Roman Catholic diocese members nominated by the Bishop and Archbishop of Southwark respectively;

ii) 2 voting parent-governor representative ~~voting co-opted m~~Members for LEA matters nominated by parent governors of Croydon;

iii) 1 non-voting Teacher representative ~~non-voting co-opted m~~Member nominated by the Croydon Teaching Unions' Joint Liaison Committee;

iv) ~~such~~ representatives of Faiths other than those of the Church of England and Roman Catholic dioceses membership as the Scrutiny and Overview Committee ~~#~~ considers appropriate. ~~These representatives shall be non-voting members. – may not include voting rights~~; and

v) any number of ~~people as~~ non-voting co-optees as the full Scrutiny and Overview Committee ~~#~~ considers necessary for the proper discharge of functions.

~~The above referenced voting representatives shall only have statutory representatives have automatic rights of co-option and voting powers in connection with matters concerning the Education functions of the Executive, but may participate without voting on any other matter.~~

1.5 Any Sub-Committee established by the Scrutiny and Overview Committee is only permitted to undertake the specific functions delegated to it either by this Constitution or following a formal decision of the Scrutiny and Overview Committee. Any Sub-Committee shall:

(i) undertake its functions in accordance with terms of reference as determined by resolution of the Scrutiny and Overview Committee;

(ii) operate within the framework of an initial work programme determined by the Scrutiny and Overview Committee;

(iii) if the scrutiny of Health Services, Crime and Disorder matters or the

duties and functions of the Council as an Education Authority are delegated to a Sub-Committee, that Sub-Committee shall have sole power to scrutinise that matter included within its terms of reference and may report direct to the Cabinet, Full Council, non-executive Committee, partner agency or partnership board on such matters. Should such functions be delegated to Sub-Committees, the Scrutiny and Overview Committee shall be informed of any recommendations made by those Sub-Committees under this provision;

~~(iv) Save in relation to the exception set out in (iii) above, report its proposed recommendations, reasons and outcomes to the Scrutiny and Overview Committee for comment and consideration where after the Scrutiny and Overview Committee may thereafter report the findings to~~ Cabinet, Full Council, non- executive Committee, partner agency or partnership board as appropriate to the Scrutiny and Overview Committee. Except that any Sub-Committee undertaking functions listed in (a) to (c) below shall report their findings directly to Cabinet and / or other partners as appropriate:

- ~~a. scrutiny of duties and functions of the Council as an Education Authority;~~
- ~~b. scrutiny of Health Services; or~~
- ~~c. scrutiny of Crime and Disorder matters~~
- ~~d. scrutiny of flood risk management~~

- 1.6 In accordance with this Constitution, the Cabinet shall consult the Scrutiny and Overview Committee, via the Statutory Notices, on Key Decisions it is proposing to take and on budget and policy recommendations before they are submitted to the Council.
- 1.7 Members of the Scrutiny and Overview Committee and its Sub-Committees may go on site visits, conduct public surveys, meet stakeholders and service providers, commission research and do all other things that they reasonably consider necessary to inform their work as a Scrutiny Member.

## **2 APPOINTMENTS TO THE SCRUTINY AND OVERVIEW COMMITTEE ~~AND ITS SUB-COMMITTEES AND TASK AND FINISH WORKING GROUPS~~**

- 2.1 All Members, except members of the Cabinet, are eligible for appointment to the Scrutiny and Overview Committee, and any Scrutiny Sub-Committees ~~and Task and Finish Working Groups~~. However, no Member may be involved in scrutinising a decision in which they have been directly involved.
- 2.2 Appointments to the Scrutiny and Overview Committee shall be made at the Annual Meeting of the Council. Council. Appointments to the Sub-Committees shall normally be made at the annual meeting of the Council but the Scrutiny and Overview Committee may, in accordance with (and subject to the restrictions within) the provisions of Article 6(k) appoint further Sub-Committees and shall determine the membership (including co-optees) functions and terms of reference of the Sub-Committee so established.
- 2.3 Vacancies on the Scrutiny and Overview Committee shall be filled by nomination to the next meeting of the Scrutiny and Overview Committee following receipt of a notice of resignation to the Council Solicitor.
- 2.4 Further to Rule 1.02 (iv) of these procedure rules, appointments to Sub-Committees may be varied by resolution of the Scrutiny and Overview

Committee at any point during the Municipal Year.

~~2.5 In accordance with Rule 1.02 (v) of these procedure rules, appointments to Task and Finish Working Groups will be made by resolution of the Scrutiny and Overview Committee.~~

~~2.62.5~~ All voting co-opted mMembers must sign and adhere to the Croydon Members' Code of Conduct. Any non-voting co-opted member must sign and adhere to the Code of Conduct for non-voting co-optees. Any person appointed to become a voting co-opted Member who does not agree to abide by the Croydon Members' Code of Conduct or any non-voting co-opted mMembers ~~or Members of Task & Finish Groups~~ who does not agree to abide by the Code of Conduct for Non-Voting Co-Optees shall not serve on the Committee or, Sub-Committee ~~or Working Group~~. Provided that they have agreed to abide by the Croydon Members' Code of Conduct, voting co-opted mMembers shall be entitled to any confidential or exempt documents relevant to the function for which they are permitted to vote subject always to the duty to keep such confidential and exempt information confidential and not to use or otherwise disclose said information save in relation to the fulfilment of their duties as a co-opted member ~~made available generally to the Committee or Sub-Committee.~~

### **3 MEETINGS OF THE SCRUTINY AND OVERVIEW COMMITTEE AND, ITS SUB- COMMITTEES ~~AND TASK AND FINISH WORKING GROUPS~~**

3.1 ~~O~~Seven ordinary meetings of the Scrutiny and Overview Committee shall be programmed in each Council Year, though the Scrutiny and Overview Committee may vary this number during the course of the year to reflect its work programme. The frequency of meetings of any appointed Sub-Committees shall be determined by the Scrutiny and Overview Committee.

3.2 Meetings of the Scrutiny and Overview Committee shall commence at 6.30 p.m. unless otherwise determined by the Chair of the Committee, ~~and shall last for 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.~~

3.3 Ordinary meetings of the Scrutiny and Overview Committee shall include the following agenda items in addition to any business otherwise set out on the agenda for consideration at the meeting:

- i) Apologies for absence;
- ii) Confirmation of the Minutes of the last meeting;
- iii) Disclosures of Interest; and
- iv) Urgent business (if any).

For avoidance of doubt there shall be no discussion of matters arising.

3.4 The Chair of the meeting shall decide on all matters of order, competence, relevance and interpretation of these procedures. 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 they are 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.

3.5 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. The Chair shall ensure that Members who 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.

3.6 The Chair may direct a Member or Co-opted ~~m~~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.

3.7 Rules 3.02 to 3.076 shall also apply to Scrutiny Sub-Committee meetings.

~~3.8 Task and Finish Working Groups are not formal meetings of the Council. Access to Information rules and legislation therefore do not apply. However, the business of Task and Finish Working Groups should be conducted in an open and inclusive manner wherever possible.~~

#### **4 QUORUM**

4.1 The quorum for the Scrutiny and Overview Committee shall be one-third of the voting membership of the Committee. If the meeting is inquorate, it shall stand 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. This rule shall also apply to meetings of Sub-Committees.

#### **5 APPOINTMENT OF CHAIR, DEPUTY AND VICE-CHAIRS OF THE SCRUTINY AND OVERVIEW COMMITTEE**

5.1 The Chair of the Scrutiny and Overview Committee shall be appointed for the Council Year at the first meeting of the Committee, immediately following the Annual Council Meeting. In the event of a vacancy during the year, the Committee shall appoint a Chair at the first meeting following the vacancy occurring. The Chair shall be a majority group member.

5.2 The Scrutiny and Overview Committee shall appoint Members as Deputy Chair (Majority Group) and Vice-Chair (Minority Group) . -In the absence of the Chair, the Deputy Chair will chair the meeting of the Committee.

5.3 The Chair Deputy Chair and Vice-Chair may meet together informally as a Chairs' Group.

#### **6 WORK PROGRAMME**

6.1 In accordance with Rule 1.02(vii) & (viii), the Scrutiny and Overview Committee shall be responsible for setting its own work programme and the ~~initial~~ work programme of its Sub-Committees.

6.2 A balanced work programme should be developed including pre- and post-decision scrutiny, monitoring and external scrutiny. As far as reasonably practicable, there should be wide consultation on the work programme with Members, Chief Officers, external agencies and the wider community prior to its consideration by the Scrutiny and Overview Committee.

~~6.3 Task and Finish Working Groups may be established by the Scrutiny and Overview Committee, as required, to carry out in-depth reviews. The appointment of these will be managed by the Scrutiny and Overview Committee and, subject to Rule 2.01 above, their membership is open to the wider Council membership, as well as those Members serving on Scrutiny Sub-Committees, taking account of Members' interests and experience. The minimum number of Members on a working group shall be three and the maximum shall be seven, including any co-optees appointed by the group.~~

~~6.46.3 The Scrutiny and Overview Committee will oversee Sub-Committee workloads (including those of working groups), having regard to the available officer and other resources. The Chair of the Scrutiny and Overview Committee will have discretion to determine the number of working groups in operation at any one time in consultation with the Deputy Chair, Vice Chair and the Scrutiny Manager.~~

## 7 AGENDA ITEMS

7.1 The Agenda for each Committee or Sub-Committee meeting should be based on the agreed Work Programme. 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.

7.2 ~~Any Member of the Scrutiny and Overview Committee or a Sub-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 or Sub-Committee of which they are a member, subject to such item being relevant to the functions of the Committee or Sub-Committee in question., not in the agreed Work Programme, to be included on the agenda for the Committee or Sub-Committee of which they are a member. 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 or Sub-Committee with responsibility for the function to which the matter relates, provided that the item is both relevant to the functions of the Committee or Sub-Committee and it is not an "excluded matter" as defined in regulations pursuant to the Local Government Act 2000, as amended relevant to the functions of the Committee or Sub-Committee, not in the agreed Work Programme, to be included on the agenda for the Committee or Sub-Committee with responsibility for the function to which the matter relates, provided that it is not an "excluded matter" as defined in the Local Government Act 2000, as amended. Such matters should also be raised at the 'Scrutiny and Overview Work Programme' standing item at the end of each agenda. The Committee or Sub-Committee may agree to include this item at the next or a subsequent meeting.~~

7.3 Any changes to the work programme agreed by Sub-Committees will be

reported to the Chair of the Scrutiny and Overview Committee for information. The Scrutiny and Overview Committee will monitor these arrangements and keep them under review.

- 7.4 It is recognised that Cabinet Members or officers may not be available at short notice. Members and officers invited to scrutiny meetings should always, unless there are exceptional circumstances, receive adequate notice and where appropriate reminders of meeting dates.

## **8 RECOMMENDATIONS TO THE EXECUTIVE, THE COUNCIL, NON-EXECUTIVE COMMITTEE, PARTNER AGENCY OR PARTNERSHIP BOARD**

- 8.1 The provisions of Rule 7 of the Budget & Policy Framework Procedure Rules (Part 4C) apply to the Scrutiny and Overview Committee and its Sub-Committees and are hereby incorporated into these Rules. Subject to the aforesaid, where If the Scrutiny and Overview Committee, or a Sub-Committee with delegated powers under Rule 1.01 above is required to make, -makes- a recommendation regarding matters outside the budget and policy framework approved by the Council, it may make that recommendation to the Council for consideration. The referral will be made by way of a report summarising the matter and setting out the recommendation to be considered.
- 8.2 Any recommendation of a Scrutiny and Overview Committee, or a Sub-Committee with delegated powers in accordance with ~~Rule 1.05~~(iii) above, directed to the Leader or Executive for response shall be made by way of a report summarising the matter and setting out the recommendation to be considered.
- 8.3 If the report is to be submitted to the Cabinet or a Council meeting, it shall be presented to the next convenient Ordinary Cabinet or Council Meeting following the meeting of the Scrutiny and Overview Committee at which it resolved to make the recommendation. The recommendation shall be listed as an agenda item in its own right. At that meeting the Cabinet or Council will resolve that the report be received.
- 8.4 In considering any report from a Scrutiny and Overview Committee or Sub-Committee, where necessary the Cabinet shall receive at the same meeting a further report from the relevant officer(s) on the issues arising from the Scrutiny and Overview Committee's recommendations.
- 8.5 The Cabinet shall make a response or an interim response to a Scrutiny and Overview report within 2 months of receiving the report or any other limit imposed by law if shorter.
- 8.6 In the event that the Cabinet accepts a recommendation, with or without amendment, from a Scrutiny and Overview Committee or Sub-Committee, the Cabinet shall agree an action plan for the implementation of the agreed recommendations and shall delegate responsibility to an identified officer to report back to the Scrutiny and Overview Committee or Sub-Committee, within a specified period, on progress in implementing the action plan.
- 8.7 Subject to Rule 1.5(iv) and 8.9 t~~h~~e Scrutiny and Overview Committee, or any

Sub-Committee with relevant delegated powers, can make reports and recommendations to any NHS body in the Borough, the Safer Croydon Partnership, the Council's Local Strategic Partnership (LSP) or any of the LSP's thematic partnerships. When doing so, the report or recommendations must be copied to all responsible authorities or co-operating bodies of the Partnership that are affected.

8.8 Subject to Rule 1.5(iv) and 8.9 The Scrutiny and Overview Committee, or any Sub-Committee with relevant delegated powers, can make reports and recommendations in relation to Local Improvement Targets and Local Area Agreements. When doing so, the Committee must give notice in writing to the relevant partner authorities that are affected.

8.9 In publishing any report, recommendation or response under this Rule Scrutiny and Overview Committee and the Council shall exclude from such report, recommendation or response any confidential information and may exclude an exempt information as defined in the Councils Access to Information Rules at Part 4B to this Constitution. In doing so, Scrutiny and Overview Committee and the Council shall replace the information excluded with a summary of the information if in consequence of excluding the confidential/exempt information the report, recommendation or response would be misleading or incomprehensible.

8.10 In providing a copy of any report, recommendation or response under this Rule to any partner authority, Scrutiny and Overview Committee and the Council shall exclude from such report, recommendation or response any confidential information and may exclude an exempt information as defined in the Councils Access to Information Rules at Part 4B to this Constitution

8.11 In providing a copy of any report, recommendation or response under this Rule to any Member of the Council, Scrutiny and Overview Committee and the Council may exclude from such report, recommendation or response any confidential information or exempt information as defined in the Councils Access to Information Rules at Part 4B to this Constitution.

## **9 RIGHTS OF SCRUTINY AND OVERVIEW COMMITTEE MEMBERS TO DOCUMENTS**

9.1 In addition to their rights as Members, members of the Scrutiny and Overview Committee and Sub-Committees have additional rights to documents as set out in the Access to Information Procedure Rules in Part 4B of this Constitution.

## **10 PARTICIPATION BY MEMBERS OF THE PUBLIC**

10.1 The Scrutiny and Overview Committee or a Sub-Committee may invite people to address it, or discuss issues or answer questions on matters related to their work. Members of the public may speak at meetings of the Scrutiny and Overview Committee and its Sub-Committees at the discretion of the Chairman.

10.2 The Scrutiny and Overview Committee or a Sub-Committee will consider any suggested scrutiny topics submitted by members of the public for inclusion in the Scrutiny work programme.



## 11 CALL-IN - EXERCISE OF THE POWER TO REVIEW A DECISION TAKEN BUT NOT YET IMPLEMENTED

- 11.1 This procedure may only be used for executive Key Decisions after they are taken but before they are implemented.
- 11.2 When a Key Decision is made the decision shall be published in accordance with the Council's Access to Information Procedure Rules at Part 4B of the Constitution.
- 11.3 The notice of the decision will specify that the decision may not be implemented ~~from-until~~ after 13.00 hours on the ~~expiry of 65<sup>th</sup>~~ working days following the day on which ~~after~~ the decision was taken unless referred to the Scrutiny and Overview Committee.
- 11.4 ~~Any~~ request shall be made on a pro-forma, available from democratic services, which should be submitted to the Council Solicitor ~~or~~ their representative electronically or on paper ~~before~~ 13.00 hours on the ~~65<sup>th</sup>~~ working day following the day on which ~~after~~ the decision was taken. A decision may only be subject to the referral process once.
- 11.5 The referral request shall be signed by:
- i) The Chair and Vice Chair of the Scrutiny and Overview Committee and 1 member of that Committee; or for education matters the Chair, Vice Chair and 1 member of that Committee or any Sub-Committee formed under Rule 1.01 above; or
  - ii) 20% of Council Members (14)
- Verification of signatures may be by individual e-mail, fax or by post.
- 11.6 The Call-In referral shall be completed giving:
- i) The grounds for the referral
  - ii) The outcome desired
  - iii) The date and the signatures of the Members requesting the Call-In
- 11.7 The decision-taker and the relevant Chief Officer(s) shall be notified of the referral and shall suspend implementation of the decision. The Chair of the Scrutiny and Overview Committee shall also be notified.
- 11.8 The referral shall be considered at the next scheduled meeting of the Scrutiny and Overview Committee unless, in the view of the Council Solicitor, this would cause undue delay. In such cases the Council Solicitor will consult with the decision-taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny and Overview Committee may only consider a maximum of three referrals at any one meeting.
- 11.9 At the meeting, the referral will be considered by the Committee which shall determine how much time it will give to the call-in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.

- 11.10 The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision taken by the Leader or Cabinet is outside the Budget and Policy Framework of the Council. In such circumstances, the provisions of Rule 7 of the Budget & Policy Framework Procedure Rules (Part 4C) apply The Council may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.
- 11.11 If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
- 11.12 If the Council determines that the decision was within the Policy Framework and consistent with the Budget, it will refer any decision to which it objects, together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either amend, withdraw or implement the original decision within 10 working days, or at the next meeting of the Cabinet after the referral from the Council.
- 11.13 The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.
- 11.14 If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with Rule 11.08 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
- 11.15 The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process. The Chair of the Scrutiny and Overview Committee must agree that the decision proposed cannot be reasonably deferred and that it is urgent. In the absence of the Chair, the Deputy Chair's consent shall be required. In the absence of both the Chair and Deputy Chair, the Mayor's consent shall be required. Any such urgent decisions must be reported in the Cabinet Business Report to the next available meeting of the Council including the reasons for urgency.

## **SCRUTINY SUB-COMMITTEE TERMS OF REFERENCE**

- 12.1 The following Sub-Committees have been established with the terms of Reference as set out below.

### **12.2 Streets, Environment and Homes scrutiny Sub-Committee**

1. To scrutinise:
  - a. The built environment
  - b. Planning policies
  - c. Public realm
  - d. Transport
  - e. Highways and streets
  - f. Green and clean
  - g. The environment, conservation, climate change and sustainability

h. Housing policies including homelessness

2. To scrutinise Flood Risk Management and report findings direct to the Cabinet and/ or other partners ;

12.3

**Children and Young People Scrutiny Sub-Committee**

1. To undertake scrutiny of duties and functions of the Council as a local social services authority relating to children.

2. To scrutinise all services pertaining to the education and well-being of children and young people including youth services.

3. To scrutinise life-long learning.

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12.3

**Health and Social Care Scrutiny Sub-Committee**

1. To nominate two substantive committee Members to the Standing South West London Joint Health and Overview Scrutiny Committee (JHOSC) and

2. If necessary, to appoint one of the Health and Social Care Scrutiny Sub-Committee Members in the role of observer on the Standing South West London JHOSC.

3. To nominate up to two substantive Committee Members for any JHOSC that maybe established during the municipal year 2016/17

4. To undertake all powers of Health Scrutiny as defined in the Health and Social Care Act 2001 and National Health Service Act 2006

5. To scrutinise Health and Social Care

## CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

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

#### Contents:

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- 3 Public Speaking Procedure
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#### 1 INTRODUCTION

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

## 2 COMMITTEE CONSIDERATION CRITERIA

- 2.1 Part 3 of the Constitution (Responsibilities for Functions: Planning Committee and Planning Sub-Committee) sets out the types of planning application that may be considered by these Committees. ~~Part 4K of the Constitution and Rule 2 (Committee Consideration Criteria)~~ This part of the Procedure sets out the circumstances where such an application will be referred to Committee for decision.
- 2.2 The Timescales, General Requirements and Criteria set out ~~here (Rule 2 Committee Consideration Criteria)~~ below will be applied in determining whether any Representations received in respect of an application that may be considered by Committee would require that application to be determined by that Committee rather than dealt with under officer's delegated powers. The term Representation(s) also includes Petition(s).
- 2.3 ~~Rule 2 contains~~ This section deals with:
- **Timescales:** within which all Representations must be with the Development Management service
  - **General Requirements:** that all Representations must comply with
  - **Criteria:** that apply to the Representations from specific people or bodies such as the Chair, a Member for the Ward within which the application site is situated or immediately adjoins (Ward Member), the Croydon member of the Greater London Assembly (GLA Member), the Member of Parliament ('MP') for the constituency within which the application site is situated or immediately adjoins (MP) and Resident Associations (RA) plus Representations from other people or bodies
- 2.4 For probity reasons the Timescales, General Requirements and Criteria set out in ~~Rule 2~~ this Procedure must be adhered to. The decision of the Director of Planning and Strategic Transport will be final in determining whether the Timescales, General Requirements or Criteria are met.
- 2.5 Any Representation that does not meet the Timescales, General Requirements and Criteria will therefore not be a factor in deciding whether the application will be considered by Committee. Such Representations will still however be considered by the case officer in finalising their report and recommendation, provided he/she receives the Representation before submitting their report for authorisation or at least by noon on the day of the Committee (see paragraph 3.13 below).
- 2.6 Nothing in ~~Rule 2~~ this Procedure interferes with the absolute right of the Director of Planning and Strategic Transport to refer an application or planning matter to Committee as prescribed by Part 3 of the Constitution.
- ~~2.7 If an organisation or individual (including a Ward Member, GLA Member or MP) wishes to address the relevant Committee, that is dealt with under the Public Speaking Procedure (Rule 3).~~

## Timescales

### Statutory notification period

- 2.7 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the local planning authority to publicise All applications for planning permission by site are publicised via the display in at least of one place on or near the land to which the application relates for not less than 21 days or by serving a notice on any adjoining owner or occupier. There are also situations (in relation to “major” application, more site notices and certain applications that are considered to depart from the provisions of the development plan and applications involving works to listed buildings and properties in conservation areas) where such development is advertised in the local press and by way of site notice(s) in vicinity of the relevant site. The local planning authority is obliged to comply with these statutory requirements.
- 2.8 ~~It a local paper. However, it~~ does not matter how someone gets to hear about a proposal, as anyone can submit Representations to the Development Management service. Representations on applications must be made in writing (letter or email) or via the Council’s web site. The time limit for doing this is specified on the site notice, press advertisement or the notification forwarded to adjoining occupiers/owners. Where applications are publicised through the service of a notice on an adjoining occupier or owner, those individuals will have 23 days to respond to this notification (to take into account the or advert. The statutory period for postage). is 21 days.
- 2.9 Where amended plans for an application have been accepted by the Council and if it is necessary to re-publicise them, the Council will undertake further application publicity. In the case of major applications, the local planning authority will display a new site notice on different coloured paper to the original so that local people can distinguish it. Local residents will be given a further 14 days to respond to any re-notification.
- 2.10 Amended plans are often negotiated in response to Representations. The Council may consider that an amendment it receives has overcome the Representations previously made so it is therefore important that local people consider whether they need to make further Representations as follows.
- If the amendments do overcome their concerns, they may write to confirm this, but the General Requirements below (paragraph 2.15) are designed to take account of such circumstances, so people do not have to take any further action.
  - If someone has already made a Representation and the amendments do not overcome their concerns, they need to make further Representations to that effect.
  - If the amendments raise new concerns, such further Representations should also be made.

### Chair, Ward and GLA Member and MP timescales

- 2.11 All elected representatives will ~~Members will~~ be notified by email about

planning applications ~~in their ward~~ in respect of which they have a right of referral. The Chair ~~and the Croydon Member for the Greater London Assembly~~ will be notified by email about planning applications in Croydon.

- 2.12 If the Chair, a Ward Member, ~~or the~~ GLA Member or MP wishes to make Representations on the application they must respond by replying to the notification email within ~~23~~28 days ~~– to tie in with~~. ~~In circumstances where the notification period offered to adjoining occupiers/owners. This timescale may be extended in certain circumstances at the discretion of the Development Management Service to ensure that the timescales for elected representatives align with the deadlines set for members of the public. It referred to in paragraph 2.8 is more than 28 days from the intention that~~ date of the Chair and elected representatives email, the deadline for making Representations which result in a referral will be notified at the same time as local residents ~~end of the period contained in the site notice.~~
- ~~2.13~~ Where the ~~Chair, a Ward Member or the GLA Member (as appropriate)~~ elected representative receives an additional notification email informing them about amendments to an application, the deadline for making further Representations by replying to the additional email notification within 14 days. ~~Where~~ ~~In circumstances where the period for the public to make Representations exceeds 14 days from the date of the additional email notification, the deadline for making further~~

~~2.13~~ ~~Representation will be the end of the period contained in the relevant site notice.~~ the Member indicated in the initial notification that they wished the application to be referred to Committee for consideration and the amendment overcomes their concerns, they should respond to the email explicitly, withdrawing their wish for the Committee to consider the application. See paragraph 2.10 above for additional advice on amendments.

~~2.14~~ Representations on a planning application which are sent by email should ~~not be sent only to the~~ email address ~~other than the one~~ on the notification email, as other email addresses may not be monitored (~~e.g. the officer may be on leave~~) and the email may therefore not be actioned. Representations sent by post must be sent to the exact address specified on the notice or other written notification from the Council.

## General Requirements

~~2.142.15~~ Under this In-Rule-2 Procedure, a Representation is a letter or an email that meets all the following requirements:

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

~~2.152.16~~ Identical pro-forma letters or emails, which also meet the above requirements, will be treated as forming a Petition (i.e. each letter potentially being a single signature on a petition) for the purposes of deciding whether an application will be referred to Committee. See paragraphs ~~2.29-32~~ to ~~2.34-35~~ below for the Criteria for Petitions.

## Committee Referral Criteria

### Chair

~~2.162.17~~ An application may be reported to Committee where the Chair has indicated that he/she wishes the application to be referred to Committee for consideration provided that indication is received by the Development Management service within the Timescale indicated on the notification email (paragraphs 2.11 to 2.14 above).

### Ward Members

~~2.172.18~~ An application may be reported to Committee where the Member for the ward within which the application site is situated or immediately adjoins the Member's Ward (Ward Member) has made a Representation that additionally meets all the following Criteria:

- It is received by the Development Management service within the



Timescale indicated on the notification email (paragraphs 2.11-12 to 2.14 above).

- The application is within, partly within or immediately adjoining the Member's ward.

- The Ward Member has stated that they either object to or support the application and given their reason(s).
- The Ward Member has additionally clearly stated that they wish the application to be referred to Committee for consideration.
- The Ward Member has attended pre-arranged training on the planning application referral arrangements, development presentation protocols and the management of breaches of planning control (to be arranged from time to time).

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

2.182.20 In order to address the Committee when the application comes to be determined, the Ward Member must have confirmed notification of their wish to address the Committee in accordance with paragraph 3.6 below (normally by 4:00pm on the Tuesday preceding the Committee).

### Greater London Assembly Member

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

- It is received by the Development Management service within the Timescale indicated on the notification email (paragraphs ~~2.11-12~~ to 2.14 above).
- It is an application for planning permission that is referable to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2008 (or as subsequently amended or replaced).
- The GLA Member has stated that they either object to or support the application and given their reason(s).
- The GLA Member has additionally clearly stated that they wish the application to be referred to Committee for consideration.

As of May 2017, an application that is referable to the Mayor includes an application that involves:

- development of 150 residential units or more
- development over 30 metres in height (outside the City of London)
- development on Green Belt or Metropolitan Open Land

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

2.202.23 In order to address the Committee when the application comes to be

determined, the GLA Member must have confirmed notification of their wish to address the Committee in accordance with paragraph 3.6 below (normally by 4:00pm on the Tuesday preceding the Committee).

### Member of Parliament

~~2.21~~2.24 An application may be reported to Committee where the ~~Member of Parliament (MP)~~ for the constituency within which the application site is situated or immediately adjoins has made a Representation that additionally meets all the following Criteria:

- It is received by the Development Management service within the Timescale indicated on the notification email (paragraphs 2.12 to 2.14 above).
- ~~It is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).~~
- It is an application for planning permission that is referable to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2008 (or as subsequently amended) (see paragraph 2.21 above), a Major Development or larger as defined by the Department for Communities and Local Government.
- The application is within, partly within or immediately ~~or~~ adjoining the MP's constituency.

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

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

2.222.26 In order to address the Committee when the application comes to be determined, the Ward Member must have confirmed notification of their wish to address the Committee in accordance with paragraph 3.6 below (normally by 4:00pm on the Tuesday preceding the Committee).

### Criteria for Resident Associations (RA)

2.232.27 To benefit from the provisions in these Criteria, a RA will need to be registered with the Development Management service. To be registered the RA will need to supply a copy of its written constitution and that document would need to demonstrate that:

- It represents an area within the borough of Croydon that contains at least 50 residential properties and what that area is.
- It holds regular elections for association officers.

2.242.28 An application may be reported to Committee where the RA has made Representations that additionally meet all the following Criteria:

- It is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8-7 to 2.10 above).
- The application is within, partly within or immediately adjoining the area that the RA covers.
- The RA has stated that they object to the application and given their reason(s).
- The RA has additionally clearly indicated that they wish the application to be referred to Committee for consideration so that they can address the Committee on their concerns.

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

2.262.30 The right to refer applications under paragraphs 2.18 to 2.25-28 does not extend to minor material amendments or non-material amendments to existing planning permissions dealt with under section 73 or 96A of the Town and Country Planning Act 1990 (as amended) respectively, all applications submitted under the Town and Country Planning (General Permitted Development Order, advertisements, or minor residential extensions and alterations (including boundaries and rear outbuildings) involving less than 20 square metres of additional internal accommodation (gross internal).

These application types will be determined by officers under delegated authority in all instances (see Part 3).

### Other Representations

2.272.31 An application may be reported to Committee where Representations have been received that additionally meet all the following Criteria:

- It is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8-7 to 2.10 above).

- It is from a person who lives at or operates from an address which is within the London Borough of Croydon.
- The person has stated that they object to the application and given their reason(s).
- At least 12 such Representations have been received from individual persons for each application.

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

### Petitions

2.292.33 An application may be reported to Committee where one or more petitions (including pro-forma letters – paragraph 2.16 above) that meet the General Requirements for a Representation (paragraph 2.15 above) have been received that additionally meet all the following Criteria:

- Each Petition is received by the Development Management service within the Statutory Notification Period (paragraphs 2.8 to 2.10 above).
- Each Petition is from a person who lives at or operates from an address which is within the London Borough of Croydon.
- Each Petition objects to the application and contains the reason(s) for this.
- All such Petitions contain a total of at least 20 signatures with clearly readable and bona fide names and addresses from within the Borough of Croydon.
- Where those who have signed a petition are well aware of the purpose and reasoning for signing the petition, which should be specific to material planning considerations only.

2.34 Petitions will not be accepted where the wording of the petition has been varied, post those having signed the petition. The wording of petitions and pro-forma letters will be published in full by the Council on its website.

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

2.30

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

## **3 PUBLIC SPEAKING PROCEDURE**

3.1 3.1 For applications for planning permission for the following development types, a speaking slot shall be a maximum of five minutes each:

- a residential development containing 200 or more new dwellings or, where the number of dwellings is not given, the site area is 4 hectares or more;

or

- the erection of a building or buildings with a gross floor space of 10,000 square metres or more or, where the floor space is not given, the site area is 2 hectares or more.

•3.2 For all other items, a speaking slot shall be a maximum of three minutes each.

1.13.3 Subject always to the notification and registration requirements in paragraphs 3.6 and 3.8 ~~the provisions of para 6.2, for each planning application~~ there are up to five separate speaking slots in the following order, allocated to:

1. Objectors
2. The applicant or his/her agent/representative/supporters – hereinafter referred to as the Applicant
3. The Member of Parliament~~MP~~ for the constituency within which the application site is situated (or immediately adjoins) where they have clearly indicated that they wish to address the Committee in accordance with the Committee Referral Criteria ~~(Rule 2.22) – hereinafter referred to as the MP~~
4. The Member of the Greater London Assembly for the constituency within which the application site is situated where they have clearly indicated that they wish to address the Committee in accordance with the Committee Referral Criteria ~~(Rule 2.20) – hereinafter referred to as the GLA Member~~
5. A Member for the ward within which the application site is situated or immediately adjoins who has clearly indicated that they wish the application to be referred to Committee for consideration in accordance with the Committee ~~Referral Criteria (Rule 2.18) – hereinafter referred to as a Ward Member~~ or (b) has clearly indicated that they wish to address the Committee regarding a major application which has automatically been referred to Committee

3.23.4 Where a planning application is reported on the “Planning Applications for Decision” part of the agenda, all of the individuals and organisations who have expressed views (by letter or email) on the application will be sent a letter/email that informs them that the application will be considered by Committee. The applicant (or his/her agent) will be sent a similar letter/email. The Ward Member, GLA Member and MP (where appropriate) will also be sent such a letter/email. The letter/email will also explain the provisions regarding public speaking.

3.33.5 Requests to address Committee will not be accepted prior to the publication of the agenda.

## Notification

3.43.6 Any Objector or Applicant or elected representative (i.e., a referring Ward Member, GLA Member or MP) who wishes to address Committee must notify the Democratic Services Manager by 4pm on the Tuesday prior to the day of the meeting (or, where the meeting is held on a day other than a Thursday by 4pm two working days before the meeting). Email or telephone should be used for this purpose. In the case of an Objector or Applicant, tThis communication

should provide the name and contact details (email address and/or phone number) of the intended speaker so that changes in arrangements can be communicated. In addition, in the case of Objectors if they parties individually agree, contact details will be shared so that where more than one person has registered to speak, contact can be made to resolve either who will address the Committee or how they will divide up the allocated speaking slot. Where more than one Objector, Ward Member or MP has registered to speak, the provisions of paragraphs 3.9 and 3.10 will apply.

3.53.7 If a public speaker needs special arrangements (such as an interpreter) this must be brought to the attention of the Democratic Services Manager when notifying him/her of their wish to speak so that arrangements can be put in place.



## Registration

~~3.63.8 Subject always to the provisions of para 6.2, e~~ On the night of the Committee meeting:

- Objectors and Applicants who have notified the Democratic Services Manager that they wish to address the Committee in accordance with paragraph 3.76;
- A Ward Member, GLA Member or MP who have clearly indicated that they wish to address the Committee in accordance with the Committee Consideration Criteria above and paragraph 3.6 (Rule 2);

must register their attendance at the Town Hall with the Democratic Services representative in attendance at the meeting at least 15 minutes before the meeting starts.

~~3.73.9~~ Where more than one Objector has registered to speak and the arrangements have not been resolved in advance, the Democratic Services Manager will inform the parties involved as they register so that they can decide either who will address the Committee or how they will divide up the allocated speaking slot. Objectors are expected to come to an agreement between themselves on this. Where Objectors cannot come to an agreement, the ~~chair~~ Chair will be notified of this through the Democratic Services Manager and the chair will decide who will be accorded the right to speak. Preference will normally be given to those who are potentially most affected by the planning application and particularly those closest to the application site. The ~~C~~chair may take advice from officers in making this decision. In order to ensure the most efficient progress of Committee business on the evening, the decision of the chair will be final and not be the subject of further debate, including in the Committee.

~~3.83.10~~ If more than one Ward Member or MP indicates that they wish to speak, they will share the speaking slot equally, unless they agree a different distribution of the time.

~~3.93.11~~ If a Ward Member wishes to speak but is unable to attend the Committee, they may nominate a substitute Member representing the same ward, or a neighbouring ward, to address the Committee on their behalf. If a referring Ward Member (or substitute Ward Member) has not registered to speak by 4pm on the Tuesday prior to the day of the meeting (or, where the meeting is held on a day other than a Thursday, by 4pm two working days before the meeting) (see paragraph 3.6 above) or who has registered to speak does not attend the Committee and there are no other reasons for Committee consideration, the application will be referred back to the Director of Planning and Strategic Transport for delegated decision. ~~to address the Committee on their behalf.~~

## Speaking

~~3.403.12~~ All those involved in public speaking are restricted to an oral presentation only. The officers' slide presentation is therefore not available for use by public speakers.

3.13 ~~The distribution of additional material or information to Members of the Committee is not permitted once the meeting starts.~~ If a speaker, or any other member of the public, wishes to bring additional representations or other material beyond those which they have already submitted ~~material~~ to the Committee's attention, they need to ~~either~~ supply it to the Development Management service This needs to be done by, if it is written material, by at the latest, noon on the day of Committee, to include in the Addendum Report (see paragraphs 5.6 to 5.11 below for procedures, limitations and deadlines). The distribution of additional material or information to Members of the Committee is not prohibited but objectors and supporters should be aware that although they may have sent information directly to Members of the Committee via email or other means, the Members are not under an obligation to, and may not have an opportunity to consider such material. Members of the public are therefore encouraged to ensure they send their correspondence directly to the Development Management service.

4.23.14 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless permitted to do so by the Chair of the Committee

## **MP, GLA Member and Ward Members**

~~3.143.15~~ An MP, GLA Member or Ward Member may address the Committee in accordance with the Procedures ~~set out here (Rule 3 Public Speaking Procedure), but~~ and must additionally:

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

In relation to Ward Members:

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

### **Committee Member wishing to speak as a Ward Members**

~~3.123.16~~ A Ward Member, who is also a Member of the determining Committee, may address the Committee in accordance ~~with Rule 3 (the~~ Public Speaking Procedure ~~set out above)~~ but, where they do so, they cannot take part in the debate or vote on the application they have referred. They may address the Committee on their referral in accordance with the above procedures provided they do not have a disclosable pecuniary interest in the matter. Where the Member has a disclosable pecuniary interest, the Member may only participate in any discussion of or vote on any matter in which they have a disclosable pecuniary interest if they have been granted a dispensation for this purpose.

### **Chair's discretion**

~~3.133.17~~ At the discretion of the ~~Chair~~<sup>chair</sup>, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters would not, of itself, be a factor. If changes are made to the speaking times, the Applicant will be offered the same time to speak as Objectors.

## 4 FORMAT OF COMMITTEE AGENDA

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

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

## 5 REPORTS

4.35.1 Each planning application for decision is the subject of a written report with an officer recommendation. Reports will be produced in a standard form provided by the Director of Planning and Strategic Transport and will identify and analyse the material considerations, of which the Committee will need to take account when considering the application on the planning merit.

4.45.2 In addition to the written report, illustrative material will usually be presented at the meeting to explain the scheme. The planning files will also be available for inspection at the meeting by Members of the Committee.

### Recommendations

4.25.3 The recommendations in the reports to Committee do not set out the full wording of planning conditions, reasons for refusal, informatives and planning obligations, but are a summary of them. There are two reasons for this:

- it communicates the details of the recommended decision more clearly to Members than many pages of detailed conditions or grounds; and
- there can sometimes be a delay before a decision is issued (such as waiting for the signing of a legal agreement or views from the Mayor of London and/or the National Planning Case Unit) and something may arise which necessitates an amendment, a deletion or an addition.

5.4 Delegated powers are therefore given to the Director of Planning and Strategic Transport (Responsibility for Functions at Part 3 of the Constitution) to communicate the detailed wording to applicants. In addition, where the wording of a condition/ground/informative/obligation has been amended, a new condition/ground/informative/obligation introduced or an existing condition/ground/informative/obligation deleted either at the meeting by the Committee or subsequent to the meeting by the Director, the Director will be responsible for finalising the wording. This obviates the need for further reference to Committee and delay to the process.

4.55.5 The exercise of this delegated power by the Director is limited to circumstances where the change(s) could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

### **Addendum Report**

4.35.6 It is common for material (such as late representations) to be received by the Development Management service after the close of the agenda. Such material will be placed on the public planning file along with all the other papers for the application, subject only to any public exclusion restrictions.

4.4 Where this material needs to be brought to the attention of the Committee, so that it can be taken into account, it will be presented in written form in the addendum report. It will comprise a summary of whatever has been raised, in the same way as representations are summarised in the main Committee report.

4.55.7 The Development Management service will email the addendum report to Planning Committee Councillors as soon as it is ready ~~and make hard copies available before the meeting commences.~~

4.65.8 The practicality of producing such a report means there has to be a cut-off point for the receipt of late material by the Development Management service, which is noon on the day of the meeting. Generally material received after this time will not be reported to the Committee. The Director of Planning and Strategic Transport has an absolute discretion in this regard.

4.75.9 Material must not be distributed to Committee Members by members of the public (including public speakers) or other Members of the Council during the course of the meeting. The distribution of such material should be done in advance of the meeting in accordance with 5.9 and 3.13 above.

4.85.10 \_\_\_\_\_ The points raised in representations about a particular application, which are received prior to the cut-off point (paragraph 5.9 above) are summarised either in the main Committee report or in the addendum report. Copies of these representations are available for inspection at the meeting by Members of the Committee.

## **56 ORDER OF PROCEEDINGS**

6.1 Except as otherwise stated on the agenda, generally meetings take place at the Town Hall in Katharine Street (CR0 1NX). The time the meeting is expected to begin will be stated on the agenda papers. Where any item is on the agenda only because it has been referred by a Ward Member, GLA Member, MP or Resident Association and none of the referring person(s)/organisation(s) or their representative(s) have registered their attendance at the Town Hall in accordance with paragraphs 3.6 and 3.8, and notwithstanding the fact that other parties may have also registered to speak, the item will revert to the Director of Planning and Strategic Transport to deal

with under delegated powers and not be considered by the Committee.

6.2 At the discretion of the Chair, the agenda may be re-ordered at the meeting.

### Planning application for decision

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

~~6.4~~ **THE PROCEDURE FOR CONSIDERING EACH APPLICATION SHALL BE AS FOLLOWS:**

- the Director of Planning and Strategic Transport, or his/her representative, will introduce the development the subject of the application;
- through the ~~Chair~~<sup>chair</sup>, Committee Members may ask questions of clarification;
- public speaking in accordance with ~~Rule 3~~<sup>the</sup> (Public Speaking Procedure above (paragraph 3.1 onwards));
- the Director of Planning and Strategic Transport, or his/her representative, will present the report, ~~outline and introduce~~ the reasons for the officer recommendation and will respond (as appropriate) to comments raised by the Speaker's main issues; and
- the Committee will then consider the item and reach a decision.

### Other planning matters

~~6.36.4~~ The procedure for considering each item shall be as follows:

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

### Development presentations

~~6.46.5~~ The procedure for considering each item shall be as follows:

- the developer will present their scheme for no longer than 15 minutes unless the Chair, exercising his/her discretion, has allowed a longer period; and
- through the ~~Chair~~<sup>chair</sup>, Committee Members may ask questions.
- ~~At the end of the questioning session a~~ Ward Councillor (who is not a member of the Planning Committee) may address the Planning Committee for up to 5 minutes to present a local viewpoint on the development presentation. This may be either before or after the questions referred to above. In the latter case, additional questions may be asked by the Chair or Committee Members to address new points raised by the Ward Councillor. Ward Councillors within whose ward the emerging development is proposed will be contacted by the Development Management service by email and the Ward Councillor will be required to

contact the Democratic Services Manager by 4pm on the Tuesday before the Committee meeting to advise whether he/she is attending (or, where the meeting is held on a day other than a Thursday by, 4pm two working days before the meeting). Where more than one Ward Councillor wishes to address the Planning Committee, the 5 minute slot will be shared

- At the end of this process, the Chair or Senior Planning Officer will summarise the issues, points and questions raised

## **Other Procedural Issues**procedural issues

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

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

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

### **Role of the Committee Chair**

**6.4** With the assistance and support of officers, the Chair of the Planning Committee/Sub Committee is responsible for the good and orderly running of Planning Committee/Sub Committee meetings. The Chair aims to ensure, with the assistance of officers where necessary, that the meeting is run in accordance with the provisions set out in the Council's Constitution and particularly Part 4K of the Constitution. The Chair's most visible responsibility is to ensure that the business of the meeting is conducted effectively and efficiently. This includes several components:-

- determining the order in which questions may be addressed from the Committee members following the officers presentation;
- ensuring that the Public Speaking Procedure is followed which allows time slots specified timeslots for Applicants, Supporters, Objectors, Ward Members, GLA Members and Members of Parliament to address the Committee where relevant criteria are met;
- managing the Committee members debate about applications including the order in which Members who wish to address the Committee may speak;
- determining when the debate has come to a close and votes should be cast in the order in which the motions were first completed (i.e. where the motion has been moved and seconded by Members of the Committee).
- Ensuring that debate is suitably focussed on relevant planning considerations.

**6.5** The Chair has discretion in the interests of natural justice to vary the public speaking rules where there is good reason to do so and such reasons will be minuted.

**6.6** The Chair is also charged with ensuring that the general rules of debate are adhered to (e.g. Members should not speak over each other) and that the debate remains centred on relevant planning considerations.



6.7 Notwithstanding the fact that the Chair of the Committee has the above responsibilities, it should be noted that the Chair is a full member of the Committee who is able to take part in debates and vote on items in the same way as any other Member of the Committee. This includes the ability to propose or second motions. It also means that the Chair is entitled to express their views in relation to the applications before the Committee in the same way that other Members of the Committee are so entitled and subject to the same rules set out in the Council's constitution and particularly Planning Code of Good Practice.

### **Role of Committee Members**

6.8 The role of Members of the Planning Committee is to make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons. In doing so Members should have familiarised themselves with Part 5D of the Council's Constitution 'The Planning Code of Good Practice'. Members should also seek to attend relevant training and briefing sessions organised from time to time for Members.

6.9 Members are to exercise their responsibilities with regard to the interests of the London Borough of Croydon as a whole rather than with regard to their particular Ward's interest and issues.

## **7 DECISION MAKING**

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

- Come to meetings with an open mind.
- Comply with ~~these Rules~~ the procedures set out in this Part 4k of the Constitution.
- Not allow anyone (except officers, other Committee Members and public speakers when they are addressing the Committee) to communicate with them during the Committee's proceedings (orally or in writing) as this may give the appearance of bias. For the same reason, it is best to avoid such contact before the meeting starts.
- Consider the advice that planning, legal or other officers give the Committee in respect of the recommendation or any proposed amendment to it.
- Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the development plan unless there are good planning reasons to come to a different decision.
- Come to their decision only after due consideration of all of the information reasonably required to base a decision upon. This will include the local information that Members are uniquely placed to access, but always remembering to take decisions on planning grounds alone. If they feel there is insufficient time to digest new information or that there is insufficient information before them, then they should seek an adjournment to address these concerns.
- Not vote on a proposal unless they have been present to hear the entire debate, including the officers' introduction and any public speaking.
- ~~Make sure that if they are proposing, seconding or supporting a decision~~

contrary to the officer's recommendation or the Development Plan, that they clearly identify and understand the planning reasons leading to this conclusion and that they take into account any advice planning, legal or other officers give them. Their reasons must be given prior to the vote and

- be recorded. Be aware that they may have to justify the resulting decision by giving evidence in the event of **any** challenge.

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

## **8 VOTING PROCEDURES**

8.1 The **Chair** will bring the Committee to a vote when he/she considers that there has been sufficient debate of an item.

8.2 For any motion to be successful there needs to be a majority vote in favour of that motion. In the event of a deadlock (ie equality of votes) the chair may exercise his/her casting vote. This can be done irrespective of whether or not the **Chair** has already voted on that motion.

### **When There Are Two Motions**

8.3 If there are two motions before the Committee, each motion needs to be considered separately. When a motion has been moved and seconded, it becomes a complete motion. The motion which is completed first should be considered first.

8.4 If the first motion is successful (ie the vote is for it) the second motion automatically falls.

8.5 If the first motion is unsuccessful (ie the vote is against it) it falls and is thereby extinguished. Members then move to voting on the second motion.

8.6 To enable officers to give the Committee the best advice and to allow the business to run efficiently, it is preferable for the recommendation set out in the report to be moved and voted on first (unless a motion is made and seconded to defer or adjourn consideration of a particular item, for example for a site visit or further information/advice).

8.7 Amendments to the recommendation (such as an additional condition) may be made in the normal manner (as prescribed in the Non-Executive Committee Procedure Rules part 4 of the constitution).

### **Officer's Advice**

~~8.8~~ If the recommendation is not supported, before a new motion to either grant or refuse the application is proposed the Committee must first receive advice from the Director of Planning and Strategic Transport, or his/her representative, as to what form a new motion could take. That advice will be

**8.8** based upon the material considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge. The solicitor advising the Committee will be called upon as necessary to give advice on legal matters.

8.9 If the officer considers that he/she is unable to give that advice immediately, further consideration of the matter will be suspended and the agenda item will be adjourned so that the officer can bring a report to the next available Committee setting out his/her advice.

### **Decisions contrary to the Development Plan**

8.10 The law requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). If a Committee intends to approve an application which is contrary to the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated. The application will have to be advertised in accordance with Article \_\_\_\_\_13 of the Town and Country Planning (Development Management Procedure) Order 2010 and, depending upon the type of development proposed, \_\_\_\_\_ may also have to be referred to the Department for Communities and \_\_\_\_\_ Local Government.

8.11 If the recommendation in the officer report would be contrary to the Development Plan, the justification will be included in that report.

8.12 If a Committee is minded to make a decision contrary to the officer recommendation (whether for approval or refusal) and that decision would be contrary to the Development Plan, such a motion may only contain the Committee's initial view and must be subject to a further report detailing the planning issues raised by such a decision. Further consideration of the matter must be adjourned to a future meeting of the Committee when officers will present a report setting out the proposed new position and explaining the implications of the decision.

8.13 If, having considered the report, the Committee decides to determine the application contrary to the Development Plan, a detailed minute of the Committee's reasons, which as a matter of law must be clear and convincing, shall be made and a copy placed on the application file.

## **9 SITE VISITS BEFORE A COMMITTEE MEETING**

9.1 It is advisable that Members are familiar with the sites of the applications on the agenda to enable them to make informed decisions on the planning applications before them and to avoid deferring or adjourning those decisions pending site visits.

~~9.2~~ Where Members visit the site themselves before the meeting, care must be taken to ensure that they comply with the Planning Code of Good Practice (part 5D of the constitution). Such visits should be carried out discreetly and

9.2 Members should avoid making themselves known to the applicant or to neighbours. Accordingly Members should not go onto the actual application site or into a neighbouring property. The reason for this is that contact between a Member of the Committee and the applicant or a local resident could be misinterpreted as lobbying and may create a suspicion of bias. If such contact is made this should be declared in Committee, but this should not prevent that Member from taking part in the consideration of that application, provided that the Member has followed the advice in the Planning Code of Good Practice and acts in accordance with the Members' Code of Conduct.

## **10 FORMAL SITE VISITS BY THE COMMITTEE**

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

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

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

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

## **11 AMENDMENTS/ VARIATION**

11.1 Where amendments/variation to these ~~Rules~~ part of the Constitution ~~is~~ are necessary due to legislative changes, the Council Solicitor, may make such consequential changes ~~to these Rules~~ as are necessary to take such

changes into account.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## Part 4.L – TERMS OF REFERENCE HEALTH AND WELLBEING BOARD

### 1. FUNCTIONS OF THE CROYDON HEALTH AND WELLBEING BOARD

The Health and Wellbeing Board's terms of reference are, without prejudice to any statutory provisions,:

1. To encourage, for the purpose of advancing the health and wellbeing of people in Croydon, persons who arrange for the provision of any health or social care services in Croydon to work in an integrated manner.
2. To provide such advice, assistance or other support as appropriate for the purpose of encouraging partnership arrangements under section 75 of the National Health Service Act 2006 between the Council and NHS bodies in connection with the provision of health and social care services.
3. To encourage persons who arrange for the provision of health-related services (i.e. services which are not health or social care services but which may have an effect on the health of individuals) to work closely with the Board and with persons providing health and social care services.
4. To exercise the functions of the Council and its partner Clinical Commissioning Groups in preparing a joint strategic needs assessment under section 116 of the Local Government and Public Involvement in Health Act 2007 and a joint health and wellbeing strategy under section 116A of that Act.
5. To give the Council the opinion of the Board on whether the Council is discharging its duty to have regard to the joint strategic needs assessment and joint health and wellbeing strategy in discharging the Council's functions.
6. To exercise such other Council functions which are delegated to the Board under the Constitution.

### 2. MEMBERSHIP, QUORUM AND VOTING RIGHTS

#### Membership

2.1 Subject to the provisions of Article 13, the Board shall comprise of the following members:

- 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),
- The Executive Director People (non-voting),
- The Director of Public Health (non-voting),
- 1 Croydon Clinical Commissioning Group (CCG) Representative (voting),
- The Croydon Health Services NHS Trust ~~University Hospital~~ Chair (non-voting),
- 1 Healthwatch (Croydon) Representative (voting)
- 1 South London & Maudsley NHS Foundation Trust ~~SLAM R~~ Representative (non-voting)

2.2 The Chair shall be appointed by full Council and shall be a Majority group member. The Vice Chair shall be the CCG Representative. In the absence of the Chair, the Vice chair shall fulfil the role of Chair of the Board.

2.3 The below mentioned parties shall be invitees to attend the Health and Wellbeing Board meetings but shall not be members and shall have no voting rights and no additional rights than those accorded to members of the public to receive agenda papers, reports and background documentation. At the Chair's discretion, and subject to the requirements around Confidential and exempt information, they may be invited to participate in discussions present or contribute to key agenda items and submit information for consideration by the Board if invited to do so.

- National Commissioning Board Representative x 1
- Croydon Voluntary Sector Alliance representative x2
- Croydon BME Forum representative x1
- Croydon Charity Services Delivery Group representative x1
- Croydon Voluntary Action representative x1
- Police Service x1
- Croydon College representative x 1
- London Fire and Rescue Service representative x1
- London Probation Service representative x1
- Chairs of Partnership Groups representatives x3
- Faiths Together in Croydon representative x1
- Pharmacist Representative x1

2.4 The term of office of Board members, other than ex officio members shall normally be one year from the date of appointment (or reappointment), provided that, for the duration of that period, they remain a Member or duly nominated representative of their appointing body and have been appointed by that body to be or remain a member of the Board.



2.5 Except where a person is appointed or nominated as an individual each appointing or nominating body shall notify the Clerk of the Board of the name and contact details of their appointed or nominated members of the Board.

2.6 Nominating Bodies who have a nominated representative on the Board may change their appointed or nominated Board representative members at any time provided that written notice of any such change is given to the Clerk. Such change shall not take effect until acknowledgement of receipt is sent to the nominating body by the Clerk

2.7 Each appointing and nominating body shall, as far as possible, ensure that the persons appointed as members have the skills and qualities required to fulfil the role of a Board member.

2.8 Each appointing or nominating body may send appropriate officer(s) to meetings of the Board to support their Board Members. Any such officers shall have no voting or speaking rights.

### **Voting Rights and Voting Procedures**

2.9 Each of the voting Board members shall have one vote with all decisions being made through simple majority of those voting members present. The Chair shall have a casting vote.

2.10 All voting shall be by a show of hands but recorded votes shall be taken if requested by any Voting member, and any such Voting member shall have the right to have the way he/ she voted (or abstained) recorded in the minutes.

### **Putting items on the agenda**

2.11 Any Board member may request through the Chair that any matter relevant to the functions of the Board is placed on the board agenda.

2.12 Where a relevant overview and scrutiny committee have resolved that an item be considered by the Board, the Clerk will, subject to consultation with the Chair, place that item on the agenda of the next available meeting of the Board.

2.13 The Director of Law Monitoring Officer and Council Solicitor, and/or the Executive Director of Resources Chief Financial Officer and Section 151 Officer of the Council may include an item for consideration on the agenda of a Board meeting and may require the Chair to call such a meeting in pursuance of their statutory duties.

## **3. PROCEDURES AT MEETINGS AND QUORUM**

3.1 The meetings of the Board will be governed by the Non-Executive Committee Procedure Rules Part 4F

3.2 The quorum shall be three voting members two of whom shall be a majority group members.

3.3 Meetings of the Board 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).

3.4 The Access to Information procedure rules in Part 4B of the Constitution shall apply to the Board as a non-executive committee of the Council. Minutes of the Board shall be available to the public and press as though they were minutes of a meeting of the Council.

3.5 The Chair may invite any person to attend a meeting of the Board for the purpose of making a presentation, or participating in discussion, on any item relevant to the Board's functions where that person is able to provide a professional or user viewpoint, which the Chair considers would be of assistance to the Board.

#### **4. ROLE OF A BOARD MEMBER**

The responsibilities of a Board Member are as follows:-

6.1 To be committed to, and act as a champion for the achievement, of the Objectives;

6.2 To be a good ambassador for the Board;

6.3 To attend Board meetings regularly, vote on items of business (as required) and make a positive contribution to the achievement of the Objectives;

6.4 To be and to remain acquainted with key current issues in the area of health and social care locally and nationally.

6.5 To act as an advocate for the Board in seeking any necessary approval of their nominating body to the Draft Business Plan and Annual Action Plan.

6.6 To report back to the appointing body after every meeting and to ensure that the views of the appointing body are made known to the Board in respect of any matter under consideration by the Board or under consultation by the Board. To suggest items of business for the consideration of the Board via the Chair.

6.7 To comply with the Members' Code of Conduct set out in Part 5I of the Constitution (all voting members of the Board) or the Code of Conduct for Non-voting Co-opted members of the Council (all non-voting members of the Board) as adopted and updated by the Council from time to time.

#### **5. SCRUTINY ARRANGEMENTS**

5.1 The decisions, actions and activities of the Board shall be subject to the Scrutiny Arrangements of the Council.

5.2 Decisions (including recommendations) of the Board shall be notified to all those to whom agenda papers etc are despatched within seven working days of the decision being reached The Board, its Members and its Officer advisors, shall fully co-operate with the Scrutiny and Strategic Overview Committee of the Council.

5.3 The Overview and Scrutiny Procedural Rules set out in the Council constitution shall apply but as a non-executive committee the decisions of the Board shall not be subject to the call-in procedure.

## **6. EXPENSES OF MEMBERS**

6.1 Each appointing or nominating member shall be responsible for meeting any expenses to which any Board member , is entitled as a result of their attendance at duly authorised meetings in accordance with each appointing or nominating organisations own rules regarding such matters.

## **7. ACCESS TO INFORMATION RULES**

7.1 The provisions of the Access to information Procedure Rules in Part 4B of the Constitution shall apply to the meetings of the Board and its sub-committees in the same manner as they apply to non-executive committees of the Council.

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## PART 4.N – Pension Committee Terms of Reference

### 1. Introduction

- 1.1 Without prejudice to the Non-Executive Committee Procedure Rules, Part 4.F of the Constitution, the purpose of this document is to set out the terms of reference for the Pension Committee (“the Committee”), to discharge the responsibilities for Croydon Council in its role as lead authority for the administration of the Croydon Pension Fund (“the Fund”).

### 2. Role of the Committee

- 2.1 To ensure that the Fund is properly operated in accordance with the Local Government Pensions Scheme Regulations (“the Regulations”) all other relevant legislation and best practice as advised by the Pensions Regulator, including financial, governance and administrative matters.
- 2.2 To adopt Fund specific policies concerning the administration of the Fund, investing of Fund monies and the management of the Fund’s solvency level. In addition, the Committee is responsible for compliance with all financial and regulatory requirements of the Fund.
- 2.3 To discharge its fiduciary responsibility in the best interest of the Fund, in particular:
- a. To set the investment policy and review the performance of the Fund’s investment managers, pooling arrangements, scheme administration, and external advisors;
  - b. To make arrangements for the triennial actuarial valuation;
  - c. To determine the Pension Administration Strategy;
  - d. To approve and monitor compliance of statutory statements and policies required under the Regulations;
  - e. To approve the Fund’s Statements of Accounts and annual report;
  - f. To ensure that the Council discharges its obligation, as administrating authority for the local government pension scheme, to other scheme employers;
  - g. To make representations to government as appropriate concerning any proposed changes to the Local Government Pension Scheme; and

- h. To keep these terms of reference under review.

### 3. Delegations

1. Unless otherwise reserved for this Committee or Full Council by law or the Constitution, this Committee hereby delegates all Fund matters to the ~~Assistant Chief Executive (Corporate Resources and Executive Director Resources~~ (Section 151 Officer). As appropriate the ~~Assistant Chief Executive (Corporate Resources and Executive Director Resources~~ (Section 151 Officer) will delegate aspects of the role to other officers of the Council including the Head of Pensions and Treasury, and to professional advisors within the scope of the Regulations.

### 4. Structure

- 4.1 In accordance with those recommendations made by Chartered Institute of Public Finance and Accountancy (CIPFA) and the Myners Principles and notwithstanding resignations etc. the Committee will comprise the following ~~voting~~ members:
  - a. 8 elected ~~voting M~~members (plus 6 substitutes) at a ratio of 5 majority Members to three minority Members;
  - b. Two representatives of Pensioners of the Fund elected by ballot of Pensioners of the Fund; one of whom shall be a voting member and one of whom shall be a non-voting member. The representative with the most votes following the ballot of Pensioners of the Fund shall be the voting member. The other representative of the Pensioners of the Fund shall be non-voting however is permitted to exercise a vote only in the absence of, and on behalf of, the voting representative and
  - c. One ~~non-voting~~ Trade Union Representative nominated by the three Trade Unions.
- 4.2 There will be a minimum of three meetings in public a year of the Committee. Informal meetings will be arranged as required. The outcomes of informal meetings will be reported at formal Committee meetings.

### 5. Quorum

- 5.1 Three voting members.

### 6. Local Pensions Board

- 6.1 As part of good governance of the scheme, the Committee will work with, receive and consider reports from the Local Pensions Board. The Board is not a decision making body and it will be for the Committee to ensure that the appropriate actions are undertaken as required.

## **7. Knowledge and Understanding**

- 7.1 Members of the Committee are expected to continually demonstrate their own personal commitment to training and to ensure that governance objectives are met. To assist in achieving these objectives training sessions will be organised to ensure Committee members are familiar with the rules of the Fund with relevant legislation.

## **8. Review of Terms of Reference Policy**

- | **8.1** The Terms of Reference ~~is policy document~~ will be reviewed annually and updated as required

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## PART 6A- SCHEME OF MEMBERS' ALLOWANCES

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

The Croydon scheme provides for:

- Every Member to receive a basic allowance which shall be inclusive of all travel costs incurred within the Borough;
- Members appointed by the Annual Council, or subsequently by virtue of the office they hold, shall receive a Special Responsibility Allowance;
- No Member shall receive more than one Special Responsibility Allowance;
- Out-of-Borough travel and subsistence allowances shall be reviewed by the General Purposes and Audit Committee and paid in line with levels set by the Committee, unless already prescribed by Statutory Instrument or Circular. Costs related to travel and subsistence outside the Borough only when incurred undertaking an approved duty shall be eligible for reimbursement;
- The scheme for reimbursement of costs associated with providing childcare or care for a dependent relative incurred by a Member when undertaking an approved duty is set out in Appendix A and it shall be reviewed periodically by the General Purposes and Audit Committee;
- Any Member may elect to forego all or part of the Basic Allowance and if appropriate the Special Responsibility Allowance, to which they are entitled, by writing to the Borough Solicitor and Director of Legal and Democratic Services. Otherwise all allowances due to each Member shall be paid automatically each calendar month on the basis of one 12<sup>th</sup> of the total;
- Members do not have access to the Local Government Pension Scheme;

- The scheme does not provide for the payment of any allowances to co-optees. The scheme introduces payment for Adoption Panel but not for Fostering Panel;
  - Members shall only be entitled to a pro-rata payment in respect of a term of office which is not for a complete year;
  - In all other respects, the scheme of allowances as set out here shall remain in place until such time as the Council decides otherwise.
- 2 The respective levels of Basic allowances are payable from 27 May 2014 with Special Responsibility Allowances payable from 4 June 2014 are set out in Appendix B.
  - 3 The Mayor and Deputy Mayor shall receive allowances for expenses in accordance with relevant legislation in relation to the discharge of their ceremonial and other duties. The level of expenses paid to the Mayor and Deputy Mayor are as shown in Appendix B.
  - 4 The level of the Basic Allowance, Special Responsibility Allowances, Mayor's and Deputy Mayor's Allowances shall not be subject to automatic annual adjustment however Members may review this aspect no more frequently than annually to determine whether there will be an adjustment for the upcoming Council year.



## **DEPENDENT CARERS, TRAVEL & SUBSISTENCE ALLOWANCE SCHEMES**

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

### **Approved Duties**

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

- 1 A meeting of the Executive.
- 2 A meeting of a Committee of the Executive.
- 3 A meeting of the Authority.
- 4 A meeting of a Committee or Sub committee of the Authority.
- 5 A meeting of any other body to which the Member has been appointed or nominated by the Authority.
- 6 A meeting of a Committee or Sub Committee to which the Member has been appointed or nominated by the Authority.
- 7 A meeting which has been authorised by the Authority, a Committee or Sub Committee or a joint Committee of the Authority or one or more other authorities, or a Sub Committee of a joint Committee and to which representatives of more than one political group have been invited.
- 8 A meeting of a local authority association of which the Authority is a member.
- 9 Duties undertaken on behalf of the authority in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorised the inspection of premises.

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

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

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

**DEPENDANT CARERS ALLOWANCE**

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

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

**Rail or other Public Transport**

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

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

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

**Taxi-Cab or Cab**

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

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

**Private motor vehicle**

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

- |   |                       |
|---|-----------------------|
| [i] motorcycle, tricar or motor car of cylinder capacity 500cc  | <b>25.9p per mile</b> |
| [ii] not exceeding 999cc  | <b>34.6p per mile</b> |
| [iii] 1000cc - 1199cc   | <b>39.5p per mile</b> |
| [iv] 1200cc and above   | <b>48.5p per mile</b> |
| [v] For the carriage of each additional Member of the Council (not exceeding four): 3.0p per mile for the first passenger and 2.0p per mile for second and subsequent passengers. |                       |
| [vi] Expenditure on tolls, ferries, parking fees.   |                       |
| [vii] Reimbursement of overnight parking charges.   |                       |

Part 6

**Private bicycle**

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

**Hired Cars**

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

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

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

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

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

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

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

Part 6

	Elected Member (s)- Adoption Panel x2	4,225
	Chair - Pension Committee	8,852
	<b>Largest Minority Group</b>	
	Leader of the Opposition	21,574
	Deputy Leader(s)	9,036
	Shadow Cabinet Members	6,747
	Chief Whip	6,747
	Group Secretary	6,747