

Council Supplementary Agenda



7. Governance Review implementation progress update (Pages 3 - 152)

For Members to receive an update on the implementation of the Governance Review.

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REPORT TO:	Council 12 October 2020
SUBJECT:	Governance Review Implementation progress update - changes to the Constitution, committee structures and decision making processes
LEAD OFFICER:	Jacqueline Harris Baker Executive Director of Resources and Council Monitoring Officer
WARDS:	All
POLICY CONTEXT/AMBITIOUS FOR CROYDON:	
<p>The Labour Administration in its 2018 manifesto made a commitment to hold an independent review of the Council’s governance structure bringing together best practice across the country and beyond to develop a model tailored to the needs and aspirations of Croydon residents. The main goal of the review was to assess if change to governance arrangements could enhance Councillor involvement, local democracy and community engagement. This is embodied in the Council’s Corporate Plan for Croydon 2018-2022. The Council’s capacity to work effectively and to deliver all aspects of its strategic framework is conditioned by its ability to take informed decisions with openness and inclusivity.</p>	
FINANCIAL IMPACT:	
<p>The proposals detailed within this report are planned to be delivered on a cost neutral basis, with growth offset by a reduction in the number and frequency of existing decision making meetings. The reduction in existing meetings has been partially identified and will need to be identified and implemented in full in order to achieve cost neutrality.</p>	
RECOMMENDATIONS:	
<p>Council is recommended to:</p> <ul style="list-style-type: none"> i) Agree to establish Cabinet Member Advisory Committees within the Constitution as detailed in appendix 1 and to note the approach to the implementation of CMAC meetings as detailed in paragraphs 5.1 - 5.17; iii) Approve the amended definition of Key Decisions as detailed in appendix 1 and paragraphs 5.18 - 5.25; iv) Approve the Forward Plan protocol attached in appendix 5 and introduce a new forward planning process for managing and publicising forthcoming decisions as detailed in paragraphs 5.26 - 5.33; v) Approve the changes to the procedure rules for Council meetings as detailed in appendix 1 and paragraphs 5.34-5.40; and vi) Note the updated overarching approach to the delivery of the governance review recommendations, including changes to, and impact of, the budgetary context, as detailed in the report. 	

1. SUMMARY OF REPORT:

- 1.1 This report updates all Councillors on progress relating to the implementation of the Governance Review recommendations, agreed by the Council on the 2nd of March 2020. It sets out an updated delivery approach and details the proposals relating to a number of specific changes to the committee structure and decision-making processes to improve the culture of decision making.
- 1.2 As the Governance Review highlighted improving the culture of decision making as the area of primacy for the Council, the Implementation Working Group has focused on the recommendations that most support an improved culture and seeks the Council's approval to proceed with implementation of the following priority recommendations:
- Establishment of four Cabinet Member Advisory Committees
 - Lowering of the financial threshold within the council's Key Decision definition from £1m to £500k, and £100-500k if more than 25% of the service budget is affected
 - Introduction of a new forward planning process, including a Forward Plan protocol that goes beyond statutory requirements for publication of information about key decisions
 - Changes to the Council meeting agenda
- 1.3 Alongside the above substantial changes to the way the Council operates, the main enablers for change and the associated adjustments to structures and processes are also detailed. Those describe how the introduction of the above will be managed and what the milestones for embedding the changes are.

2. BACKGROUND

- 2.1 In March 2020, Council agreed to deliver the recommendations of the Governance Review Panel and subsequently established a cross-party Implementation Working Group (IWG) to oversee progress.
- 2.2 The Council approved the terms of reference for the IWG and set the parameters for delivery, including high-level timescales and budget. The IWG was firstly tasked with translating the Panel's recommendations into a measurable programme of improvement, beginning with the priority recommendations that were designed to increase transparency and participation in decision making. This included establishing the Cabinet Member Advisory Committees (CMACs) within the Council's Constitution, developing a new six month forward plan, redesigning the Council meeting and reviewing the Council's local interpretation of key decisions.
- 2.3 Due to the Council's focus on the response to Covid-19, and associated constraints on its capacity to undertake business as usual since March 2020, the IWG reconsidered previously established parameters and refocused its activities.

- 2.4 Subsequently, in this report the Council is asked to note the proposed updated approach to implementing the Governance Review recommendations (section 4) and to approve the implementation of the first set of recommendations required to introduce and operate CMACs (sections 5 and 6).
- 2.5 The Review urged the Council to focus on opening up the culture of decision making. The recommendations set out in this report were prioritised and designed to exemplify, support and embed this cultural change.

3. OVERVIEW OF THE IMPLEMENTATION WORKING GROUP'S ACTIVITIES

- 3.1 The IWG appointed an independent chair and has met regularly since April 2020. In its first meetings, the Group discussed the impact of Covid-19 on the delivery timescales and agreed to focus solely on recommendations that would establish and support the introduction of CMACs. The Panel chose to focus on these recommendations as they had the greatest impact on cultural change, enabling all Members to have an improved opportunity to consider and influence as broad a range of decisions as possible before they are taken.
- 3.2 Consideration of the remaining recommendations, and the development of an overarching three-year implementation programme, were paused to enable resources to be focused on the delivery of CMACs and those measures that are required to support CMACs.
- 3.3 The main activities undertaken by the IWG have included:
- i) Discussion and agreement relating to details of CMAC operations required to establish the committees within the Constitution, including drafting the new CMAC Protocol and Terms of Reference;
 - ii) Consideration of the impact of CMACs on the wider committee structure and development of proposals to accommodate CMACs within the Council's calendar;
 - iii) Development of a new six month Forward Plan protocol, a crucial enabler to planning CMAC agendas and earlier transparency of decision making;
 - iv) Consideration of changes required to Croydon's definition of Key Decisions and development of Key Decision guidance to support consistent application of the revised definition;
 - v) Consideration of changes required to introduce an amended Council meeting agenda, including 'Backbench Matters', a new agenda item to increase the recognition of Backbench Members' work and opportunity for participation at the meetings;
 - vi) Discussion and agreement on the approach to embedding the changes, including milestones to successfully introduce CMACs and the new Forward Plan across the organisation;

vii) Discussion and development of proposals for overall approach to delivery of the recommendations within the current context,;

viii) Communication of proposals with political groups.

3.4 Significant work was undertaken by the IWG on the above to ensure the Council maintains the momentum and focus on its commitments to deliver the recommendations agreed in March. The IWG believes that the specific changes detailed in this report provide a foundation for the necessary changes to the decision making culture, structure and processes in line with the Governance Review findings.

4. UPDATED APPROACH TO GOVERNANCE REVIEW IMPLEMENTATION

4.1 This section summarises the IWG's proposals relating to how the Council can deliver the Governance Review recommendations within the changed context.

4.2 The need to respond to Covid-19 has delayed the ability of the IWG to progress some of the planned activities. As a result of significantly increased financial pressures and constraints on officer support available, the previously planned timescales and budget for delivery of all recommendations are no longer viable.

4.3 Having reconsidered its work and focused on specific recommendations that were seen as priority for supporting a cultural change in decision making and could be developed within the limited resources available, section 5 of this report details IWG proposals relating to the implementation of the following Governance Review recommendations:

Recommendation 3: *Provide Members and residents with increased opportunities at an early stage in the process to influence decision making by producing and proactively communicating a forward plan detailing forthcoming decisions, including annually recurring decisions and key strategies and policies, at the earliest possible date and no later than 6 months in advance of the decision being taken.*

Recommendation 4a: *Make decision making more open and transparent for Members and residents, by:*

Reviewing Croydon's interpretation of the statutory definition of a key decision and if necessary amending the Constitution to ensure sufficient emphasis on community impact and producing guidance to ensure consistent interpretation and clarity of practical application, including types of decisions that the Council always deems to be key decisions

Recommendation 9: *Ensure the decision making structure fully supports participation by creating more purposeful opportunities for non-Cabinet Members and residents to consider and influence planned decisions before they are taken. Specifically, the Council should enhance the existing Leader and Cabinet model by strengthening the collective Cabinet, establishing the*

hybrid arrangements which introduce Cabinet Member Advisory Committees, appropriately revising the scheme of delegation and ensuring the necessary changes are reflected within the Constitution.

Recommendation 10: *Improve effectiveness of Council meetings by reaching a cross-party agreement on desired changes, underpinned by consideration of the principles and proposals that are set out in the Governance Review report.*

4.4 At the same time, the Council is asked to note the updated overarching timetable for the delivery of all recommendations, set out below.

Proposed, updated delivery timescales

2nd March 2020 Council meeting	<ul style="list-style-type: none"> The Council approved recommendations and established the Implementation Working Group, IWG (completed)
April - September 2020	<ul style="list-style-type: none"> IWG worked on options scoping and action planning that detailed how the Panel's recommendations were proposed to be implemented, including necessary Constitutional amendments (completed)
12th October 2020 Council meeting	<ul style="list-style-type: none"> The Council formally establishes the new Cabinet Member Advisory Committees and appointments are made to their Memberships The Council also approves the Forward Plan and Key Decision definition changes
October – December 2020	<ul style="list-style-type: none"> Internal and external communication and engagement about agreed changes and preparation for implementation
January 2021 – May 2021	<ul style="list-style-type: none"> Transitional activities are undertaken to embed CMACs, Forward Plan and Key Decision changes First meetings of CMACs are delivered, and subsequent learnings considered Activities on the delivery of other recommendations are considered
April 2021 onwards	<ul style="list-style-type: none"> IWG oversees implementation and reports on progress Paused recommendations requiring proposal scoping and one-off improvement have been considered, and where appropriate translated into measurable activities and are underway
Q2/3 2021 Council meeting	<ul style="list-style-type: none"> Progress report to Council includes information about the approach to delivery of other recommendations; Update on learnings and performance of Forward Plan, Key Decision changes and CMACs within the wider structures
June 2023	<ul style="list-style-type: none"> The Council to receive a report that reviews the outcomes of implementation including performance relating to improvements delivered

Implementation of Remaining Governance Review Panel Recommendations

- 4.5 The IWG, supported by the Law and Governance division, translated recommendations 3, 4a, 9 and 10 into actionable implementation plans and similar work will need to be undertaken on the remaining recommendations to agree a realistic timetable for their implementation. The implementation of the other recommendations will remain paused in this financial year and it is anticipated that the next stage of prioritisation and timetabling work will be led by the IWG from spring 2021, subject to future budget allocations.
- 4.6 Where possible, the IWG will seek to align the delivery of those outstanding recommendations with existing Council plans and workstreams to minimise costs and to ensure the improvement activities are sustainable and embedded within the Council's wider operations.
- 4.7 It is anticipated however that certain proposals with previously assigned cost/budget might not be attainable within the current financial circumstances. For example, the introduction of a new dedicated member support function may not be feasible.
- 4.8 The IWG will however work with responsible senior officers to produce proposals that can achieve the outcomes described by the Governance Review report or, as a minimum, a set of proposals that could bring the Council closer to achieving those in the long term.
- 4.9 This also means that some recommendations might not be able to be achieved, or might only be partially achieved, within the previously anticipated timescales.
- 4.10 The IWG will focus on quality and sustainability of proposed improvements as well as ongoing monitoring and possibility of enabling more incremental, long term changes.
- 4.11 In considering the four recommendations detailed in this report, the IWG has been mindful of both the existing burden on Members and the need to deliver value for money in the Council's decision making system. To that end, the IWG has sought to make the implementation of the recommendations detailed in the report cost neutral by offsetting new requirements by reducing or merging some existing bodies.
- 4.12 The IWG will continue to be guided by value for money when undertaking activities to consider the remaining recommendations.
- 4.13 Assuming that there are no further significant changes to the context within which the IWG currently operates, it is anticipated that the full detail of how the remaining recommendations have been considered and translated into measurable activities will be subject to a progress report to Council in 2021. This will be presented alongside an update on activities that are underway and have been completed.

5. DETAIL OF PROPOSED CHANGES FOR COUNCIL APPROVAL

Cabinet Member Advisory Committees and the Committee structure

5.1 Council is asked to approve the constitutional amendments that establish the Cabinet Member Advisory Committees as set out in appendix 1 and summarised below.

5.2 Constitutional changes include amendments to:

- i) 04 Part 2 - Articles of the Constitution
- ii) 08 Part 4B – Access to Information Procedure Rules
- iii) 10 Part 4D – Executive Procedure Rules
- iv) 12 Part 4F – Non-Executive Committee Procedure Rules

5.3 New 'Terms of Reference and Procedures for Cabinet Member Advisory Committees' (Part 4P) were also drafted and attached in full in appendix 1.

5.4 The four CMACs will advise the relevant Cabinet Members in relation to the following Cabinet Portfolios:

Health, Social Care and Community Cabinet Member Advisory Committee (HSCC CMAC)

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

Regeneration, Housing and Environment Cabinet Member Advisory Committee (RHE CMAC)

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

(Excluding any functions allocated to Traffic Management Advisory Committee for which there are separate arrangements)

Resources and Economy Cabinet Member Advisory Committee (RE CMAC)

- Finance and Resources
- Economy and Jobs

Young People Services and Leisure Cabinet Member Advisory Committee (YPSL CMAC)

- Children Young People and Learning
- Culture Leisure and Sport

5.5 CMACs, as per recommendation 9 of the Governance Review report, aim to increase backbench Members' ability to debate and influence forthcoming decisions before they are taken by the Cabinet.

5.6 In line with a cross-party agreement, and assuming the Council agrees Part 4P of the Constitution, the power to establish and appoint to CMACs is reserved to

Council, and Council is also asked to appoint CMAC Chairs, Vice Chairs and Deputy Chairs.

- 5.7 Membership is subject to proportionality principles, with RHE CMAC having 11 Members and the other three CMACs comprising of 9 Members each. There will also be a maximum of 3 reserve Members from each party. The Chair and Deputy Chair will be from the Majority group and a Vice Chair from the Minority group. It is anticipated that a list of proposed appointments to CMACs will be submitted to the November 2020 Council meeting for agreement.
- 5.8 As stated above, the four CMACs are established by the Council and can only be amended by Council. They will work collaboratively with Cabinet Members and Scrutiny as described in the Constitutional amendments detailed in this report and the CMAC agenda setting protocol (attached in appendix 2 and to be appended to the Constitution). The new Forward Plan (detailed in paragraphs 5.26 – 5.33) will be used to help shape the agendas for each CMAC meeting.
- 5.9 It is anticipated that up to one meeting of each CMAC will take place between January and May 2021 depending on capacity. Learning from those meetings will be incorporated into improving their operation and ensuring they are fully embedded for the 2021/22 municipal year.
- 5.10 The appointed CMAC Chairs will be tasked with holding an initial agenda setting meeting in order to decide the order of the first CMAC meetings and their agendas while the new forward plan is being implemented, though at this stage it is anticipated that the initial focus of CMACs will be to support the delivery of the Croydon Renewal Plan.
- 5.11 CMACs are hybrid committees with functions and purpose unique to Croydon. As such it is anticipated that during the transitional period further detail of how they can operate most effectively will evolve and be incorporated into their running. CMAC interactions with other committees will be further assessed and adjustments might be required, with agreement of the Council, to ensure purposefulness and streamlined decision making that eliminates duplication and allows for meaningful engagement.
- 5.12 Throughout the process of introducing and testing CMACs, the IWG will be seeking other Members' and officers' input and ideas relating to their operation. The IWG will also work with the existing committees to ensure they have up to date terms of reference and purposefully fit within the Council's overarching decision making structure.
- 5.13 To ensure that capacity exists to accommodate up to 16 meetings of CMAC within the Council calendar and to manage an increased number of Key Decisions as well as the new Forward Plan, the IWG has agreed that the number of other existing committee meetings needs to be reduced. It is proposed that, following implementation, the ongoing cost of operating the committee meetings and decision making processes is cost neutral to ensure that the changes are sustainable in light of the existing financial pressures.

5.14 As such, the IWG is undertaking an exercise to identify what existing committee meetings can be reduced. To date the IWG developed the following proposals:

- i) Merge General Purposes and Audit Committee (GPAC) and Ethics. Both are relatively short and have a similar set up with co-optees that require a similar skillset. There is precedent in other local authorities that operate merged GPAC and Ethics meetings. This would result in a reduction of 3 meetings.
- ii) Conflate the work of the Adult Social Services Review Panel into the remit of the HSCC CMAC resulting in a reduction of 4 meetings.
- iii) Merge Public Transport Liaison Panel and Cycle Forum. Both are well attended and serve important purposes. They are seen as tackling similar topics and hence would benefit from joining of effort to create a co-ordinated sustainable transport forum. This would result in a reduction of 4 meetings.

5.15 The Transport Management Advisory Committee (TMAC) will remain separate to CMACs as the IWG believes it plays an important role in allowing residents and Ward Members to comment on traffic management decisions before they are taken by the Cabinet Member. It is however proposed that any policy changes relating to traffic management would be debated at RHE CMAC. As such TMAC will solely deal with advising the Cabinet Member on traffic management schemes.

5.16 The IWG is working on further proposals as the Council currently operates around 200 Councillor meetings a year and the above reduction in meetings is not sufficient to absorb the growth in operational costs associated with running CMACs. It is anticipated that a further reduction of 10 to 15 meetings is required. The detail of all necessary committee changes to accommodate CMACs will be put forward to the IWG for consideration, and where Constitutional changes are required, they will also be presented to Council.

5.17 As such it is anticipated that a supplementary report to detail further (smaller) structural changes and associated constitutional amendments would be presented for Council's approval later this financial year. The IWG's goal is to implement the necessary changes and improvements relating to the committee structure by the end of March 2021. This is to ensure that the 2021/22 Council diary fully accommodates CMACs, and that proposals set out in this report are running at neutral cost to the Council through an appropriate and equivalent reduction in the number of Committee meetings operated by the Council

Key Decision definition and guidance

5.18 In accordance with recommendation 4a of the Governance Review report, the IWG was tasked with reviewing the Council's local definition of Key Decisions alongside developing improvements to ensure a consistent application of what is and what isn't a key decision.

- 5.19 The IWG undertook research into other London Boroughs' (LBs) definitions and the volume of key decisions they make. The IWG concluded that Croydon made a relatively small number of key decisions due to its overreliance on a £1m financial threshold which was considerably higher than a vast majority of LBs. Details of the research can be found in appendix 3.
- 5.20 As such the IWG recommends that Council changes the definition to align more closely with good practice from other LBs and to subsequently increase the number of decisions that are treated as key decisions.
- 5.21 The followings change to the Constitution is proposed for the definition to read:
- A Key Decision is an executive decision which is likely to:*
- (i) result in the Council incurring expenditure, or making savings, of (a) more than £500,000 or (b) between £100,000 and £500,000 AND is more than 25% of the Council's budget for the service or function to which the decision relates; or*
 - (ii) significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.*
- 5.22 It is proposed that the amended definition will take effect from 1st January 2021, to allow sufficient time for officer engagement and training to support the organisational adjustment to the new requirements.
- 5.23 The Council will also ensure that within the same timescale any references within the Constitution to the old Key Decision definition are amended accordingly.
- 5.24 Beyond the previously restrictive definition, another issue was a perceived inconsistency when considering if a decision should be deemed key and a perceived variation of the levels of knowledge amongst officers in terms of the criteria that should be followed. As such, the IWG has commissioned the Corporate Legal Team to develop guidance that underpins the new definition and provides further examples of decisions that should be deemed key. The guidance document is attached in appendix 4 and will be appended to the Constitution.
- 5.25 The guidance further clarifies that when considering the community threshold of two or more wards, the impact on protected characteristics should be assessed as well as whether the change that affects one ward geographically also affects communities living in neighbouring wards.

Forward Plan

- 5.26 The need to develop and operate a more inclusive Forward Plan was identified by the Governance Review as one of the key enablers to ensuring more transparent and participatory decision making (as detailed in Recommendation 3).

- 5.27 At present, the Council is only statutorily required to give 28 days' notice of key decisions in advance of them being taken. The recommendations are to implement a new Forward Plan that gives 6 months' notice of all significant decisions that can be practicably foreseen.
- 5.28 The IWG worked on a protocol attached in appendix 6 that sets out the definition, purpose, principles and scope of the new Forward Plan. The Council is asked to approve the protocol - to be appended to the Constitution. This is to solidify the introduction of the Plan and the Council's commitment to its ongoing operation.
- 5.29 The operation of the proposed new Forward Plan as set out in the protocol is a significant departure from how the Council currently operates and within the current context it will take some time to fully implement and embed. It is an ambitious undertaking that will require a cultural shift across the Council, but will ultimately give more Members and residents a significantly improved opportunity to influence and consider decisions while they are at a formative stage.
- 5.30 It is proposed that the first version of the Plan is published in January 2021. The work to prepare for the publication will start following the Council approval, appreciating that it will take up to 6 months to make the Plan fully operational, to include all decisions within its scope. Conversations with Cabinet Members and directors have started and expectations have been set to produce, publish and embed the Plan within the decision making process.
- 5.31 Alongside populating the new Forward Plan for the first time, a new process for the ongoing operation of the Plan is being rolled out. This encompasses an introduction of a submission form that allows directors (and/or responsible officers) to add items to the Plan and Cabinet Members to approve those prior to publication.
- 5.32 This is the first step in streamlining the management of decisions. The ambition is to utilise the existing software system operated by Democratic Services to manage the decision journey from submission of items for the Forward Plan, to development of reports, sign off and publication of decision notices, in a single place with a clear audit trail. Paragraphs 6.16-6.30 provide further detail about the implementation of the new process and how existing technology will be better utilised.
- 5.33 The Forward Plan will be published at least once a month or more frequently if major changes are required. Smaller changes and updates to existing items will be made to the Plan on a rolling basis, ensuring the published list of items is kept up to date on the Council's website. The Key Decision notices will continue to meet the statutory requirements and their publication will be embedded within the new forward planning process.

Council agenda

- 5.34 Alongside the above significant proposals, the IWG agreed the detail of changes to the Council meeting agenda as proposed in the Governance Review report.
- 5.35 The IWG discussed the new agenda with both political groups and a cross-party agreement was reached to proceed with implementation of changes.
- 5.36 In line with the IWG instruction, the Corporate Legal team has been tasked with ensuring appropriate amendments to Part 4A – Council Procedure Rules of the Constitution, attached in appendix 1. The Democratic Services team has been tasked with implementing the necessary operational changes, once approved.
- 5.37 A new agenda item called ‘Backbench Matters’ will be introduced allowing for up to 3 backbench Members to make speeches at each ordinary meeting of the Council. This is to improve the visibility of backbench Members’ work and increase their ability to actively participate in the meeting.
- 5.38 It is anticipated that the first meeting of Council with the new agenda will take place in January 2021.
- 5.39 The Governance Review Panel recommendations agreed by Council in March also allowed for the transfer of some features of the Council meeting to CMACs following their introduction. This included the transfer of petitions presented by Members to CMACs and a gradual reduction in public question time at Council to reflect the significant increase in opportunities for public questions at CMACs. The IWG concurs with the view that it is preferable for public participation at formal meetings to happen when there is greatest opportunity for residents to influence decisions before they are taken.
- 5.40 Neither of these changes will be implemented until CMACs are fully operational to ensure no loss of opportunities for residents to participate during the transition period. Engagement and communication will take place with Members and residents to clearly state the dates from which the Member Petitions and Public Question Time will move to CMACs.

6. TRANSITIONAL PERIOD AND ENABLERS FOR CHANGE

- 6.1 As detailed in section 5, the proposals in this report mark a significant change to the way the Council’s decision making operates. They are an ambitious and major ask of any local authority.
- 6.2 As such, the implementation of those changes need to be carefully managed and monitored to ensure they are fully embedded and that the Council collectively embraces the enhanced decision making processes.
- 6.3 The Council needs the right culture, processes, technology and performance measures in place. Those critical success factors are described below.

CULTURE

- 6.4 The success of implementing the proposals lays largely within the culture that supports the transition. The individual and collective ability to build the right relationships, communicate openly and trial different ways of working is crucial.
- 6.5 In its final report, the Governance Review Panel was clear that changes to the decision making structure would not meet the objectives of the review on their own. Rather, a cultural shift was needed and that structural changes should be designed to support that cultural shift. This was encapsulated in recommendation six:

Recommendation 6: *Ensure the Council maintains a culture that enables effective governance by periodically reviewing and monitoring how Members and officers work with each other, and considering where improvements might be made*

- 6.6 While the recommendations to Council detailed in this report are predominantly structural in nature, they are designed by the IWG to support the change in culture described by the Governance Review.
- 6.7 To ensure the new decision making processes become well embedded within the culture of the Council, Cabinet Members will need to work closely with officers. This is to ensure that information around planned decision making activities is shared early in order to allow backbench Members to influence proposals and plans at a formative stage.
- 6.8 To fully embed the changes across the organisation, the Council's leadership will need to lead by example and support the whole organisation in understanding, contributing to and embedding the new requirements and processes in the council's corporate culture.
- 6.9 Cabinet Members and Directors play a crucial role in developing the first version of the Forward Plan and subsequently taking responsibility for ensuring the Plan is kept up to date.
- 6.10 Political and officer leadership meetings need to be utilised to ensure the accuracy of the Plan prior to publication.
- 6.11 CMAC and Scrutiny leads need to work collaboratively with Cabinet Members to agree which decisions should be discussed in their draft form at Scrutiny or CMACs.
- 6.12 The Law and Governance Division will lead training and communications about the changes and support the organisation in adapting to the new way of working. They will be responsible for ensuring accurate information is published and officers are engaged to fully understand the decision making processes and systems used to publish and track decisions.

6.13 The above require commitment and willingness to work positively to support the cultural change. As identified in the Governance Review, without Members and officers working together the improved opportunities for all Members cannot be fully realised.

PROCESSES AND TECHNOLOGY

6.14 The Council aims to introduce new processes and utilise existing technology to support the proposals set out in this report and deliver those by the end of March 2021.

6.15 CMACs will be established and publicised on the Council's website in line with the existing process for publicising committee agenda details.

6.16 The influx of work likely required to publish an increased number of Key Decision notices and a more inclusive Forward Plan will however require a new process to be introduced. One that streamlines the current, largely manual, approach and widens the responsibility relating to identifying and publicising decisions.

6.17 To avoid requiring growth to deliver the new Forward Plan, the Democratic Services (DS) team has previously identified an opportunity to introduce new functionality within the Council's existing Committee management software that will allow the responsible officers, including report authors, to add and manage future decisions to be included on the Forward Plan.

6.18 It is proposed that this work is expedited in light of likely increased workload resulting from implementation of the proposals set out in this report.

6.19 Currently the Council only publishes key decisions with 28 days' notice. Democratic Services are responsible for manually imputing information into the Key Decision Notices and publishing decisions, including associated reports. This process is not aligned to the Council's leadership meetings resulting in limited forward planning and visibility of forthcoming decisions.

6.20 The Council can however use the system to efficiently manage decisions and the introduction of new functionality within the existing committee management software will allow for end to end management of decisions.

6.21 As such the introduction of a Forward Plan and subsequent Decision Management system is proposed to be implemented in line with the below key milestones:

- i) Phase 1 – Decisions [\[link\]](#) and Forward Plan [\[link\]](#) functionality operational on the Council website – completed in September 2020
- ii) Phase 2 –preparation for the publication of the new Forward Plan
 - Development of functionality for submission of Forward Plan items via intranet mod.gov page (CLT collectively accountable for populating forthcoming decisions)

- Democratic Services to communicate the new Forward Plan requirements and work with teams across the council to prepare for populating and publishing the Plan– by late December 2020
- iii) Phase 3 – Publication of the first version of the new Forward Plan – January 2021
 - iv) Phase 4 –report writing module pilot with one/two committees; HR, Finance, Legal and Equality leads trained on sign off process via the system; preparation for roll out – Jan 2021-May 2021
 - v) Phase 5 –end to end decision management system roll and gradual move to business as usual with the embedded new process for each committee (Democratic Services responsible for offering ongoing training and support, including reminders to populate Forward Plan / use the system) – from June 2021.
- 6.22 The new Forward Plan will be a live, amendable document and will provide the latest published information about forthcoming decisions. A summary report listing all existing Forward Plan items will be produced by Democratic Services periodically.
- 6.23 The Corporate Leadership Team and Cabinet will review the information on the Forward Plan and provide assurance of accuracy. DS will be informed of any changes to items on the forward plan and add more detailed information when available.
- 6.24 Report authors will be able to upload and work on their reports within the system. Report drafting and sign offs required from finance, legal, HR, equalities directors and Cabinet Members will be undertaken within the system with a clear audit trail. End to end decision process will be managed efficiently with the ability to produce performance and statistical reports relating to the number and nature of decisions.
- 6.25 This will release some capacity within Democratic Services to manage an increased volume of decisions and provide training and support.
- 6.26 Officers and councillors will be fully trained on using the system to plan and manage decisions. DS will then provide ongoing guidance / training for new starters and offer a support function to report authors and approvers.
- 6.27 This will allow for publishing forthcoming as well as previously taken decisions automatically, enabling residents to easily find and filter the information. The Council will be able to meet its objective to be more transparent and ensure the information is easily accessible.
- 6.28 It is anticipated that introduction of the forward plan submission form and the subsequent roll out of the report writing module will come at a modest cost of circa £2k to build the templates and modify the standard process to suit Croydon’s requirements, which will be met from existing budgets.

6.29 The benefits of investing in the system are that there will be no additional ongoing cost and that it will allow resources in Democratic Services to be refocused on supporting the new CMACs and increased volume of Key Decisions.

6.30 The implementation of the above will contribute to delivery of the governance review recommendation relating to the use of technology to proactively share information.

Recommendation 5: *Provide Members and residents with more opportunity to scrutinise and challenge decision making by fully endorsing the open data approach to information provision and giving regular progress updates on how the Council is improving its use of digital means to make information available and easily accessible.*

PERFORMANCE MEASURES

6.31 The Council needs to introduce a set of measures to track progress and ensure the delivery of the proposals. The proposed measures are set out below.

6.32 CMACs

- Number of CMAC meetings scheduled and delivered
- % of Members satisfied with CMAC overall operation
- % of Members satisfied with CMAC business and quality of debate
- Level of resident participation and satisfaction with ability to contribute at CMAC
- Attendance of Cabinet Members at CMACs
- Attendance of Backbench Councillors at CMACs
- Assessment of CMACs costs and alignment with wider structures following transitional activities, including impacts of reductions in number to meetings

6.33 Key Decisions

- Trends in number and type of key decisions made (measured quarterly, broken down by department and reason for key – financial / community impact)
- % of forthcoming key decisions discussed at CMAC / Scrutiny

6.34 Forward Plan

- % of forthcoming decisions submitted by relevant directorate using the submission form
- % of forthcoming decisions published on the forward plan with 6-months' notice (broken down by department)
- % of forthcoming decisions published on the forward plan with less than 6-months' notice (broken down by department and reason for lateness)
- Number of officers trained on mod.gov, assigned login and utilising the system to draft and submit decision making reports (broken down by department)

6.35 Council meeting

- Member / resident feedback on the operation of the new agenda
- Uptake of Backbench Matters by Members

6.36 The above performance information will be captured as minimum to track progress of implementation. Additional measures to assess the merits and effectiveness of the new committee structures and decision-making processes may be developed following the transitional period.

7 OVERVIEW OF ANTICIPATED OUTCOMES

7.1 If approved by Council, the changes detailed in section 5 aim to support the Council in changing its decision making culture to be more transparent and inclusive, earlier in its decision making processes. The proposals also provide a solid foundation on which to build further improvements relating to other Governance Review recommendations.

7.2 The Council will be able to plan ahead more effectively and engage wider stakeholders in the development of important decisions. It will benefit from earlier input and wider consideration of proposals. All councillors will have an increased ability to participate in the council's decisions and test the robustness of those decisions on behalf of residents.

7.3 Residents will have more opportunity to question Cabinet Members, contribute their views and understand the process by which Council makes decisions.

7.4 The Forward Plan will provide advanced notice of decisions and clearly link to committees that will consider forthcoming decisions ahead of approval. A searchable list of decisions will provide information about number and type of decisions made as well as how the council arrived at each decision.

7.5 Crucially, the organisational understanding and ownership of decision making across the council will increase, creating a more collaborative culture of Members and officers working effectively together to deliver the best outcomes for residents.

8 CONSULTATION

8.1 The recommendations detailed in this report flow from the final report of the Governance Review Panel, which itself was based upon extensive consultation with Members, residents and other key stakeholders. In finessing and translating those recommendations into a deliverable set of improvements, the IWG has sought feedback from relevant officers and consulted with both political groups represented on the Council.

9 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

9.1 The 2020/21 Council Budget included an additional allocation of £250k to fund the activity of the Implementation Working Group and the phased delivery of

the Governance Review Panel's Recommendations.

- 9.2 The proposals detailed within this report have been designed to be delivered on a cost neutral basis by refocusing existing resources onto the growth areas detailed in the recommendations.
- 9.3 The reductions in existing meetings and frequencies have been partially identified in paragraph 5.15 above. The further reductions required to make the recommendations cost neutral will need to be identified and implemented before the recommendations detailed in the report can be implemented without requiring budget growth.
- 9.4 Given the Council's current financial challenges, the budget available to the implementation of the Governance Review Panel Recommendations has been reduced by £156k in the 2020/21 financial year. This reduction consists of a saving of £26k by making the recommendations detailed in this report cost neutral and a further saving of £130k by pausing the implementation of the remaining recommendations contained in the Governance Review.
- 9.5 The implementation of the outstanding recommendations made by the Governance Review will be subject to funding decisions that will be contained in the 2021/22 Council budget.

Approved by Lisa Taylor, Director of Finance, Investment and Risk (s.151 Officer)

10 LEGAL CONSIDERATIONS

- 10.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that there are a number of key pieces of legislation which influence governance arrangements which may be operated by the Council.
- 10.2 The Local Government Act 2000 ('the 2000 Act') introduced a separation of powers into local government for all but the smallest local authorities with the aim of making council decision-making efficient, transparent and accountable. The 2000 Act required most local authorities to change governance arrangements from the committee system to an executive-cabinet model. The Council adopted the leader and cabinet model in May 2001.
- 10.3 In 2007 The Local Government and Public Involvement in Health Act ('the 2007 Act') restricted the governance options available to local authorities. The 2007 Act required the Council to introduce a choice of two models: a directly elected mayor or a new style 'strong' council leader model. The Council resolved to introduce the strong leader and cabinet model following the local election in May 2010.
- 10.4 The Localism Act 2011 ('the 2011 Act') increased the governance options for local authorities to include Executive arrangements (leader and cabinet or

directly elected mayor and cabinet), a committee system or 'prescribed arrangements' which require approval of the Secretary of State.

10.5 Whilst the recommendations of the Governance Review Panel did not propose a formal 'legal' change to the Council's governance model the recommendations did propose a re-positioning of the current model by the creation of Cabinet Member Advisory Committees and other measures to improve opportunities for participation by both the public and Members. These proposals have required a review and update to the Council's Constitution which form part of this report.

Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer

11 HUMAN RESOURCES IMPACT

11.1 There are no direct implications for LBC workforce, as a result of this report.

Approved by Sue Moorman, Director of Human Resources

12 EQUALITIES IMPACT

12.1 The recommendations detailed in this report all relate to creating and extending opportunities within the Council's decision making process, there are no equality impacts arising from the report.

12.2 Where pre-existing issues relating to residents who are unable to access new documentation online, existing Council mitigations will also apply, such as the production of documents in paper format, other formats such as braille and/or other languages being made available.

Approved by Yvonne Okiyo, Equalities Manager

13 DATA PROTECTION IMPLICATIONS

WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

13.1 There is no processing of personal data as a direct consequence of this report.

HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

13.2 As there is no processing of personal data as a direct consequence of this report, completion of DPIA was not required.

Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer

CONTACT OFFICER: *Stephen Rowan, Head of Democratic Services and Scrutiny*

APPENDICES TO THIS REPORT

- Appendix 1 – Constitutional changes and amendments relating to establishment of CMACs, Key Decision definition and Council meeting agenda
- Appendix 2 – CMAC agenda setting protocol (to be appended to Constitution)
- Appendix 3 – Key Decision research
- Appendix 4 – Key Decisions supplementary guidance
- Appendix 5 – Forward Plan Protocol (to be appended to Constitution)

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CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 1 The Constitution

1.1 The Constitution

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

1.2 Powers of the Authority

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

1.3 Purpose of the Constitution

The purpose of this Constitution is to:

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

1.4 Interpretation and review of the Constitution

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 2 **Members**

2.1 **Composition and eligibility**

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

2.2 **Election and terms of Members**

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

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

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

(b) **Rights and Duties**

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

2.4 Conduct

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

2.5 Allowances

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 3 Citizens and the Council

3.1 Citizens' Rights

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

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

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

3.2 **Citizens' Responsibilities**

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

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

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 4 The Full Council

4.1 Functions of the Full Council

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

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

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

4.2 Meanings

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

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

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

4.3 Full Council Meetings

There are four types of Full Council meetings:

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

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

4.4 Responsibility for Functions

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Appendix to Article 4.02

Policy Framework.

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

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 5 The Mayor

5.1 Role and functions of the Mayor

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

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

The Mayor shall have the following responsibilities:

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

5.2 Continuing Membership in Council Election Year

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

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

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

5.3 Voting Rights at the Annual Council Meeting

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 6 Scrutiny and Overview

6.1 Terms of reference

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

6.2 General Role

The Scrutiny and Overview Committee may:

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

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

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

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

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

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

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

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 7 Executive Arrangements

7.1 Role

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

7.2 Form and composition

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

7.3 Leader

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

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

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

2.
 - a. Where the Annual Council Meeting or any other meeting of the Council fails to elect a Leader an Extraordinary Meeting of the Council shall be held within a maximum of ten working days for the purpose of electing a Leader.
 - b. Where a meeting of the Council removes a Leader from office then a new Leader is to be elected at that meeting.
 - c. Where a Leader resigns then an Extraordinary Meeting of the Council shall be held within ten working days of the receipt of the letter of resignation for the purpose of electing a Leader.
3. In the period between the ordinary election of Members and the appointment of a Leader, if for any reason there is not a Leader in place then any Executive decisions normally reserved to Members which need to be taken as a matter of urgency to protect the interest of the Council or which cannot be delayed until after the appointment of the Leader shall be taken by the Chief Executive in consultation with the Leader of the Group with the overall majority of seats following the election. In the event of there being no Group with an overall majority of seats the Chief Executive shall consult with all Group Leaders.
4. Where the Leader ("Original Leader") ceases to be a Leader in accordance with 7.03.1 (above) the Statutory Deputy Leader shall exercise the powers of the Leader until a new Leader is appointed by the Full Council ("New Leader"). The New Leader shall hold the office for the balance of the remaining term of office of the Original Leader or until such of the conditions of paragraph 7.03.1 shall apply.

7.4 Statutory Deputy Leader

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

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

7.5 Cabinet Members

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

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

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

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

7.6 Cabinet Committees

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

7.7 Deputies to Cabinet Members

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

7.8 Proceedings of the Cabinet

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

7.9 Cabinet Member Advisory Committees

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

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

7.9.3 Council has determined that the following Cabinet Member Advisory Committees

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

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

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

Health, Social Care and Community Cabinet Member Advisory Committee:

Membership 9:

Regeneration, Housing and Environment Cabinet Member Advisory Committee:

Membership 11:

Resources and Economy Cabinet Member Advisory Committee:

Membership 9:

Young People Services & Leisure Cabinet Member Advisory Committee:

Membership 9

7.10 Procedures at Cabinet Member Advisory Committee

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

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 8 Non-Executive Committees

8.1 Non-Executive Committees

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

<u>Committee</u>	<u>Membership</u>
Appointments Committee	6 Members + 2 independent voting co-optees for specified purposes
Ethics Committee	6 Members + 2 independent non-voting co-optees
General Purposes & Audit Committee	10 Members + 2 independent non-voting co-optees
General Purposes & Audit Urgency Sub-Committee	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)
Croydon Voluntary Action Representative (non-voting)

Licensing Committee

12 voting members (+ pool of 12 reserve Members)

Licensing Sub-Committee (ad hoc)

3 voting members drawn from Membership of Licensing Committee

Mayoralty & Honorary Freedom Selection Sub- Committee

5 Members

Pension Board

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

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

8.2 Delegations

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 9 The Ethics Committee

9.1 Ethics Committee

The Council has established an Ethics Committee.

9.2 Composition

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

9.3 Role and Function

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 10 Community Governance

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 11 Joint Arrangements

11.1 Arrangements to promote well-being

The Council or the Leader may:

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

11.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Leader may only appoint Cabinet Members to a joint committee and those Members need not reflect the political composition of the local authority as a whole.
- (d) The Leader may appoint Members who are not Cabinet Members to a joint committee in the following circumstances:

Where the joint committee has functions for only part of the Borough, and that part is smaller than two-fifths of the Authority by area or population. In such cases, the Leader may appoint to the joint committee any Member for a Ward, which is wholly or partly contained within the area concerned.
- (e) The Council or the Leader have established Joint Committees with terms of reference which are set out in Schedule 1 to this Article.

11.3 Access to Information

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

11.4 Delegation to and from other local authorities

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

11.5 Contracting Out

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

ARTICLE 11 - SCHEDULE 1

The Bandon Hill Cemetery Joint Committee

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

The Coast to Capital Joint Committee

The Croydon/Lewisham Street Lighting Joint Committee

The joint governance of a street lighting PFI contract.

South London Partnership Joint Committee

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

South London Waste Partnership Joint Committee

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

London Councils

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

The Pensions Collective Investment Vehicle (CIV) Sectoral Joint Committee

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

ARTICLE 11 - SCHEDULE 2

None

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 12 Staff

12.1 Definition

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

12.2 Management Structure

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

The Council designates the following posts as shown:

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

12.3 Functions of the Chief Executive as Head of Paid Service

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

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

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

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

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

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

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

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

12.5 Functions of the Chief Finance Officer

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

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

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

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

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

12.7 **Conduct**

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

12.8 **Employment**

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 13 Decision making

13.1 Responsibility for decision making

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

13.2 Types of decision

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

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

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

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

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

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

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

13.3 Decision making by the Full Council

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

13.4 Decision making by the Leader and Cabinet

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

13.5 Decision Making by Officers

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

13.6 Decision making by the Scrutiny and Overview Committee

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

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

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

13.8 Decision making by Council bodies acting as tribunals

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

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

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

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

13.10 Decision Making by Cabinet Member Advisory Committees

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

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 14 Finance, contracts and legal matters

14.1 Financial management

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

14.2 Contracts

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

14.3 Legal proceedings

The Council Solicitor is authorised to institute, defend or participate in any proceedings or to settle claims where such action is necessary to give effect to decisions of the Authority, protect the interests of the Authority, the Borough or some or all of its citizens. Only the Council Solicitor may authorise the engagement of a lawyer to act for the Council.

14.4 Authentication of documents

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

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 15 Review and revision of the Constitution

15.1 Duty to monitor the Constitution

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

15.2 Changes to the Constitution

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

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CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 16 Suspension, interpretation and publication of the Constitution

16.1 Suspension of the Constitution

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

Council Procedure Rules

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

16.2 Interpretation

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

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

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

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

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

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

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

16.3 **Publication**

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

SCHEDULE 1 Description of Executive Arrangements

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

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 4.A - Council Procedure Rules

1 GENERAL PROCEDURES APPLYING TO ALL FULL COUNCIL MEETINGS

Quorum

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

Powers of the Chair

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

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

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

Disclosure of Interests

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

Rules of Debate

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

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

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

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

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

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

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

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

Voting

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

2 THE ANNUAL MEETING

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

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

Appointment of substitute Members of Committees and Sub-Committees

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

Leader, Cabinet and Shadow Cabinet

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

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

3 COUNCIL MEETINGS

Dates, Time and Frequency of Meetings

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

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

Order of Business at Ordinary Council Meetings

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

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

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

6.7. The Croydon Debate:

- a) Borough Petition Debate;
- b) Local Petition Debate.

~~7. Croydon Question Time:~~

- ~~a) Public Questions from the public gallery;~~
- ~~b) Leader and Cabinet Questions.~~

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

9. Recommendations deferred for Debate;

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

Speech.)

11. Leaders' Question Time

12. Cabinet Questions

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

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

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

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

Agendas and Minutes

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

Announcements

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

Croydon Question Time

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

Public Questions:

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

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

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

The Croydon Debate

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

Petitions: General requirements for all Petitions and Croydon Debate items

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

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

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

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

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

3.17.6 In order to be valid:

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

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

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

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

3.18 Petitions by Members of the Public

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

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

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

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

3.18.5 Borough Petitions:

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

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

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

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

3.18.6 Local Petitions

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

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

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

Recommendations from Cabinet and Committees

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

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

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

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

shall immediately be put to the vote without further debate.

Cabinet and Committee Recommendations Deferred for Debate

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

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

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

Backbench Matters

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

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

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

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

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

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

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

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

Croydon Question Time

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

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

Public Questions:

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

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

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

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

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

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

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

Leader and Cabinet Questions:

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

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

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

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

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

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

Cabinet Questions:

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

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

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

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

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

The Council Debate Motions

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

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

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

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

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

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

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

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

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

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

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

Annual Report of the Scrutiny and Overview Committee

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

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

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

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

Annual Reports

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

Council meeting.

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

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

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

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

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

Any Other Relevant Business Petitions Presented by Members

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

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

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

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

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

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

~~3.25~~

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

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

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

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

~~Recommendations from Cabinet and Committees~~

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

~~Cabinet and Committee Recommendations Deferred for Debate~~

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

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

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

4 THE COUNCIL TAX MEETING

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

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

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

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

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

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

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

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

Business Report of the Scrutiny and Overview Committee

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

Council Tax Debate

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

5 Extraordinary Meetings

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

6 SPECIAL MEETINGS

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

Honorary Aldermen and Alderwomen

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

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

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

Freedom of the Borough

Persons of distinction who have rendered eminent service to Croydon.

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 4.B - Access to Information Procedure Rules

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

1 SCOPE

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

2 ADDITIONAL RIGHTS TO INFORMATION

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

3 RIGHTS TO ATTEND MEETINGS

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

4. NOTICE OF MEETINGS

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

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

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

6 SUPPLY OF COPIES

The Authority shall supply copies of:

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

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

7. ACCESS TO MINUTES ETC. AFTER THE MEETING

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

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

8. BACKGROUND PAPERS

List of Background Papers

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

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

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

Public Inspection of Background Papers

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

9. SUMMARY OF PUBLIC'S RIGHTS

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

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

Confidential Information – Requirement to Exclude Public

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

Exempt Information – Discretion to Exclude Public

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

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

Meaning of Confidential Information

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

Meaning of Exempt Information

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

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

Licensing Sub-Committee

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

11 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

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

12 SCOPE

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

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

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

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

13 GENERAL PROVISIONS RELATING TO INFORMATION AND REPORTING OF MEETINGS

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

13.2 Nothing in these Rules—

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

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

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

13.4 For the purposes of these Rules:

13.4.1 Reporting on proceedings at a meeting means-

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

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

13.4.3 Subject to 13.4.4,

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

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

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

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

14. RIGHTS TO ATTEND EXECUTIVE MEETINGS

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

15 NOTICE OF PUBLIC EXECUTIVE MEETINGS

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

16 ACCESS TO AGENDA AND REPORTS BEFORE PUBLIC EXECUTIVE MEETINGS

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

documents will also be posted on the Council's website (www.croydon.gov.uk).

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

17. NOTICE OF PRIVATE EXECUTIVE MEETINGS

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

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

18. URGENT PRIVATE EXECUTIVE MEETINGS

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

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

that the meeting is urgent and cannot reasonably be deferred.

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

19. ACCESS TO REPORTS BEFORE PRIVATE EXECUTIVE MEETINGS

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

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

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

20. RECORD OF EXECUTIVE DECISIONS MADE AT EXECUTIVE MEETINGS

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

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

21. RECORD OF EXECUTIVE DECISIONS MADE BY INDIVIDUAL MEMBERS

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

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

22 RECORD OF EXECUTIVE DECISIONS MADE BY OFFICERS

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

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

23. ACCESS TO MINUTES ETC. AFTER THE EXECUTIVE MEETING

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

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

24. BACKGROUND PAPERS

24.1 List of Background Papers

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

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

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

24.2 Public Inspection of Background Papers

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

25. SUPPLY OF COPIES

The Authority shall supply copies of:

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

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

26. SUMMARY OF PUBLIC'S RIGHTS

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

27 EXCLUSION OF ACCESS BY THE PUBLIC TO EXECUTIVE MEETINGS

Confidential Information – Requirement to Exclude Public

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

Meaning of Confidential Information

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

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

Exempt Information – Requirement to Exclude Public

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

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

Meaning of Exempt Information

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

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

Exclusion to maintain orderly conduct or prevent misbehaviour

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

28. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

29 KEY DECISION RULES

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

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

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

30 PUBLICITY IN CONNECTION WITH KEY DECISIONS:

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

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

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

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

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

30.3 Where, in relation to any matter—

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

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

31 GENERAL EXCEPTION

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

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

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

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

32 CASES OF SPECIAL URGENCY

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

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

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

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

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

33.1 Where an executive decision has been made and—

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

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

33.2 The report must include details of—

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

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

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

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

34. REPORTS TO COUNCIL ON USE OF SPECIAL URGENCY

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

The report submitted shall include—

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

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

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

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

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

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

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

35.3 Subject to Rules 35.4 and 35.5 any document which—

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

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

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

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

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

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

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

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

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

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

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

LOCAL GOVERNMENT ACT 1972 (as amended)

SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

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

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

PART 2

QUALIFICATIONS: ENGLAND

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

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

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

10. Information which—

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

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

PART 3

INTERPRETATION: ENGLAND

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

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

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

"labour relations matter" means—

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

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

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

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

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

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

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

(b) in the case of a committee, to—

(i) any constituent principal council;

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

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

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

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

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 4.D - Executive Procedure Rules

1 THE EXECUTIVE

1.1 Who may make Executive Decisions

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

The Leader – who may delegate to:

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

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

1.2 Sub-delegation of Executive Functions

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

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

1.3 The Council's Scheme of Delegation and Executive Functions

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

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

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

1.4 Disclosable Pecuniary Interests and Conflicts of Interest

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

1.5 Meetings of the Cabinet

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

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

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

1.6 **Quorum**

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

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

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

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

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

1.8 Recommendation to Council

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

2 THE CONDUCT OF EXECUTIVE MEETINGS

Appointment of Chair

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

Business

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

Attendance by Non-Executive Members

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

3 COMMITTEES OF THE CABINET

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

General Purposes Committee

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

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

4. CABINET MEMBER ADVISORY COMMITTEES

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

5. CABINET ADVISORY COMMITTEES

Traffic Management Advisory Committee (Membership 6)

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

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

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

PROTOCOLS OF THE EXECUTIVE

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

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

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

Appointment of School Governors

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

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

Instruments of Government

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

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

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

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

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

**CROYDON COUNCIL
RECORD OF EXECUTIVE DECISION**

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

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

Signature:

Title:

Date:

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 4.F - Non-Executive Committee Procedure Rules

1 Application

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

2 Appointments

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

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

3 Powers of the Chair

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

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

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

4 Recommendation to Council

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

5 Agendas and Minutes

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

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

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

6 Dates and Frequency of Meetings

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

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

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

8 Quorum

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

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

9 Rules of Debate

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

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

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

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

9.4 Every motion or amendment must be moved and seconded.

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

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

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

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

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

10 Voting

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

11 Disclosure of Interests

- 11.1 Every agenda shall include as an item of business "Disclosures of Interest". Members shall abide by the Members Code of Conduct set out at Part 5I of this Constitution. It is the responsibility of every Member to declare any disclosable pecuniary interest during the course of a meeting that is not already on their register of interests or subject to a pending notification to the Monitoring Officer. Each disclosure shall be minuted but Members are required to notify the Monitoring Officer of any disclosure so minuted in accordance with the Members' Code of Conduct.

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

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

NEW

1. FUNCTIONS OF THE CABINET MEMBER ADVISORY COMMITTEES

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

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

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

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

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

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

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

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

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

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

- Finance and Resources
- Economy and Jobs

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

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

- Children Young People & Learning
- Culture Leisure and Sport

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

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

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

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

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

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

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

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

plan within the next 6 months.

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

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

2.1 These Procedures apply to Cabinet Member Advisory Committees established by Full Council with the exception of Traffic Management advisory Committee for which separate arrangements are set out in Part 5H.

2.2 The meetings of the Cabinet Member Advisory Committees will be governed by the Non-Executive Committee Procedure Rules Part 4F except that:

- a) Council shall appoint a Chair, Deputy Chair and Vice Chair for the Cabinet Member Advisory Committees
- b) In the event of a vacancy on a Cabinet Member Advisory Committee during the Council Year, this shall be filled in accordance with the provisions of Article 4.1(f). Vacancies to the role of Chair, Vice Chair or Deputy Chair during the Council Year shall be filled in accordance with Part 4F.
- c) There is no power to make reports or recommendations to Full Council
- d) Each Cabinet Member Advisory Committee shall meet no more than 4 times per year.
- e) The duration of each meeting shall not exceed 3 hours and any business not transacted within that time frame shall be deferred until the next Cabinet Member advisory Committee meeting unless decided otherwise, by vote of members present and eligible to vote.
- f) The quorum shall be either one third of the membership of the Cabinet Member Advisory Committee or 3 voting members, whichever figure is the greater.

2.3 Meetings of the Cabinet Member Advisory Committees will be open to the public and press except during consideration of items containing confidential or exempt information within the meaning of the Local Government Act 1972 (as amended).

2.4 The Access to Information procedure rules in Part 4B of the Constitution shall apply to the Cabinet Member Advisory Committees as if it were an executive decision making committee of the Council.

2.5 Minutes of the Cabinet Member Advisory Committee shall be available to the public and press as though they were minutes of a meeting of the Council.

2.6 The Chair may invite any person to attend a meeting of the Cabinet Member Advisory Committee for the purpose of making a presentation, or participating in discussion, on any item relevant to the Cabinet Member Advisory Committees functions where that person is able to provide a professional or user viewpoint, which the Chair considers would be of assistance to the Cabinet Member Advisory Committee.

2.7 There shall be no power to co-opt Members onto the Committee and no power to set up task and finish groups or create sub-committees.

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

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

- 2.17 At the Chair's discretion, questions shall be dealt with in the following order:
- a) questions from members of the public present in the public gallery who have emailed in their questions in advance in accordance with 2.18;
 - b) questions from members of the public in the public gallery who did not email their questions in advance,
 - c) followed by the Chair reading out public questions from members of the public not present in the public gallery but who emailed their questions in advance in accordance with 2.18 below.

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

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

3. MEMBER PETITIONS

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

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

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

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

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

Protocol for Agenda Setting for Cabinet Member Advisory Committees and Scrutiny Committees

Purpose

The purpose of this protocol is to support the agenda setting process across CMACs and Scrutiny with input from Cabinet Members.

The protocol is written in the spirit of ensuring that backbench members have the opportunity to consider and influence decisions before they are taken. It aims to promote synergy across CMACs and Scrutiny to ensure that there isn't repetition or duplication of items to enable backbench Members to consider as broad a number of items as possible.

The protocol also recognises that, amongst other functions, both CMACs and Scrutiny advise Cabinet Members, and as such Cabinet Members also play an important role in this protocol.

Collaborative Agenda Setting Process

At the outset of each municipal year, the Chairs, Deputy Chairs and Vice-Chairs of CMACs, Scrutiny Committees and Cabinet Members should meet to consider the Forward Plan and recommend an initial work programme for each CMAC and Scrutiny Committee.

This should be supplemented by further quarterly meetings to reconsider the Forward Plan and adjust their respective agendas where appropriate.

The agenda setting process should include:

- Agreeing whether an item on the Forward Plan should be considered by a CMAC or Scrutiny Committee
- Discussion of items suggested by Backbench Members for inclusion on future agendas
- Discussion of items suggested by Cabinet Members for inclusion on future agendas
- Suggestions to Cabinet Members of items for future inclusion on the Forward Plan

In addition to the above, it is anticipated that relevant CMAC Chairs, Deputy Chairs and Vice-Chairs meet 6 weeks ahead of each scheduled CMAC to discuss and agree the detail of the agenda. Scrutiny, Cabinet Members and representative Backbench Members will be invited to the pre-meets of their respective CMACs.

Resolving Disputes

In the event that Chairs of both a CMAC and Scrutiny Committee wish to place the same item from the Forward Plan onto their respective agendas, consideration should be given to the following:

- That where an item relates to a statutory role undertaken by Scrutiny, this takes precedence;
- That Scrutiny generally focuses on items that detail issues, and CMACs generally on items that detail proposals; and
- That Scrutiny is a non-political body and as such CMACs may be better placed to consider items that are politically contentious.

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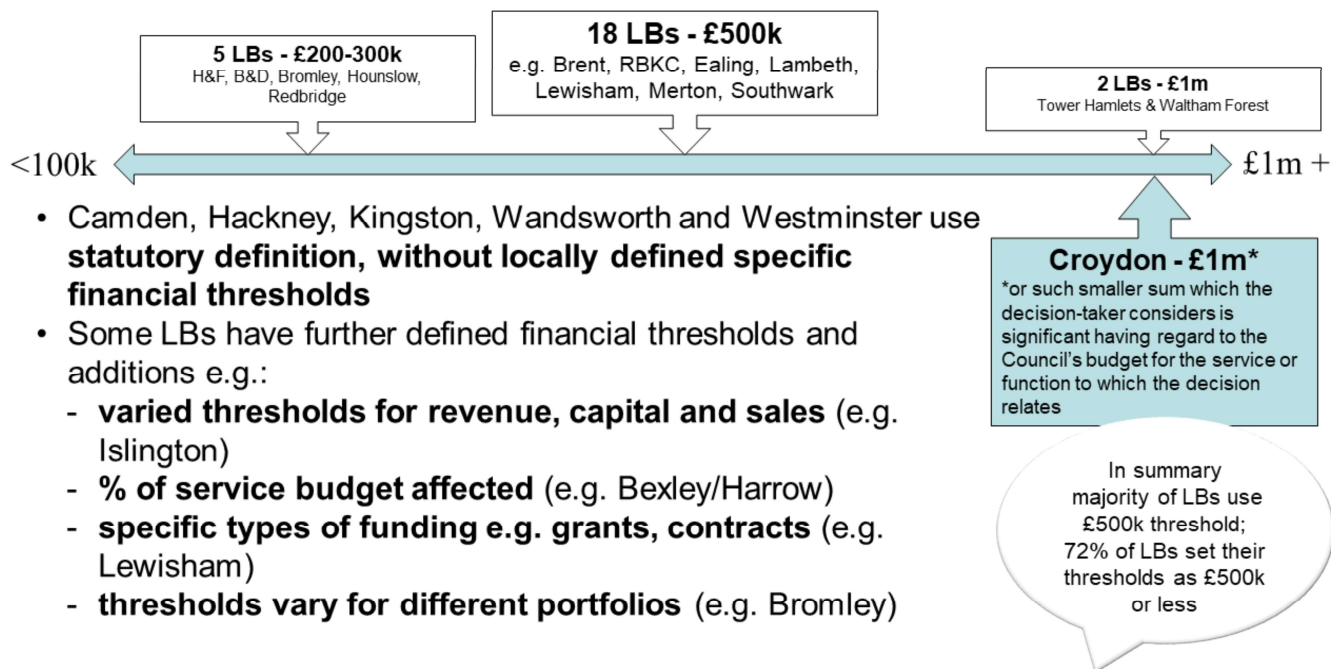
Key Decisions (KD) - London Borough comparison research

IWG, 21st July 2020

CROYDON
www.croydon.gov.uk

Based on desk top research (information found on LB websites, inc. local authorities' constitutions).

LBs Financial Thresholds for KD (comparison)



- **varied thresholds for revenue, capital and sales** (e.g. Islington - £500k revenue; £1m capital; £1.5m estate sales; Hillingdon - variations to capital schemes on programmes in excess of £250,000 in any one year)
- **% of service budget affected** (e.g. Bexley/Harrow - more than 50% of budget; Greenwich - between £100,000 to £500,000 and is more than 10% of budget)
- **specific types of funding** (e.g. Lewisham - granting or withdrawing financial support to any voluntary sector organisation in excess of £10,000; writing off any bad debt in excess of £50,000; the award of a contract with a total value of £200,000 or more)
- Bromley's **thresholds vary for different portfolios**: e.g. previously adult's services, children's services and environment - £500,000; other services - £250,000 or £50,000 for safety and recreation.

LBs Community Impact Thresholds for KD (comparison)

<p>24 LBs specified 'two or more wards' in KD definition when describing community impact, in line with statutory definition Croydon - <i>"significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough"</i></p>	<p>5 LBs specify 'one or more wards' in their definitions of key decisions; B&D, Bromley, Merton, Southwark and Waltham Forest</p>	<p>3 LBs use 'significant community impact' without reference to no. of wards; Hounslow, Kingston and Newham</p>
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In summary majority of LBs (72%) use 'two or more wards' for community impact threshold;

- Some LBs have **clear-cut definitions based solely on geography**
- Others **use more flexible interpretations** or further specify what they mean e.g.:
 - **Define 'two or more wards' but allow flexibility for significant decisions affecting one ward** - e.g. H&F, Bexley / Redbridge
 - **Define impact in terms of 'wellbeing of community' or 'quality of service provided' or 'communities of interest' (e.g. young people) are affected'** e.g. Hillingdon / Lambeth
 - **Define direct (geography) and indirect (use) impacts** e.g. Lewisham
 - **% of community affected** e.g. Newham

- Some LBs have **clear-cut definitions based solely on geography** e.g. Croydon/Ealing - *an effect on the community will not be considered to be "significant" unless that significance is felt by people living or working in an area comprising not less than two wards in the borough*
- Others **use more flexible interpretations** or further specify what they mean:
 - **Define 'two or more wards' but allow flexibility for significant decisions affecting one ward** - e.g. H&F, Bexley / Redbridge - e.g. a school closure or the introduction or amendment of traffic calming measures affecting one ward given as example of KD
 - **Define impact in terms of 'wellbeing of community' or 'quality of service provided' or 'where COMMUNITIES OF INTERESTS (e.g. young people) are affected'** e.g. Hillingdon / Lambeth
 - **Define direct (geography) and indirect (use) impacts** e.g. Lewisham - communities living or working in an area comprising two or more wards, whether the impact is direct (e.g. where the decision relates to a road which crosses a ward boundary) or indirect (e.g. where the decision relates to the provision or withdrawal of a service which is or would be used by people from two or more wards)
 - **% of community affected** e.g. Newham – where outcome will have a direct or indirect impact, for better or worse [...] to a significant number of people living or working in the locality affected (which will normally be at least 10%)

LBs defining specific matters to be always deemed KD

A few LBs also list specific subject matters or types of decisions that are always deemed KD regardless of financial and community impacts, e.g.:

- Greenwich - a decision which is likely to be either sensitive, have a material impact, or have a significant effect upon the manner in which the Council conducts it's business.
- Merton – decisions relating to amendment of the agreed budget and policy framework.
- Lewisham – lists 26 categories, inc. for example:
 - Consideration of any report prepared by an external organisation (e.g. OFSTED) into the performance of the Council;
- Southwark – lists 9 categories similar to Lewisham, and for example:
 - the exercise of the council's compulsory purchase order powers

- Lewisham – lists 26 categories, inc. for example:
 - Consideration of any report prepared by an external organisation (e.g. OFSTED) into the performance of the Council;
 - policies relating to special needs, attendance and exclusion, awards, charging and remission;
 - the fixing of fees and charges for Council services;
 - the disposal of any Council property for less than best consideration;
 - consideration of any matter which is to be the subject of a recommendation to full Council;
 - where there is evidence of significant local opposition to proposals made by the Council

<https://lewisham.gov.uk/mayorandcouncil/aboutthecouncil/how-council-is-run/our-constitution> (p74-77 of Lewisham Constitution)
- Southwark – lists 9 categories similar to Lewisham, and for example:
 - the exercise of the council's compulsory purchase order powers
 - the strategic procurement strategy approval decisions (Gateway 1 reports)
 - reports on corporate budget monitoring and performance

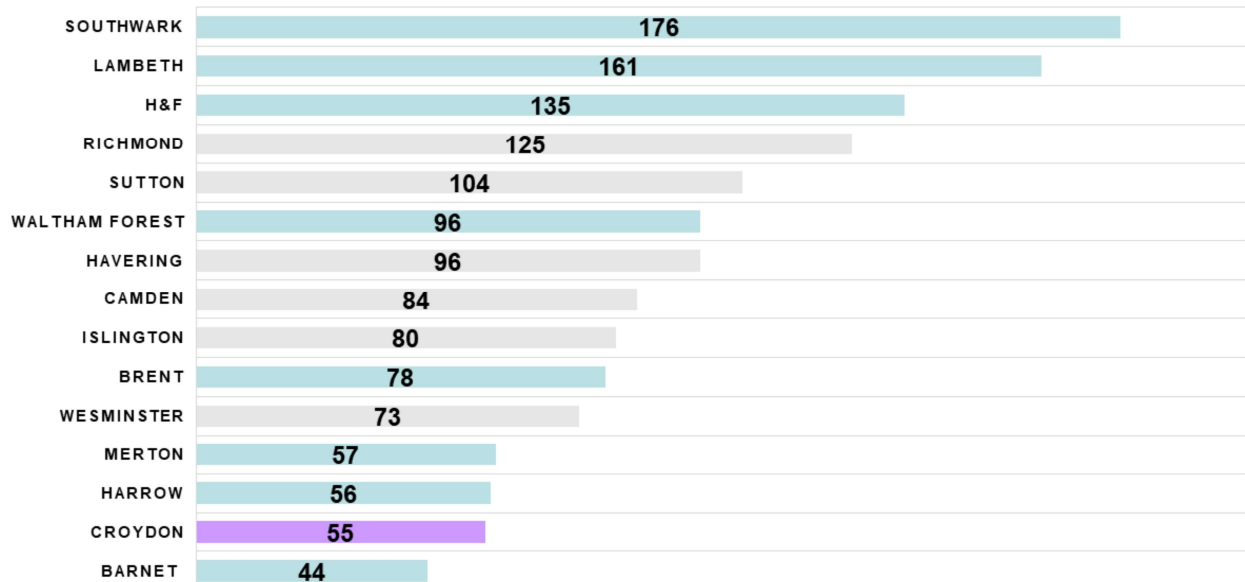
<https://moderngov.southwark.gov.uk/documents/s63339/Protocol%20on%20Key%20decisions.pdf>

LBs number of KD comparison June 2019 – June 2020

NO. OF KEY DECISIONS

*BASED ON INFORMATION PUBLISHED ON LB WEBSITES (INCOMPLETE PICTURE)

**IN GREY BASIC DEFINITIONS, IN BLUE ENHANCED DEFINITIONS



*Some of the information published on LB websites may not be accurate, any only 15 LBs have KD numbers easily available
Important not to attach too much weight to the numbers, as this is incomplete information.

Key Decisions - How Croydon compares summary

- £1m is a relatively high financial threshold in comparison to most LBs, but flexibility exists within Croydon's definition for decision maker to deem decisions with lower threshold key
- Croydon falls within the majority of LBs in terms of its community impact definition, and new guidance specifies that this means geographical as well as community use impacts
- Croydon appears to make a smaller number of KDs compared with the other LBs where this information is easily available; there appears to be some correlation between how detailed the KD definition and/or guidance LB has and the number of decisions it deems key, but with limited information available it wouldn't be possible to state with confidence that detailed definitions or lower financial threshold equal more key decisions.
- Croydon's key decisions supplementary guidance could provide further examples to add more clarity when applying its definition (those could be added over time as new Forward Plan becomes available and discussions can take place on what additional decision types or matters the Council would like to consider KD)

Much more detailed and resource intensive analysis would need to be undertaken to understand the variables that contribute to number of KD made by different authorities e.g. which elements of definition and application contributes to increased numbers the most, whether there are other factors such as budget, political makeup or organisational culture

Such research wouldn't be practicable and wouldn't necessary help Croydon in determining if further changes to KD definition and/or guidance should be made

Key Decisions and when they arise

Supplementary guidance document

1. Definition of Key Decision

The Statutory Definition of Key Decision is as set out in Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 made pursuant to the Local Government Act 2000, which as follows:

“A “key decision” means an executive decision, which is likely—

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

In determining the meaning of “significant” for the purposes of paragraph (1) the local authority must have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the 2000 Act (guidance).

Whilst there is currently no guidance under S9Q in this regard, guidance issued under S38 of the 2000 Act makes clear that the local authority should agree as a full council limits above which items are significant and publish these limits, which Croydon has done via its Constitution. A local authority is able to set different thresholds for different services or functions, bearing in mind the overall budget for those services and functions and the likely impact on communities of each service or function.

The Council is able to review and amend these limits if considered appropriate and following consideration by full Council.

The Definition of Key Decision in the Council’s Constitution (Part 2 Article 13) is as follows:

“A Key Decision is an executive decision which is likely to:

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

2. Steps to deciding when a Decision is Key

The basis upon which a decision will be regarded as key will involve assessing the following three matters: (a) Is the decision executive or non-executive; (b) what is the saving or expenditure level which will result from the proposed decision and (c) is the decision likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough.

These are discussed below:

a. Is the decision executive or non-executive:

Before a decision can be regarded as a key decision, it must be determined that it is a decision for the executive to make rather than a non-executive decision making body (such for example as Licensing, Planning, General Purposes and Audit Committee or Health and Wellbeing Board) or the Full Council.

Non-executive decisions are not, by law, regarded as key decisions.

Whether or not a matter may be considered by the Executive or is reserved for a non-executive body or Council is set out either in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time, the Council's Constitution or in the specific statute which provides the Council with the authority to act in relation to that area/function. So in each case the starting point is to confirm the statutory provisions which would permit the authority to undertake the function or make the decision in question.

Only if the matter is an executive function do the provisions pertaining to key decisions come into contention and it becomes necessary to consider items b. and c. below. If the matter is for decision as a non-executive matter, then the key decision provisions are not, by operation of law, engaged.

For example the approval of certain policies which are reserved to full council are not as a matter of law a 'key decision'. This includes adopting the Policy and Budget framework which is defined in the Appendix to article 4.02 in the Constitution as follows:

- 1 Equality Strategy;
- 2 Health and Well Being Strategy;
- 3 Community Safety Strategy;
- 4 Children and Young Persons Plan;
- 5 Initial Local Implementation (Transport) Plan;
- 6 Annual Council Budget
- 7 Licensing Statement;
- 8 Gambling Strategy;
- 9 The Admission arrangements for Community schools;
- 10 The plans and strategies for planning, development and conservation in the Borough comprising the Croydon Plan and other approved and adopted development plan documents and supplementary planning documents which make up the Local Development Framework for Croydon;
- 11 Plans, Policies and Strategies which together make up the Housing Strategy;
- 12 Youth Justice Plan.
- 13 The Making or revising of a Council Tax Reduction Scheme
- 14 Exercise of the power to determine further discounts for certain dwellings and set higher amount of council tax in respect of long term empty dwellings under sections 11A and 11B of the LGFA 1992, as amended

b. What is the saving or expenditure level which will result from the proposed decision:

This requires consideration of two separate elements of the “financial” test.

Element one: Is the decision one which could result in the Council incurring expenditure, or the making of savings of more than £500,000.

If the answer to this is yes, then the decision is regarded as Key.

For example: Executive decisions which involve:

- Disposal of any council property with a value of more than £500,000
- Contracts which over their lifetime are anticipated to have a value of more than £500,000 or provide a saving of more than £500,000
- Any extension/modification to a contract which will mean that the expenditure on a contract (either in total over its lifetime or as a result of this extension/modification) will have a value of more than £500,000 or provide a saving of more than £500,000
- Taking by the council of any interest in land for a consideration of more than £500,000
- The granting of any interest in land for a consideration of more than £500,000
- Applications for funding from any external body which if successful would require match funding of more than £500,000, or require revenue commitment of more than £500,000.

Some examples of historic executive decisions under this category (when the threshold was more than £1m) include:

Microsoft Enterprise Software Agreement – this decision was taken by the Cabinet Member for Finance & Resources in June 2019 and was a Key Decision as it involved expenditure of over £1,000,000.

Delivering the Growth Zone – this decision was taken by Cabinet in October 2018, and was a key decision as it involved expenditure of over £1,000,000 and impacted two or more wards.

Element two: Is the decision one which could result in expenditure or savings of between £100,000 and £500,000 AND is it in excess of 25% of the Budget for the service or function to which the decision relates

This second part of the test is best illustrated with an example: if the budget for delivering a service or function were £400,000 and this executive decision was looking to commit £125,000 of that, this sum would be significant bearing in mind the budget for that service or function therefore rendering the decision a key decision.

If so, the decision will be a key decision.

What constitutes a service or function will be considered on its merits. It must, however, be capable of identification as a discrete activity and in many instances will

reflect the Council's statutory duties e.g. collecting used plastic is not a service in its own right but recycling probably is, even though it forms part of the wider waste collection function.

Even if the decision is not one which falls within the financial parameters of the key decision test it could still be key if it falls within the final element of the test in c. below.

c. Is the decision likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough.

In making that assessment the lead officer is looking at the potential impacts and whether this will affect two or more wards in the borough. If the decision will impact on/effect two or more wards, the question will then arise as to whether this impact/effect is significant – whether on those living or working in those areas.

It is obviously a judgement call as to what may be significant, but the assessment is not only looking at what might be a detrimental impact but also whether it could have a positive impact – either could be significant in this context – and render the decision a key decision as a result.

The decision must impact on those living or working in two or more wards of the borough – significant impacts on just a single ward would not fall within the statutory definition. However, it should be noted that a decision regarding e.g. the physical location of a new development within one ward will not preclude the decision from being a key one under this limb of the definition where it impacts not just those living or working in the ward within which the development is located but also adjoining ward(s). It is not about geographical place but the effect on communities which must be assessed.

Some considerations which may be relevant in deciding the significance of an executive decision under this criteria could include:

- the extent of the impact (i.e. how many people and wards will be affected)
- the likely views of those affected (i.e. is the decision likely to result in substantial public interest/opposition/support – regard should be had to any consultation undertaken to assist in this regard and matters which require public consultation whether by statute or otherwise are more likely to be regarded as significant)
- whether the decision is likely to be a matter of political sensitivity
- where the decision may incur a significant social, economic or environmental risk
- where the decision may have a significant impact on those with protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity)

Some examples of executive decisions which have recently been considered to be key decisions under this criteria include:

- Post-16 Travel Assistance policy changes this decision was taken by Cabinet in March 2019 and was a Key Decision as it had a significant impact on residents within two or more wards.
- Adoption of School Streets this decision was taken by the Cabinet Member for Environment, Transport & Regeneration (Job Share) in August 2019 and was a Key Decision as it would have significant impact on residents within two or more wards.
- Parking Policy 2019-22 this decision was taken by the Executive Director Place in July 2019 and was a key decision as it would have a significant impact on residents in two or more wards.
- Culture Policy
- Air Quality Action Plan

3. Will certain decisions always be regarded as key?

In short, no. In order to be a key decision, the decisions must be executive decisions which fall within the statutory definition as set out in Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 so each decision must be assessed on its individual merits to ascertain whether or not it is key in the circumstances.

For this purpose, the Council has set the financial thresholds for the first “financial” element of the key decision test at £500,000 as detailed above and where this threshold is not met, the second element of the financial test and the significant impact test need to then be considered by decision makers.

4. What does it mean if the decision is a Key Decision?

- a. Decision may not be taken unless the provisions of inter alia paragraphs 29-32 of the Access to Information Procedure Rules in Part 4B of the Constitution have been complied with.
- b. The decision may only be implemented after 13.00 hours on the 6th working day following the day on which the decision was taken unless it was referred (under the call in procedure) to the Scrutiny and Overview Committee during that period.
- c. If the decision is called in, its implementation is suspended pending consideration by the Overview and Scrutiny Committee who may in turn refer the matter back to Cabinet for reconsideration. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
- d. If the Scrutiny and Overview Committee consider that the decision is taken outside the Budget and Policy framework, the Committee may refer the matter directly to Council for decision.
- e. More detail is set out in Part 4E as to the process around call-in and the functions of Scrutiny and Overview Committee

5. What must I do if the decision is a Key Decision?

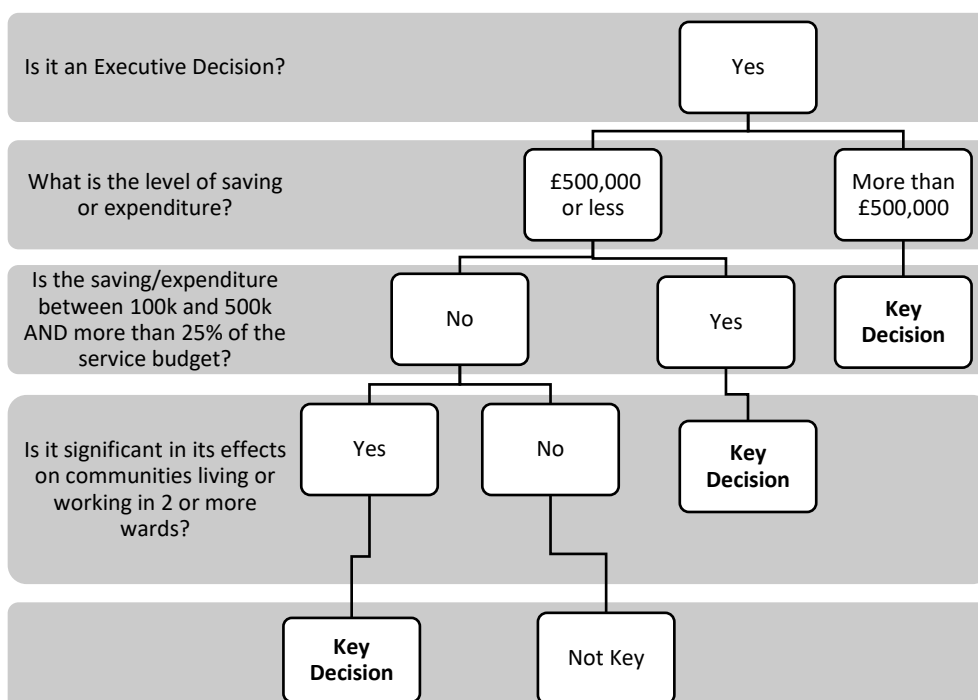
- a. Check whether or not the decision has been publicised via Democratic Services 28 days before the proposed decision date. Please complete the

table below with details of the decision to be listed on the 28 day notice and send to democratic.services@croydon.gov.uk

Report Title	
Lead Member	
Lead Officer	
Decision Makers	
Open/exempt/part exempt	
Reason a Key Decision	

- b. If not, the decision may not be taken until these provisions have been complied with unless the requirements around Exception or Special Urgency apply and have been complied with.
- c. Read Part 4B of the Constitution which applies to among other matters: access to reports prior to meetings/decisions, the taking of the decision, the records which must be kept (including in relation to background papers) and the manner of publication of the intention to take the decision as well as the subsequent publication of the decision.
- d. Ensure the Key Decision reference number is included in the relevant section of the report. The reference number is provided by Democratic Services when the decision is added to the 28 day notice.
- e. Have regard particularly to paragraphs 29 – 32 in Part 4B in relation to Key Decision rules
- f. Seek advice from Democratic Services (democratic.services@croydon.gov.uk) or the Director of Law and Governance if unsure.

The flowchart below illustrates the key decision process in simplified terms:



Forward Plan Protocol

1. Purpose

This document sets out how the Council proposes to plan and publicise information about its forthcoming decisions by operating a 6-monthly Forward Plan. The Forward Plan is an enabler to increasing transparency and allowing greater participation in decision making (see section 3).

The statutory provisions set out in Part 4B of the Constitution (The Council's Access to Information Procedure Rules) take precedence over the content of this document and covers matters such as statutory key decision requirements and exempt items of business. In publishing and updating its Forward Plan and decision information under this protocol, the Council will continue to ensure it meet its statutory obligations, including giving 28 days' notice of key decisions and exempt matters.

2. Forward Plan definition

The Council has chosen to go beyond the statutory requirements to publish and give notice of key decisions. This protocol proposes criteria for publicising information about forthcoming decisions with further advanced notice to facilitate greater involvement and participation in decision making.

The Council's Forward Plan is designed to be a live document that lists high-level information about all important forthcoming decisions that can be practicably publicised at least 6 months in advance of the anticipated decision date, as well as those that are publicised with less than 6 months' notice where exceptions apply (see section 6). This includes all Cabinet and individual Cabinet Member executive decisions and officer key decisions as well as proposed significant non-executive Council decisions (see section 5).

Some decisions will be expected to be included with more than 6 months' notice, where this is practicable, for example revisions of major strategies and policies where the next review date is known several years in advance.

The Forward Plan will be updated and published monthly on the Council's website [HERE](#). It is a flexible document that provides headline information about the Council's anticipated forthcoming decisions and allows for updates to be made to previously published information nearer the decision date when more detailed / background information is available. As such the information available on this forward plan may alter as the matter progresses.

The existence of the Forward Plan as described in this document is an additional activity that does not interfere with the existing legal requirements relating to the publication of the notice of forthcoming key decisions and in no way impacts on the obligations and rights arising from such publication. This information will continue to be updated and published as part of the forward planning process and in line with the current rules set out in the Constitution, including statutory deadlines as prescribed in the Access to Information Procedure Rules (Part 4B of the Constitution), the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the provisions of the Local Government Acts 1972 and 2000, as variously amended.

3. Forward Plan objectives

The Council operates an inclusive Forward Plan to meet its main objectives aligned to the findings of the Governance Review [link], namely to:

- ensure that forthcoming decisions are identified and visible to both Members and residents at an early stage of the process;
- provide sufficient time for Members to decide which decisions warrant greater scrutiny, would benefit from cross-party debate or require greater involvement of residents;
- increase Members' capacity and ability to debate and influence important decisions before they are taken;
- enable effective working between the Cabinet, Cabinet Member Advisory Committees and Scrutiny to utilise the scope for early planning to avoid duplication and ensure important decisions always benefit from oversight of advisory bodies.

4. Audience

The key audience for this document is Members and Officers, and in particular the political and officer Leadership tasked with ensuring an up to date Forward Plan exists.

Scrutiny and Cabinet Member Advisory Committees (CMACs) together with Cabinet Members will use the Forward Plan to agree pre-decision activities and engage backbench Members in scrutinising and advising on forthcoming decisions.

Residents will have access to the published [Forward Plan](#) including information about any relevant committee meetings where the items will be debated and contact information for relevant service area leads, to ensure transparency and an opportunity to participate in decision making.

5. Forthcoming decisions to be included on the Forward Plan

For avoidance of doubt the following decisions are subject to this protocol and are to be included on the Forward Plan:

- a) All key decisions [in line with definition and guidance] to be taken by Cabinet collectively, Cabinet Members individually or Officers
- b) All significant non-key executive decisions to be made by Cabinet and Cabinet Members that may require input or cross-party debate, as defined in Part 4P of the Constitution
- c) Specific non-executive decisions relating to the Council's policy and budget framework, as listed below:
 - Budget. The Budget includes the allocation of financial resources to different services and projects, propose contingency funds, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement,
 - Equality Strategy;
 - Health and Well Being Strategy;
 - Community Safety Strategy;
 - Children and Young Persons Plan;
 - Library Plan
 - Initial Local Implementation (Transport) Plan;

- Annual Council Budget
- The Admission Arrangements for Community Schools;
- The plans and strategies for planning, development and conservation in the Borough comprising the Croydon Plan and other approved and adopted development plan documents and supplementary planning documents which make up the Local Development Framework for Croydon;
- Plans, Policies and Strategies which together make up the Housing Strategy;
- Youth Justice Plan.
- The Making or revising of a Council Tax Reduction Scheme
- Exercise of the power to determine further discounts for certain dwellings and set higher amount of council tax in respect of long term empty dwellings under sections 11A and 11B of the LGFA 1992, as amended

With the exception of decisions listed in c), all other decisions relating to non-executive business, for example Planning or Licensing Committee decisions, pensions etc, are not subject to this protocol and will follow the necessary statutory procedures.

For avoidance of doubt a) and b) includes any forthcoming executive decisions relating to approval of existing or new strategies, policies and strategic plans that are reviewed on a periodic basis, including :

- Air Quality Action Plan
- Autism Strategy
- Communications Plan or Strategy
- Community Safety Strategy
- Domestic Abuse and Sexual Violence Strategies)
- Corporate Plan
- Croydon Carers Strategy / Plan
- Croydon Cycling Strategy / Plan
- Croydon Growth Zone Delivery Plan
- Croydon's Sports and Physical Activity Strategy
- Culture Plan
- Digital Strategy
- Early Years Plan
- Homelessness Strategy
- Housing Asset Management Plan
- Local Flood Risk Management Strategy
- Local Implementation Plan (LIP)
- SEND Strategy
- Skills and Employment Action Plan
- South London Waste Plan (Joint with Sutton)
- VCS Strategy

6. Publication of items with less than six-month notice

The key principle for operating an inclusive Forward Plan is to proactively publicise the available information about forthcoming decisions and endeavour to share that information at the earliest opportunity on all decisions that can be foreseen/forecast and publicised.

It is recognised however that flexibility needs to be applied within the operation of the Forward Plan to ensure that certain types of decisions can be published with less notice where they could not reasonably be shared 6 months in advance.

This should however only apply to a limited number of time-sensitive decisions. For example it is recognised that Cabinet Member decisions relating to urgent procurement might not be practicably foreseeable 6 months in advance. As such those decisions will be added to the Plan with shorter notice and as soon as deemed feasible.

Measures for ensuring that the late publication of items is managed appropriately (by exception) and not misused, include:

- That upon publication of those key as well as non-key decision notices on the Forward Plan, the reason for exclusion from the six-monthly forward planning cycle will be clearly stated
- That Democratic Services will produce a key performance indicator (KPI) relating to the percentage of items published with less than 6 months' notice (broken down by reason, decision type and department)
- That biannually the Cabinet Members, CMAC and Scrutiny collaboratively review and consider if the reasons for previously published late items were appropriate, and agree what improvements need to be made as necessary.

This is to ensure the Council upholds the standard for publicising information at earliest possibility.

This process does not negate or interfere with the statutory Scrutiny role in holding the Executive to account and the Scrutiny powers to be consulted on exceptions relating to key decisions and notice periods as set out in Part 4B of the Constitution. Scrutiny remains the body to be consulted on late notice publications for key decisions, and has a statutory and constitutionally defined role in overseeing and ensuring reason and consistency is applied when utilising the exception rules.

7. Details to be included on the Forward Plan

The following information will be published as a minimum for each forthcoming item when first placed on the Forward Plan:

- i. Title of the item (informative title, can be amended at later date)
- ii. Decision description(short description and reason if not added 6 months in advance)
- iii. Whether the decision is key, non-key or non-executive
- iv. Decision due date (as a minimum anticipated month and year of decision)
- v. Lead Member
- vi. Lead Officer
- vii. Decision Makers
- viii. Department
- ix. Contact details (Officer)

The above information may be updated as required (e.g. decision due date might change) and the below information may be published alongside i-ix if known or can be added for each item previously published on the Forward Plan when and if applicable. This is to ensure that all relevant information can be found in a single place and a clear history of the item's progress from first publication to Decision approval exists.

- Reason for key (if key)
- Estimated financial implications (if any)
- Wards affected
- Decision made at meeting (Committee name and date if applicable)
- Bodies to be consulted and dates (e.g. CMAC, Scrutiny, GPAC)
- Open/exempt/part exempt
- Associated Documents

The Forward Plan links to the [Decisions tab](#) that details the date that the decision was taken and provides a searchable audit trail of all previously made decisions.

8. Management of the Forward Plan process

Directors will be responsible for submitting new items for the Forward Plan and Cabinet Members will be responsible for sign off prior to publication.

The summary of Forward Plan information will be considered monthly by Cabinet Members collectively and at meetings of Executive/Corporate Leadership team.

The Council's leadership team will be accountable for ensuring the accuracy of Forward Plan content prior to monthly republication and smaller updates will be made to the Plan on a rolling basis.

The Council's webpage publicising the Forward Plan will be kept up to date by Democratic Services, who will make any necessary updates and produce summary reports for Leadership meetings.

For avoidance of doubt this process does not interfere with the Constitutional rules around managing urgent key decisions or exempt items. Any information will be published in line with the existing procedures and requirements stated in the Council's Constitution, as such some items might be published as urgent and some documents might be exempt from publication. This will be clearly stated.

9. Resident access to information

The Forward Plan can be accessed [HERE](#) including guidance that explains its purpose and the ways in which residents can engage with decision making.

The Council aims to display its Forward Plan and previous decisions made in a way that is easily searchable, that links to associated documents and showcases each decisions' journey through the various committees including Scrutiny and CMAC (where relevant).

10. Review of this protocol

It is recognised that this protocol describes a significant departure from the Council's previous ways of working and a period of adjustment is necessary to allow the Executive and officers to adapt to the requirements set out in this document. As such it is accepted that there will be a transitional period and the ability to include all decisions subject to this protocol will increase over time.

As a prerequisite it is expected that from the outset of this protocol being approved, all key decisions and decision making reports going to Cabinet will be published and all decisions relating to the review of strategies and policies are also added to the Plan as those can be easily predicated in terms of their next review point.

The Council will measure and report on the application and effectiveness of this protocol 6 months from the date of approval. This protocol will be reviewed and amended when and if deemed necessary by the Council.