

Council Supplementary Agenda



12. Revisions to the Council's Constitution (Pages 3 - 82)

To consider the report regarding the proposed revisions to the Council's Constitution.

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REPORT TO:	COUNCIL 11 October 2021
SUBJECT:	REVISIONS TO THE COUNCIL'S CONSTITUTION
LEAD OFFICER:	Richard Ennis, Interim Corporate Director of Resources & Section 151 Officer
WARDS:	All
CORPORATE PRIORITIES 2021-24: Changes to the Constitution proposed in this report will enable improvements to the Council's governance as part of the Croydon Renewal Plan.	

FINANCIAL IMPACT

Implementation of the recommendations within this report shall be contained within existing budgets.

RECOMMENDATION

Council is recommended to:

1. Approve and make amendments to the Members' Allowance Scheme as set out in Appendix 1 to this report.
2. Approve the further changes to the Constitution as detailed in section 4 and set out more fully in Appendix 1.

2. EXECUTIVE SUMMARY

- 2.1 This report updates Councillors on progress in reviewing the Council's Constitution and seeks approval for changes to the constitution, including those necessary to implement decisions elsewhere on the agenda.

3. BACKGROUND

- 3.1 A proposal for a revised Members' Code of Conduct appears elsewhere on the agenda.
- 3.2 At its meeting on 16 September, General Purposes and Audit Committee agreed to recommend to Council that one independent co-opted member be retained alongside the independent Chair.
- 3.3 At its meeting on 30 September, Ethics Committee agreed to recommend to Council the adoption of a revised Members' Code of Conduct.

4. PROPOSAL

- 4.1 At present, Article 15 of the Constitution includes provision for General Purposes and Audit Committee (GPAC) to approve changes to the Constitution on the grounds of urgency and to submit recommendations for changes to the Constitution to Council (the Leader, Cabinet or Monitoring Officer may also make proposals for change to Council). This is not however reflected in the terms of reference of the General Purposes Committee in Part 3 – Responsibility for Functions. It is proposed to add these to the terms of reference for GPAC so that the Committee would keep the constitution under regular review and consider proposals for change (including proposals from the Constitution Working Group), prior to submission of recommendations to Full Council. The ability of the Leader, Cabinet and Monitoring Officer to submit proposals direct to Council would remain.
- 4.2 Subject to the approval of various recommendations elsewhere on the agenda, the following revisions to the constitution are also proposed at this time:
- i) Amendment of Article 2 to correctly reflect the number of Councillors per ward;
 - ii) Amendments to reflect the creation of the role of Independent Chair of General Purposes and Audit Committee (GPAC) and arrangements for appointment of the role (Article 8, Part 3, Part 4F);
 - iii) Adjustment of Part 3 – Responsibility of Functions to better reflect the role of Appointments Committee in making recommendations for appointments to Council;
 - iv) Amendment to Part 3 – Responsibility for Functions to add the role of Ethics Committee in supporting the Monitoring Officer to promote high standards of conduct and to reflect the role of the Member Development Panel in advising Ethics Committee on programmes of training for Members;
 - v) Amendments to Part 3 – Responsibility for Functions to clarify that GPAC has responsibility for whistleblowing and the Council's duties under the Regulation of Investigatory Powers Act and to add regular review of the constitution and consideration of proposals for change to the GPAC terms of reference;
 - vi) Amendment to Part 5I – new Members' Code of Conduct and guidance, as detailed more fully and for agreement elsewhere on this agenda at item 11;
 - vii) Amendment to Part 6A – to add remuneration for the independent Chair of GPAC (for audit purposes).
- 4.3 The Council is required, when making changes to its Scheme of Member Allowances, to have regard to the recommendations of the Independent Panel on the Remuneration of Councillors in London. The Panel's 2006 report made extensive reference to the basis upon which consideration may be given to

payment of allowances to Co-optees. The Panel at that time made specific reference to payment of an allowance to an Independent Chair of Audit and the basis upon which the Panel considered such provision could be made: however, this has not been reflected in more recent reports. The Panel's most recent report was published in 2018 and does not reference payments to independent co-opted members, nor for audit committee chairs.

- 4.4 The remuneration for the independent Chair of GPAC (for audit purposes) is therefore proposed on the basis that:
- it is a slight reduction in the allowance previously paid to the Chair as a Special Responsibility Allowance (now deleted), which had been set with regard to the Independent Panel;
 - no subsistence or travel allowances will be payable to the independent Chair.
 - the sum of the allowance recommended is considered reflective of the importance of the audit work which the Independent Chair will be responsible for overseeing in the role as chair. This is in light of the recommendation of the MHCLG Rapid Review in November 2020 that consideration be given to appointing a Chair from outside the majority group and the support that this role can provide to the Council's improvement journey.
- 4.5 The proposed changes to the constitution are shown as tracked changes to the relevant sections at Appendix 1.
- 4.6 Subject to the decision of Council, action will be taken in line with regulations to give notice of and publish the revised Scheme of Members' Allowances.

5. CONSULTATION

- 5.1 The changes proposed in this report will enable implementation of other decisions by Council and as such have not been subject to separate consultation.

6. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 6.1 Approved by: Matthew Davis, Interim Director of Finance

7. LEGAL CONSIDERATIONS

- 7.1 The Head of Litigation and Corporate Law comments on behalf of the Interim Director of Law and Governance and Deputy Monitoring Officer that the power to co-opt persons who are not councillors onto committees appointed by the Council, under section 102(1) of the Local Government Act 1972 ("the 1972 Act"), is set out in section 102(3) of the 1972 Act. A committee appointed under Section 101 of the 1972 Act, other than a committee for regulating and controlling the finance of the local authority or of their area, may, subject to section 104 of the 1972 Act, include persons who are not members of the appointing authority.

- 7.2 Section 104 of the 1972 Act will apply to any proposed appointment under Section 102(3) above and provides that a person who is disqualified under Part V of the 1972 Act from being elected or being a member of a local authority shall be disqualified for being a member of a committee (including a sub-committee) of that authority, or being a representative of that authority on a joint committee (including a sub-committee) of the authority and another local authority, whether the committee or joint committee are appointed under this Part of this Act or under any other enactment. Part V of the Act deals, in section 80, with disqualifications from serving as a member of the Council and these requirements are applied to co-optees by virtue of Section 104 so that if any of the circumstances in Section 80 apply (or subsequently apply) to a co-optee, they are disqualified from being a co-optee.
- 7.3 By virtue of section 13(1) of the Local Government and Housing Act 1989, any co-opted member of a committee appointed under section 102(1) of the 1972 Act shall, for all purposes, be treated as a non-voting member of that committee.
- 7.4 Co-opted members are required to sign an undertaking to observe the Code of Conduct for Non-Voting Co-opted Members before acting as a co-optee.
- 7.5 In respect of proposals to amend the Scheme of Allowances for Members, Part 6A of the Constitution, the relevant provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003/1021 ("the 2003 Regulations") make provision for the manner in which the Council is required to consider any changes to its Scheme of members allowances and associated decision making and publication/notice requirements.
- 7.6 Regulation 9 of the 2003 Regulations make provision in respect of allowances for co-optees and provide that the Scheme of members allowances may provide for the payment of an allowance for each year to a member in respect of attendance at conferences and meetings ("co-optees' allowance"). In relation to co-optees' allowance, the scheme shall–
- (a) specify the amount of entitlement by way of co-optees' allowance in respect of any year to which it relates; and
 - (b) provide that where the appointment of a member begins or ends otherwise than at the beginning or end of a year, his entitlement shall be to payment of such part of the co-optees' allowance as bears to the whole the same proportion as the number of days during which his term of office as member subsists bears to the number of days in that year.
- 7.7 The scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any co-optees' allowance payable to him in respect of the responsibilities or duties from which he is suspended or partially suspended may be withheld by the authority. For the purposes of regulation 9, "member" means a person who is not a member of the authority but who is a member of a committee or sub-committee of an authority.

- 7.8 Under Regulation 19 of the 2003 Regulations, before an authority makes or amends a scheme of members' allowances, the authority shall have regard to the recommendations made in relation to it by an independent remuneration panel. For this purpose the Council must have regard to the recommendations of the Independent Panel on the Remuneration of Councillors in London whose most recent report was published in 2018.
- 7.9 Regulation 16 of the 2003 Regulations provides that an authority shall, as soon as reasonably practicable after the making or amendment of a scheme, make arrangements for its publication by–
- (a) ensuring that copies of the scheme are available for inspection by members of the public at the principal office of the authority, at all reasonable hours; and
 - (b) publishing in one or more newspapers circulating in its area, a notice which–
 - (i) states that the authority has made or amended a scheme and specifies the period of time for which the scheme has effect;
 - (ii) describes the main features of the scheme and specifies the amounts payable in respect of each allowance mentioned in the scheme;
 - (iii) describes any responsibilities or duties specified in the scheme in accordance with regulations 5(1) and 8(1) in relation to special responsibility allowance and travelling and subsistence allowance;
 - (iv) confirms that in making or amending the scheme, the authority complied with any duty arising under regulation 19 to have regard to the recommendations of an independent remuneration panel;
 - (v) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in its report for that authority;
 - (vi) states that copies of the scheme and copies of a record kept in accordance with regulation 15(1) and (2) are available at the principal office of the authority for inspection by members of the public at such times as may be specified by the authority in the notice; and
 - (vii) specifies the address of the principal office of the authority at which such copies are made available.
- 7.10 The notice required must be published in one or more newspapers circulating in its area as soon as possible after the expiration of twelve months after the previous publication of such a notice, irrespective of whether the scheme has been amended during that twelve month period.

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

8. HUMAN RESOURCES IMPACT

- 8.1 There are no direct Human Resources implications arising from this report for Council employees. However, there may be implications for staff and the wider workforce in relation to other internal or external policies, procedures and

practices that would need to be reviewed and revised by the relevant services where appropriate.

Approved by: Deborah Calliste, Head of HR for Health Wellbeing and Adults and Children's Families and Education

9. EQUALITIES IMPACT

- 9.1 As part of the review, all of the attached documents have been reviewed from an equalities perspective by the Equality & Inclusion Programme Manager. As part of the ongoing review of the constitution there will be a need to ensure that language is inclusive throughout the document.

Approved by: Gavin Handford, Director of Policy, Programmes & Performance

10. ENVIRONMENTAL IMPACT

- 10.1 There is no environmental impact arising from this report.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 There is no crime and disorder impact arising from this report.

12. DATA PROTECTION IMPLICATIONS

- 12.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

No.

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

N/A.

Approved by: Asmat Hussain, Interim Director of Resources.

13. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 13.1 Changes to the constitution will enable implementation of actions within the Croydon Renewal Plan.

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APPENDICES:	Proposed changes and amendments to the Constitution
BACKGROUND PAPERS:	None.

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CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

PART 3 - RESPONSIBILITY FOR FUNCTIONS

1 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

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

2 RESPONSIBILITY FOR COUNCIL FUNCTIONS

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

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

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

1. To carry out interviews and recommend to Council appointments to the roles of Executive Directors and the Chief Executive and to such other senior posts in accordance with the Staff Employment Procedure Rules in Part 4 of this Constitution
2. To carry out interviews and recommend to Council appointments in respect of the Independent Chair of General Purposes and Audit Committee
3. The Authority's Consultation requirements with the staff side
4. Consideration and recommendation to Full Council of the Pay Policy Statement as required.
5. The functions in respect of voting on salary packages upon appointment and severance packages of staff above such specified threshold as may, from time to time, be updated by statutory guidance.
6. The function of deciding, in respect of severance packages, whether the Council wishes to vote on a severance package above the specified threshold
7. Consideration of disciplinary action, as defined within the Staff Employment Procedure Rules in Part 4 of the Constitution, which could result in dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer. For this purpose, the Appointments Committee shall include at least one Member of the Cabinet and at least two voting co-opted Independent

Persons when consideration is being given to dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer. The Appointments Committee shall consider the matter in accordance with the processes and procedures approved by Ethics Committee for this purpose from time to time and make a report and recommendations to full Council for consideration and final determination. Any such report shall specifically include the Committee's recommendations on appropriate action.

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

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

1. Supporting the statutory role of the Monitoring Officer as set out in Article 12 of the Constitution, including the promotion of high standards of Member conduct.
2. Receiving reports from the Monitoring Officer on matters of probity and ethics, and to consider and recommend any necessary revisions of the Members' Conduct of Conduct (the Code) to the Council.
3. Reviewing the operation of the Code and recommending revisions for the consideration of full Council as necessary.
4. Monitoring compliance with the Code and granting any dispensations church and parent governor representatives from requirements relating to interests set out in the Code.
5. Commenting on the content of guidance and advice to be issued to elected and non-elected Members.
6. Considering reports and recommendations from the Member Development Panel in relation to training for elected and co-opted Members.
7. Agreeing programmes of advice and training for elected, co-opted and non-elected Members on ethics and probity, and on the Code.
8. To consider applications for a grant of dispensation in the following circumstances:
 - a) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - b) That the authority considers that the dispensation is in the interests of persons living in the authority's area.

- c) That the authority considers that it is otherwise appropriate to grant a dispensation.
 - d) If referred to them for consideration by the Monitoring Officer, to advise on or express a view on whether a dispensation would be appropriate in either of the following circumstances:
 - i. That so many Members of the decision-making body have disclosable pecuniary interests (DPIs) in a matter that it would impede the transaction of the business; or
 - ii. That, without a dispensation, no Member of the Cabinet would be able to participate on this matter.
9. To agree the processes and procedures for the Appointments Committee for the consideration of disciplinary action and suspension pursuant to Part 4J of the Constitution.
 10. To make future invitations for appointment of Independent Persons in accordance with and for the purposes of the Staff Procedure Rules.
 11. To undertake the role of Hearings Panel in respect of a complaint that a Member or co-opted Member has failed to comply with the Code of Conduct upon the matter being referred to the Committee by the Monitoring Officer in accordance with the arrangements adopted by the Council under the Localism Act 2011.

2.3 General Purposes and Audit Committee

(Membership 10 plus 1 independent non-voting co-opted Chair and 1 independent non-voting co-opted Member who may not be Members or officers of the Council and who are involved only in relation to Audit Functions)

General Purposes Functions:

1. Periodic review of the Scheme of Members' Allowances and approval of arrangements in respect of the scheme to reimburse costs incurred for childcare/dependent relative care, travel and subsistence whilst a Member is on Council business.
2. Appointments to outside bodies, subsequent to the Annual Council Meeting. [Note: The Council Solicitor, after consultation with the Chair of the General Purposes and Audit Committee or (in respect of Executive appointments) the relevant Cabinet Member, may also make appointments to outside bodies as necessary during the year.]
3. Consideration of changes to the Constitution recommended by the Constitution Working Group, except for the allocation of responsibilities by the Leader, and referral of any proposals to full Council for approval. Periodic review of the Constitution.
4. Receive reports relating to the Council's use of powers under the Regulation of Investigatory Powers Act 2000.
5. Any matter not reserved to the Council or delegated to another Committee

and related to a non-executive function.

6. Any matter reserved to the Council and a non-executive function, or a matter reserved to a non-executive committee or sub-committee of the Council which requires, in the Committee's view or on the recommendation of the Cabinet, the Chief Executive or an Executive Director, action as a matter of urgency.
7. Any protocol concerning the exercise of relevant delegated powers of the Committee.

Audit Functions:

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

11. To make an annual report to the full Council.

General Purposes and Audit Urgency Sub-Committee

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

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

- 2.4. **Health and Wellbeing Board** (Membership: 5 Majority Group Members (voting) such members to include the Cabinet Member for Families Health and Social Care and the Cabinet Member for Children, Young People and Learning , 2 Minority Group Members (voting), Executive Director People (non-voting), Director of Public Health (non-voting), CCG Representative (voting), Croydon University Hospital Chair (non-voting), Healthwatch Representative (voting), SLAM representative (non-voting), Croydon Voluntary Action representative (non-voting). The terms of Reference of the Health and Wellbeing Board are set out in Part 4L
- 2.5. **Licensing Committee** (Membership 12. A further 12 Members shall form a pool of reserve Members for the Committee).
 1. All licensing, registration and related functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and the Licensing Act 2003 (Note: Applications and other matters under the Licensing Act 2003 shall be determined in accordance with the schedule of delegations at Annex 2 to the Protocol on Licensing Hearings. Responsibility for hearing and determining applications where a hearing is required under the provisions of the Licensing Act 2003 shall be delegated to the Licensing Sub- Committee).
 2. Matters relating to the adoption or review of the Authority's Licensing Statement prior to final consideration by the Council as part of the policy framework.
 3. Subject to any matters reserved to the full Council by statute, to exercise all functions of the Council as Licensing Authority under the Gambling Act 2005 including the power to set fees under s212 of the Act. (Note: Responsibility for hearing and determining applications where a hearing is required under the Gambling Act 2005 shall be delegated to the Licensing Sub-Committee).
 4. To comment on the three year Statement of Principles in respect of the Authority's functions under the Gambling Act 2005 prior to its adoption by the full Council; and to make recommendations to the full Council on all Licensing functions under both the Gambling Act 2005 and the Licensing Act 2003 where those functions are reserved to full Council.
 5. Health and Safety functions under the relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the

extent that those functions are discharged otherwise than in the Council's capacity as employer.

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

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

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

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

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

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

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

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

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

2.8. Pension Committee (Membership 8, plus 1 Staff Side non-voting co-opted member and 2 Pensioner Side co-opted Members (1 voting co-opted member and one non-voting co-opted member). Staff side and Pensioners' side members are appointed on an annual basis following consultation with the Staff side and Pensioners of the Pension Fund. Pensioners' side members are appointed in keeping with the outcome of an election by ballot of Pensioners of the Fund, normally for a term of four years. Terms of Reference are set out at Part 4N. Functions of the Pensions Committee are:

- 2.8.1. To ensure that the Fund is properly operated in accordance with the Local

Government Pensions Scheme Regulations (“the Regulations”) all other relevant legislation and best practice as advised by the Pensions Regulator, including financial, governance and administrative matters.

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

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

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

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

- 1. To determine applications for planning permission, where the recommendation is for approval by the Director of Planning and Strategic Transport, and the development is for:
 - a) a residential development containing 200 or more new dwellings or, where the number of dwellings is not given, the site area is 4 hectares or more; or
 - b) the erection of a building or buildings with a gross floor space of 10,000 square metres or more or, where the floorspace is not given, the site area is 2 hectares or more.
- 2. To determine applications for planning permission where the recommendation is for approval and the application exceeds the Sub Committee thresholds (see 2.10 below) and the development is for:
 - a) a residential development containing less than 200 new dwellings or, where the number of dwellings is not given, the site area is less than 4 hectares; or
 - b) the erection of a building or buildings with a gross floor space of less than 10,000 square metres or, where the floor space is not given, the site area is 2 hectares or more:

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

3. The confirmation of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 – as amended.
4. Any other application or planning matter referred to the Planning Committee by the Director of Planning and Strategic Transport acting in his or her discretion.
5. Planning Committee will only deal with reserved matters pursuant to outline planning permission where the Planning Committee have expressly requested (when determining applications for outline planning permission) that the subsequent reserved matters should be referred to Planning Committee for determination. This request should be included in the minutes and specified by way of an informative attached to the outline planning permission.
6. Applications for minor material amendments, variations of planning conditions and non-material amendments submitted under S.73 and S.96A of the Town and Country Planning Act 1990 will be determined by officers under delegated authority in all instances unless they fall within the remit of Planning Sub Committee (see 2.10 below).
7. Where the Planning Committee determines an item on an agenda:
 - a) In the event of changes being made to an officer recommendation by the committee, the task of formalising the wording of those changes, in accordance with the substantive nature of the committee's decision, is delegated to the Director of Planning and Strategic Transport;
 - b) The Director of Planning and Strategic Transport has delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Director of Planning and Strategic Transport is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
8. Where a report has been placed on the agenda of the Planning Committee but the meeting fails to start to consider the item prior to its 10pm guillotine, the determination of that matter shall be automatically delegated to the Director of Planning and Strategic Transport, unless the meeting determines otherwise by way of a resolution made prior to the 10pm meeting deadline and agreed on a two thirds majority.

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

1. To determine the following application types where the recommendation is for approval:
 - a) Applications for Planning Permission made under the Town & Country Planning Act 1990 for the construction of or a development in relation to building(s) with an existing
 - b) floorspace of no greater than 500 square or building(s) or extension(s) within the curtilage of such qualifying building(s);
 - c) Applications for planning permission made under the Town & Country Planning Act 1990 for development providing up to 5 units of residential accommodation;
 - d) Applications for listed building consent made under the Planning and Conservation Areas Act 1990;
 - e) Variations of planning conditions (covering issues such as variations in hours of use or other related changes in how a use operates pursuant to previous grants of planning permission)

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

2. All applications submitted pursuant to the Town and Country Planning (General Permitted Development) Order, applications for advertisement consent, minor material amendments and non-material amendments submitted under S.73 and 96A of the Town and Country Planning Act 1990, applications to discharge planning conditions and notwithstanding the above, minor extensions and alterations (including boundaries and rear outbuildings) involving less than 20 square metres of additional internal accommodation (gross internal) will be determined by officers under delegated authority in all instances
3. Any other application or planning matter referred to the Planning Sub-Committee by the Director of Planning and Strategic Transport acting in his or her discretion.
4. The Planning Sub-Committee may refer agenda items to Planning Committee for consideration and determination if they consider it necessary or appropriate to do so.
5. Where the Planning Sub-Committee determine an item on an agenda:
 - a) In the event of changes being made to an officer recommendation by the committee, the task of formalising the wording of those changes in accordance with the substantive nature of the committee's decision, is delegated to the Director of Planning and Strategic Transport;
 - b) The Director of Planning and Strategic Transport has delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Director of Planning and Strategic Transport is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision

reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

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

3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

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

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

4. EXECUTIVE DIRECTORS

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

Chief Executive
Executive Director /DCS Children, Families & Education
Executive Director/DASS Health Wellbeing & Adults
Executive Director for Place
Executive Director for Resources
Executive Director Gateway Strategy and Engagement
Executive Director Housing
Non-Executive delegations to the Chief Executive

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

- 4.2.1. such protocols as may be approved by a Committee or Sub-Committee from time to time and deposited with the Council Solicitor;

- 4.2.2. all Policies of the Authority;

- 4.2.3. any consequent expenditure being included in the Council's Revenue Budget or approved Capital Programme;

- 4.2.4. the requirements of the Tenders and Contracts and Financial Regulations;

- 4.2.5. compliance with any legal requirements and the provisions of any statutory codes of conduct or statutory guidance;
- 4.2.6. the approval of the Council Solicitor to the instigation and conduct and settlement of legal proceedings and to the engagement of any lawyer to act for the Council;
- 4.2.7. compliance with any legal requirements and the provisions of any statutory codes of conduct or statutory guidance;
- 4.2.8. the approval of the Director of Human Resources to the grading and conditions of service of staff (other than those based in schools or subject to the conditions of service of the Chief Officers and Chief Executives J.N.C.);
- 4.2.9. the approval of the Appointments Committee to the grading and conditions of service of staff employed subject to the conditions of service of the Chief Officers and Chief Executives J.N.C.

Executive delegations to the Chief Executive

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

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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.

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, with the exception of the role of Independent Chair of General Purposes and Audit Committee, which is a four year term. 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 and General Purposes and Audit 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. Council will appoint an Independent Chair of General Purposes and Audit Committee for a four-year term. This appointment is in respect of the Audit functions of the Committee only and not in respect of the General Purposes functions of the Committee. When meeting to recruit an Independent Chair of General Purposes and Audit Committee, the role of Chair of Appointments Committee shall not be held by the Cabinet Member with responsibility for finance.
- 2.4 With the exception of General Purposes and Audit Committee, 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 a vacancy to the Vice-Chair of General Purposes and Audit Committee during the Council Year, this shall be filled by election at the first meeting of the relevant 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.

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.

- 3.3 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.
- 3.4 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.
- 3.5 The Independent Chair of the General Purposes and Audit Committee shall chair the Committee in relation to all Audit functions. The Vice Chair of General Purposes and Audit Committee shall chair General Purposes and Audit Urgency Sub Committee and General Purposes and Audit Committee for General Purposes functions of the Committee.

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 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 Park Hill and Whitgift which shall return one Member, and the following Wards which shall each return two Members: Addiscombe East, Kenley, New Addington North, New Addington South, Norbury and Pollards Hill, Norbury Park, Old Coulsdon, Purley Oaks and Riddlesdown, Selhurst, Selsdon and Addington Village, Selsdon Vale and Forestdale, and Shirley South, 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];
- (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.

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 independent voting co-optees for specified purposes	6 Members + 2
Ethics Committee	6 Members + 2 independent non-voting co-optees
General Purposes & Audit Committee	10 Members + 1 independent Chair for Audit Purposes (non-voting co-optee) and 1 independent non-voting co-optee (for Audit Purposes)
General Purposes & Audit Urgency Sub- Committee	3 Members drawn from the membership of the General Purposes and Audit Committee excluding Independent Chair and independent non-voting co-optee.

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

Committee	Membership
Pension Committee	8 Members + 1 voting co-optee and 2 non-voting co-optees
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
Executive Director of Resources and Council Solicitor	Monitoring Officer
Director of Finance Investment and Risk	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 more than £1,000,000 or such smaller sum which the decision-taker considers is significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) 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, other Council Committees and Sub-Committees shall follow the Non-Executive Committee Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.8 Decision making by Council bodies acting as tribunals

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

13.9 Decision making by Health and Wellbeing Board

The Authority has established a Health and Wellbeing Board with functions and terms of reference as set out in Part 4L. The Health and Wellbeing Board

is, save for the following exceptions, to be treated as a Council Committee and subject to the Non-Executive Procedure Rules as set out in Part 4 of this Constitution. The exceptions are:

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

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) below, changes to this Constitution 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) The Chief Finance and Section 151 Officer may agree changes to the Council's Financial Regulations in consultation with the Chief Executive and the Monitoring Officer.
- (d) The Council Solicitor shall be empowered to make any changes to the Constitution which arise as a result of legislative changes and any changes necessitated by administrative convenience.
- (e) The Head of Paid Service is empowered to make any changes to the job titles and/or descriptions of Officers within the Constitution as necessitated by changes to these titles/descriptions.

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 16 Suspension, interpretation and publication of the Constitution

16.1 Suspension of the Constitution

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

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

16.2 Interpretation

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

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

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

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

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

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

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

16.3 Publication

- (a) The Council Solicitor 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 6A

SCHEME OF MEMBERS' ALLOWANCES

- 1 The Council has adopted a scheme of Members' allowances that complies with the Local Authorities (Members Allowances) (England) Regulations 2003 (No. 1021) as amended and having considered the recommendations of the London Councils' Independent Panel 2018 on the Remuneration of Members in London.

The Croydon scheme provides for:

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

As amended 02.2019, 08.2019 and 03.2021

Scheme;

- The scheme does not provide for the payment of any allowances to co-optees, with the exception of the Independent Chair of General Purposes and Audit Committee (who receives a basic allowance but no other allowances as a 'co-optee allowance') Where a co-opted member is suspended or partially suspended from their responsibilities or duties any co-optees' allowance payable to them in respect of the responsibilities or duties from which they are suspended or partially suspended may be withheld by the authority.
 - The scheme introduces payment for Adoption Panel but not for Fostering Panel;
 - Members shall only be entitled to a pro-rata payment in respect of a term of office which is not for a complete year, which would include any job share arrangements;
 - The term of office of the Independent Chair of the General Purposes and Audit Committee is four years and the allowance is payable annually under this Scheme. They shall only be entitled to a pro-rata payment in respect of the annual allowance for any period which is not served as a complete year.
 - In all other respects, the scheme of allowances as set out here shall remain in place until such time as the Council decides otherwise.
- 2 The respective levels of Basic and Special Responsibility Allowances payable from 28 May 2018 are set out in Appendix B.
- 3 The Mayor and Deputy Mayor shall receive allowances for expenses in accordance with relevant legislation in relation to the discharge of their ceremonial and other duties. The level of expenses paid to the Mayor and Deputy Mayor are as shown in Appendix B.
- 4 The level of the Basic Allowance, Special Responsibility Allowances, Mayor's and Deputy Mayor's Allowances shall be subject to annual adjustment in accordance with the annual local government staff pay settlement however Members may review this aspect no more frequently than annually to determine whether there will be an adjustment for the upcoming Council year.
- 5 All Members shall continue to receive their Basic Allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave (subject to the six month councillor attendance at meetings requirement under section 85 of the Local Government Act 1972).

- 6 In specific circumstances the payment of a Special Responsibility Allowance may continue during a period of absence in the case of maternity, adoption, shared parental, paternity and sickness leave. Where the SRA is paid at a reduced level the payment will be applied proportionately during the period of absence. Where members have elected not to receive their SRA no payment will be made. The Council, relevant committee/body or Leader in case of Cabinet Members, as appropriate, may depending on the circumstances, appoint a temporary replacement to cover the period of absence, who will be entitled to an SRA pro-rata for the period of the temporary appointment.
- 7 Full details of entitlement to leave and allowances as a result of maternity, adoption, shared parental, paternity and sickness are attached at Appendix C.

DEPENDENT CARERS, TRAVEL & SUBSISTENCE ALLOWANCE SCHEMES

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

Approved Duties

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

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

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

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

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

DEPENDENT CARERS ALLOWANCE

1. Expenditure not less than the London Living Wage, currently £10.20 per hour, incurred in respect of care provided by a person that is not a member of the Member's household, for:
 - The care of children 15 years of age or under living in the Member's household; or
 - The care of other dependants where there is medical or social work evidence that care is required.

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

Rail or other Public Transport

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

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

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

Taxi-Cab or Cab

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

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

Private motor vehicle

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

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

Private bicycle

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

Hired Cars

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

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

Breakfast Allowance **£4.92**

More than 4 hours away from normal place of residence or a lesser period before 11am.

Lunch Allowance **£6.77**

More than 4 hours away from normal place of residence or a lesser period including the lunchtime between noon and 2pm.

Tea Allowance **£2.67**

More than 4 hours away from normal place of residence or a lesser period including the period 3pm to 6pm.

Evening Allowance **£8.38**

More than 4 hours away from normal place of residence or
a lesser period ending after 7pm.

Overnight Absence **£79.82**

From usual place of residence

Overnight Absence in London **£91.04**

Or for the purpose of attendance at an annual conference (including or not including an annual meeting) of the Association of County Councils, the Association of Metropolitan Authorities and the Association of District Councils or such other association of bodies as the Secretaries of State may for the time being approve for the purpose.

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

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

COUNCILLORS' BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES MAY 2018-2022

		(£)
Basic Allowance	All Members	11,692
	Mayor's Allowance	15,900
	Deputy Mayor's Allowance	7950.40
to include in the Basic Allowance the following one-off Members' ICT payment		
	Members elected in local elections in 2022 and thereafter	800
Special Responsibility Allowances - Paid in addition to Basic Allowance		
	Leader of the Council	35,972
	Statutory Deputy Leader	30,352.80
	Cabinet Members (up to 7 positions)	27,503.20
	Deputy Cabinet Members (up to 4 positions)	8,268
	Chair - Scrutiny and Overview Committee	20,942
	Deputy Chair - Scrutiny and Overview Committee	8,585.60
	Majority Group Secretary	8,268
	Majority Chief Whip	12,121.80
	Chair - Licensing Committee	8,246.40
	Chair - Planning Committee	13,224.80
	Member of Adoption Panel	3,683.20
	Chair - Pension Committee	7,368
	Cabinet Member Advisory Committee Chair (up to 4 positions)	5,000
	Largest Minority Group	
	Leader of the Opposition	17,956
	Deputy Leader (1 position)	7,520
	Shadow Cabinet Members (up to 7 positions)	5,615.20
	Chief Whip	5,615.20
	Group Secretary	5,505.60
	Vice Chair - Scrutiny and Overview Committee	8,585.60
Co-optee allowance	Chair - General Purposes and Audit Committee	8,000.00

APPENDIX C

PARENTAL AND SICKNESS LEAVE ARRANGEMENTS

Introduction

This Appendix sets out Members' entitlement to maternity, paternity, shared parental adoption leave and sickness leave and relevant allowances.

The objective is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority Members. It will also assist with retaining experienced Members – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for elected Members. This applies to MPs as well as Members and these arrangements can therefore only currently be implemented on a voluntary basis by individual Councils.

1. Leave Periods

Maternity

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

Paternity

1.4 Members shall be entitled to take 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren). The Member may take one week at a time or two consecutive weeks of paternity leave, but not single days or less than a week's duration. Paternity leave must be taken within two months of the birth or adoption.

Shared parental leave

1.5 A Member is entitled to Shared Parental Leave if they have (or share with the other parent) the main responsibility for the care of the child and are either the

Mother, Father, Main Adopter or Other Adopter of the child, or the spouse, civil partner or partner of the Mother/Main Adopter.

A Member may share up to 50 weeks leave if the Mother/Main Adopter curtails their maternity/adoption leave before using their full entitlement of 52 weeks. The number of weeks available as Shared Parental Leave will be reduced by the number of weeks maternity or adoption leave that has already been taken by the Mother or Main Adopter.

Shared Parental Leave can be taken as one continuous block or in multiples of complete weeks, but must end no later than one year after the birth/placement of the child.

1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

Adoption

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

Sickness

A Member who is sick will continue to receive the basic allowance as long as they remain a councillor and comply with the attendance requirements regarding council meetings under section 85 of the Local Government Act 1972. They will also continue to receive any SRA for a period of up to six months during any 12 month period subject to review and a possible extension by six months.

General

1.8 Any Member who takes maternity, shared parental, adoption or sickness leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental, adoption or sickness leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council as set out in paragraph 4 below, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2 Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity, adoption or sickness leave as long as they remain a Member (subject to the six month councillor attendance at meetings requirement in section 85 of the Local Government Act 1972).

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental, adoption or sickness leave for a period of 6 months followed by a further period of 6 months at half rate.

3.2 Where a temporary replacement is appointed to cover the period of absence that person shall also receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a temporary replacement, during a period of maternity, paternity, shared parental, adoption or sickness leave shall continue for a period of six months subject to a possible extension for a further six month period or until the Member or temporary replacement ceases to be appointed to a position entitling an SRA or is up for election whichever is the sooner.

3.4 Should a Member appointed to act as a temporary replacement for the Member on maternity, paternity, shared parental, adoption or sickness leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

4. Notification

4.1 Maternity Leave: The Member should notify the Head of Democratic Services of their intention to take maternity leave in writing no later than 28 days before the date they wish the period of maternity leave to start and:

- i) Confirm the expected date of childbirth;
- ii)) Provide a copy of the MATB1 (available from a doctor or midwife);
- iii) Confirm the dates which the Member will be absent.

4.2 Paternity Leave: The Member should notify the Head of Democratic Services of their intention to take paternity leave in writing no later than 28 days before they wish the period of paternity leave to start and:

- i) Confirm the expected date of childbirth; or date the child is expected to be placed for adoption (UK Adoption); or the date on which the child is expected to enter Great Britain (Overseas Adoption);

- i) Provide a copy of the MATB1 or matching certificate/official notification;
- iii) Confirm the dates which the Member will be absent.

4.3 Adoption Leave: The Member should notify the Head of Democratic Services of their intention to take adoption leave in writing no later than 28 days before the date they wish the period of adoption leave to start and:

- i) Confirm they are the Main Adopter and the date the child is expected to be placed for adoption (UK Adoption) or the date on which the child is expected to enter Great Britain (Overseas Adoption);
- ii)) Provide a copy of the matching certificate/official notification;
- iii) Confirm the dates which the Member will be absent

4.4 Shared Parental Leave: The Member should notify the Head of Democratic Services of their intention to take shared parental leave in writing no later than 28 days before the date they wish the period of shared parental leave to start and:

- i) Confirm their entitlement to shared parental leave and the expected (or actual) date of birth/placement;
- ii) Confirm the start and end dates of the Mother/Main Adopter's maternity/adoption leave, the amount of shared parental leave available and how much each parent intends to take;
- iii) Provide a copy of the MATB1 or matching certificate/official notification;
- iv) Confirm the dates which the Member will be absent.

4.5 Sickness Leave. The Member should notify the Head of Democratic Services where they are likely to be sick for a period in excess of 2 months.

4.6 If the Member wishes to change the start date of a period of leave they should write to the Head of Democratic Services no later than 28 days before either the original start date or the new start date (whichever is earlier).

4.7. If the Member wishes to change the end date of a period of leave they should write to the Head of Democratic Services at least 28 days before either the original end date or the new end date (whichever is earlier).

4.8. The Head of Democratic Services will provide confirmation that the information on revised dates has been received and that relevant re-instatement or adjustment of any SRA has taken place within 10 working days.

5. Resigning from Office and Elections

5.1 If a Member decides not to return at the end of their maternity, paternity, and shared parental, adoption or sickness leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

5.2 If an election is held during the Member's maternity, paternity, shared parental, adoption or sickness leave and they are not re-elected, or decide not to stand for re-election, their Basic Allowance and SRA, if appropriate, will cease from the Monday after the election date when they would technically leave office.

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