

General Purposes & Audit Committee Agenda



To: Dr Olu Olasode (Chair)
Councillor Karen Jewitt (Vice-Chair)
Councillors Stephen Mann, Nina Degrad, Paul Scott, Chris Clark,
Joy Prince, Stuart Millson, Steve Hollands, Simon Hoar and Luke Clancy

Reserve Members: Pat Clouder, Bernadette Khan, Sean Fitzsimons,
Clive Fraser, Andrew Pelling, Kola Agboola, Jason Cummings,
Badsha Quadir, Ian Parker and Jeet Bains

A meeting of the **General Purposes & Audit Committee** which you are hereby summoned to attend, will be held on **Tuesday, 25 January 2022 at 6.30 pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

JOHN JONES
Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Cliona May
020 8726 6000 x47279
Cliona.May@croydon.gov.uk
www.croydon.gov.uk/meetings
Monday, 17 January 2022

Residents are able to attend this meeting in person, however we recommend that you watch the meeting remotely via the following link:

<https://webcasting.croydon.gov.uk/14316-General-Purposes---Audit-Committee>

If you would like to attend in person please note that spaces are extremely limited and are allocated on a first come first served basis. If you would like to attend in person please email democratic.services@croydon.gov.uk by 5pm the working day prior to the meeting to register your interest.

The agenda papers for all Council meetings are available on the Council website www.croydon.gov.uk/meetings

If you require any assistance, please contact Cliona May
020 8726 6000 x47279 as detailed above

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from any members of the Committee.

2. Minutes of the Previous Meeting

To approve the minutes of the meeting held on 4 March 2021 as an accurate record. *(Copy to follow)*

3. Disclosure of Interests

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

4. Urgent Business (if any)

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

5. Presentation on an area of Risk (Pages 5 - 6)

6. Review of the MTFs January Cabinet Report

Report to follow.

7. Revisions to Annual Governance Statement (AGS) (Pages 7 - 50)

This report includes the draft AGS for review and approval in accordance with CIPFA guidance.

8. Revisions to the Council's Constitution (Pages 51 - 200)

This report includes an update to the Committee on the progress in reviewing the Council's Constitution in preparation for the introduction of the mayoral model of governance.

9. Local Government & Social Care Ombudsman Report (Pages 201 - 228)

This report includes the public interest report dated 6 December 2021 and the recommendations made by the Local Government & Social Care Ombudsman (LGSCO).

10. Council Meeting Dates 2022/23 (Pages 229 - 242)

This report includes two schedules of dates for Council and Cabinet Meetings for the Council year 2022/23.

11. Work Programme (Pages 243 - 248)

This report includes the General Purpose & Audit Committee's work programme for the municipal year 2021/22.

12. Exclusion of Public and Press

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

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Whitgift Risk: Risk Register New Layout

Risk Ref	Risk Scenario		Assigned To	Current			Future Risk Rating		
	Risk	Impact		Impact	L'hood	Total	Impact	L'hood	Total
PST0001 Cheesbrough, Heather	<p>The Whitgift Centre is not redeveloped as anticipated.</p> <p>Reviewed by risk owner Nov 21</p> <p>Previous uncertainty in respect of retail behaviours has been exacerbated by Covid 19, which has further affected the likelihood of the risk materialising . The redevelopment was removed from the Unibail development pipeline in Feb 20 and there is no date for the redevelopment. The Croydon Limited Partnership (CLP) partners are both suffering from loss of income and are seeking to raise funding to strengthen their balance sheets. Both partners need to review business model and agree new approach to the Whitgift during a time of uncertainty and restricted finances Major personal changes in both partners give rise to a loss of organisational memory.</p> <p>Reviewed at CMT 23/11/21</p> <p>(Risk generated 18/05/2015).</p>	<ul style="list-style-type: none"> Major economic and social impact if development does not go ahead. Political and media scrutiny.... 	Cheesbrough, Heather	5	5	25	4	4	16

Page 5

Existing Controls

- Communication channels between politicians and officers with CLP kept cordial and relationship maintained to optimise influence . -
- Consultation with all interested parties, including major land holders. - Town Centre Advisory Board set up of key stakeholders with the Leader to chair . Inaugural meeting Jan 2022
- LBC to continue to press CLP for a robust Meanwhile and Management Strategy to maintain footfall -with monthly meetings to exchange enquiries/contacts and proposals
- Officers and their consultant team continue to seek to hold CLP to account on their plans and to manage -the CPO process to minimise impact to the Council's reputation and the vitality of the town centre .
- Potential to refuse to give consent to exercise Notice of Entry, on applicable land vested by Council -
- Projects will need to be reprofiled within the Growth Zone to later years. -
- Regular communication with the Whitgift Foundation -
- Regular meetings with CLP to maintain dialogue between partners. -Robust discussion through planning pre-application process. ..
- Relevant Officers / Politicians meet every six weeks under Clause 11 meetings schedule and criteria. -
- Robust record keeping and retention of professional advisor team who have been involved since the beginning of the project -
- test -test
- The Council through its statutory powers - Local Planning Authority (LPA), CPO and land assembly, and as a Highway Authority. -
- The ending of the exemption for CLP to pay Business Rates on unoccupied buildings due to the CPO -
- The Indemnity Land Transfer Agreement (ILTA) sets out the responsibilities of the parties, penalties with. -timeframes, which will need to be complied with and will need to be actively managed.

Future Controls Target Date

- End the arrangements entirely with agreement, but would have to address all outstanding issues, land transfer, compensation and make provision for various outstanding claims. (Completion financial year 2021/22).
- The Council seeks to introduce a new development partner, once the ILTA expires (February 2026).

Agenda Item 5

- The preparation of a new Indemnity Land Transfer Agreement (ILTA) that reflects the changed circumstances. (Completion financial year 2025/26). This would require the agreement of both parties

REPORT TO:	GENERAL PURPOSES AND AUDIT COMMITTEE 25 January 2022
SUBJECT:	Annual Governance Statement 2020/21
LEAD OFFICER:	Richard Ennis, Corporate Director of Resources (interim)
WARDS:	All
CORPORATE PRIORITIES 2021-24: The Croydon Renewal Plan includes a focus on achieving stronger governance, management practice and internal controls, supported by actions to change culture and behaviours.	
FINANCIAL IMPACT Implementation of the recommendations within this report shall be contained within existing budgets.	

<p>RECOMMENDATION</p> <p>General Purposes and Audit Committee is recommended to:</p> <ol style="list-style-type: none"> 1. Review and approve the revised draft Annual Governance Statement 2020/21 (Appendix 1). 2. Note the updated Code of Governance (Appendix 2). 3. Agree to receive a progress report on implementation of the Annual Governance Statement action plan soon after the completion of the 2021/22 financial year.
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1. EXECUTIVE SUMMARY

- 1.1 Legislation requires that the Council conduct a review at least annually of the effectiveness of its system of internal control and to prepare a statement on internal control in accordance with proper practices. The purpose of the Annual Governance Statement ('AGS'), which is published with the Statement of Accounts, is to provide an accurate representation of the Council's governance arrangements in place during the year and to identify areas where there are significant gaps or where improvements are required.
- 1.2 The draft AGS reflects changes requested by the Committee at its last meeting and is presented for review and approval in accordance with CIPFA guidance, prior to the document being presented to the Leader and Chief Executive for signature.

2. BACKGROUND

- 3.1 Regulation 6(1) of the Accounts and Audit (England) Regulations 2015 requires that the Council conduct a review at least once a year of the effectiveness of its

system of internal control and to prepare a statement on internal control in accordance with proper practices.

3.2 The purpose of the AGS, which is published with the Statement of Accounts, is to provide an accurate representation of the corporate governance arrangements which have been in place during the year 2020/21 and to identify those areas where there are significant gaps or where improvements are required.

3.3 The Committee considered a draft of the Annual Governance Statement for 2020/21 at its meeting on 25 November 2021. The covering report confirmed that the draft had been informed by:

- The independent review of the Council's governance (March 2020)
- The Council's Annual Governance Statement for 2019/20
- The Independent Finance Review (October 2020)
- The Report in the Public Interest (October 2020)
- The strategic review of the Council's subsidiary companies (November 2020)
- The rapid non-statutory review (November 2020)
- The Croydon Renewal Plan (November 2020)
- The Scrutiny Improvement Review conducted by the Centre for Governance and Scrutiny (January 2021)
- Reports by internal and external Audit produced throughout the year.

It had also been informed by discussions with relevant officers across the Council and shared with all Directorate Leadership Teams for comment.

3.4 The Committee was also informed that, in normal circumstances, the AGS would have been prepared in light of assurance statements completed by all Council directors (this is normal practice but not a legislative requirement). For the year 2020/21, the decision was taken not to seek assurance statements in light of:

- a) the significant amount of externally-produced information about areas for improvement in the Council's governance and
- b) the need for officer attention to focus on identified improvement actions and the development of plans for a balanced budget.

The process for development of the Annual Governance Statement for 2021/22 is set out at section 4.7 below.

4. PROPOSAL

- 4.1 A revised draft of the AGS for 2020/21 appears at Appendix 1. Following the comments of the Committee and after further consideration, the following revisions have been made:
- i) Clarification that the accounting treatment of Croydon Affordable Homes and Croydon Affordable Tenures is under review both by the Council and Grant Thornton (page 1);
 - ii) Deletion of text stating that the 2019/20 AGS had been revised: the Statement was signed by the Leader and Chief Executive in October 2020 and has not been changed. Any new information coming to light will be reflected in future Annual Governance Statements (page 2);
 - iii) Deletion of outdated content relating to YourCare (page 4);
 - iv) Corrections to text relating to the Executive Leadership Team (page 5);
 - v) Additional text has been inserted into the section on Decision-making and governance to reference the independent review of governance (page 5);
 - vi) Clarification of the basis on which the role of independent Chair of GPAC was established (page 6);
 - vii) Additional text has been inserted preceding the action plan to set out planned arrangements for monitoring delivery (page 15).
- 4.2 The opportunity has also been taken to correct some non-material typographical errors in the previous draft.
- 4.3 The draft AGS reflects the Council's governance during the year 2020/21. It identifies significant actions underway during the current year to address areas for improvement, but does not include all developments which have taken place since 31 March 2021: these will be addressed in the AGS for 2021/22.
- 4.4 The draft AGS has been shared with the Chief Executive and Leader in recognition that they will be required to sign the final version of the AGS.
- 4.5 It is proposed to bring a report back to the Committee at the end of the financial year to provide an update on progress in implementing the AGS action plan.
- 4.6 The Council's Code of Governance (Appendix 2) describes the systems and processes in place to ensure good corporate governance. It sets out the Council's governance arrangements against each of the core principles of good corporate governance identified in the CIPFA/ SOLACE framework 'Delivering good governance in Local Government' (2007). The Code has been reviewed and revised as part of the process of preparing the AGS: where gaps have been found, they have been identified in the AGS and its action plan.
- 4.7 The opportunity has been taken, informed by the process of developing the AGS for this year, to revise the process of obtaining statements of assurance

from directors to inform the AGS for 2021/22. Directors will be asked to complete a fuller statement than in previous years, giving detail of work planned to address areas for improvement. These statements will then be reviewed and counter-signed by the relevant Corporate Directors to ensure appropriate challenge and oversight of improvement actions. The statements will be used to inform an assessment of the effectiveness of the Council's governance for 2021/22.

5. CONSULTATION

- 5.1 The Council's external auditors, Grant Thornton, have been given the opportunity to comment on the draft AGS prior to its consideration by the Committee.

6. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 6.1 There are no direct financial implications arising from the Annual Governance Statement in its own right. However, there are a number of issues highlighted in the statement which could and will have significant implications for the council.

Approved by: Richard Ennis, Corporate Director of Resources and s151 Officer.

7. LEGAL CONSIDERATIONS

- 7.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Legal Services and Deputy Monitoring Officer that in accordance with The Accounts and Audit Regulations 2015:
- a. The Council shall be responsible for ensuring that the financial management of the Council is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk; and
 - b. The Council shall each financial year conduct a review of the effectiveness of its system of internal control and shall publish an Annual Governance Statement with its statement of accounts.
- 7.2 The Regulations require that the findings of the review of the system of internal control must be considered by a committee of the Council, or by members of the Council meeting as a whole and approve the Annual Governance Statement by resolution of a committee of the Council or by members of the Council meeting as a whole.
- 7.3 The preparation and publication of an Annual Governance Statement in accordance with the 2016 CIPFA / SOLACE Framework meets the statutory requirement set out in the Regulations for authorities to prepare a statement of internal control in accordance with "proper practices".

Approved by: Sandra Herbert, Head of Litigation and Corporate law on behalf of the interim Director of Legal Services and Deputy Monitoring Officer.

8. HUMAN RESOURCES IMPACT

- 8.1 There are no immediate HR impacts arising from this report for Council employees or staff. Any matters arising will be dealt with under the appropriate Council procedures.

Approved by: Gillian Bevan, Head of HR, Resources and Assistant Chief Executive

9. EQUALITIES IMPACT

- 9.1 The Council has a statutory duty to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must therefore have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The Council will ensure that its governance pays due regard to the requirements of Equality Act 2010.

Approved by: Denise McCausland Equality Programme Manager

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?

No.

Approved by: Richard Ennis, Corporate Director of Resources

13. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 13.1 General Purposes and Audit Committee has a responsibility to provide independent assurance on the adequacy of the risk management framework and the internal control and reporting framework, including the Annual Governance Statement. It is also good practice for the Committee to be provided with information and assurance regarding the status of actions identified to address areas for improvement in the AGS.

CONTACT OFFICER: Heather Wills, Governance Improvement Adviser;
heather.wills@croydon.gov.uk

APPENDICES TO THIS REPORT:

1: Draft Annual Governance Statement 2020/21

2: Code of Governance

BACKGROUND PAPERS: None

ANNUAL GOVERNANCE STATEMENT (AGS) 2020/21

Summary

This statement reflects the Council's assessment of its governance arrangements as at 31 March 2021 and identifies actions underway and planned which have been identified to address areas of weakness.

During the course of 2020/21, further significant issues relating to the Council's governance have been identified:

- Croydon Council's external auditors published on 23 October 2020 a 'Report in the Public Interest' (RIPI). The report set out serious concerns about the Council's financial situation, its financial decision-making and governance and made 20 recommendations.
- An independent strategic review of Brick by Brick, Croydon Affordable Homes LLP and the Council's Revolving Investment, Asset Investment and Growth Zone Funds was conducted by PWC in November 2020. The review found that Brick by Brick significantly underperformed against its 2019/20 business plan, there was an absence of company-wide cash flow and forecasting arrangements and the company's ambitious strategy of development had placed the Council at risk in relation to loans. Governance of all of these companies and funds and oversight by the Council required significant improvement.
- The accounting treatment of Croydon Affordable Homes and Croydon Affordable Tenures is under review by the Council and Grant Thornton and any financial implications will be dealt with appropriately. These could be very significant.
- Following an adverse qualification in the external auditor's conclusion on Value For Money for 2018/19, work on the 2019/20 Audit Findings report has not yet been completed. The accounts for 2019/20 and 2020/21 are in draft and some significant issues are still to be resolved.
- Significant overspending in relation to the refurbishment expenditure at Fairfield Halls is currently under review by the Council's external auditors.
- The Council issued 2 'Section 114 reports' in November and December 2020. These required the Council to identify actions in order to achieve a balanced budget, which included seeking a capitalisation directive from the Ministry of Housing, Communities and Local Government (MHCLG) in December 2020. Significant work remains to achieve a sustainable Medium Term Financial Strategy over the next 3 years.
- MHCLG commissioned a non-statutory 'rapid review' (completed in November 2020) and appointed an Improvement and Assurance Panel which issued its first report in February 2021.
- The Annual Report of the Head of Internal Audit for the year ending March 2020/21 provided only 'Limited Assurance' that the system of internal control accorded with proper practice. A number of internal audit reports have nil or limited assurance.

These issues demonstrate that there is still significant work to be done to embed good practice in financial management, project, programme and risk management and other associated good governance in the Council. Actions underway and planned during

2020/21 to deliver this work are set out in Table 2.

Background

During 2020/21 the Council fully recognised the scale and significance of issues to be addressed and the systemic change required. In December 2020 it adopted actions to address areas for improvement identified by the RIPI within the Croydon Renewal Plan, a major programme to deliver savings, strengthen governance and financial practices and embed new ways of working to put the Council on a more sustainable financial footing.

The Improvement and Assurance Panel, appointed in January 2021 and, which first reported in February 2021, provides external advice, challenge and expertise to the Council and assurance to the Secretary of State as the Council continues to deliver the Croydon Renewal Plan.

The Panel reports to MHCLG on a quarterly basis and provide support, advice and challenge to the Council on the delivery of the Croydon Renewal Plan. In addition to substantial input from the Improvement and Assurance Panel, support has been sought from a number of different sources including the Local Government Association and a review of the Council's scrutiny arrangements informed by the Centre for Governance & Scrutiny.

In order to balance the 2020/21 budget, borrowing of up to £70m for the financial year 2020-21 was sanctioned by the MHCLG in March 2021 under a 'Capitalisation Direction'. This agreement was and continues to be conditional on the Council delivering its renewal plans at pace and the provision of regular progress updates by the Improvement and Assurance Panel to MHCLG.

In addition to these developments, in March 2021 the Council launched an investigation into the condition of its housing stock following complaints and national press coverage of conditions at Regina Road, South Norwood. An independent report commissioned by Croydon from the ARK consultancy made a number of far-reaching recommendations to significantly change the arrangements and management of Croydon Council's housing stock.

The Council has worked to deliver the necessary and significant governance improvements arising from the events outlined above during the latter part of 2020/21 and into 2021/22. Consequently, governance arrangements continue to be subject to change. This Statement sets out both the position as at the end of 2020/21 and, given the timing of this report, the actions continuing into 2021/22 to complete those improvements.

~~The Annual Governance Statement for 2019/20, originally agreed by General Purposes and Audit Committee (GPAC) in October 2020, has been revised to reflect the various external reports received in 2020 and 2021 which related to the Council's governance during that year.~~ Improvement actions referred to in the revised 2019/20 statement are included and updated in this statement and in the action plan at Table 2.

Scope of responsibility

Croydon Council is responsible for ensuring that its business is conducted in

accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. Croydon Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, Croydon is responsible for putting in place proper arrangements for the governance of its affairs, and for facilitating the effective exercise of its functions.

The Council has approved and adopted a code of corporate governance, which is consistent with the principles of the *Delivering Good Governance in Local Government: Framework* (CIPFA / SOLACE 2016), ('the framework'). The code has not been reviewed and updated since 2017/18: a review is underway in 2021/22 for completion in November 2021.

The Annual Governance Statement (AGS) explains how Croydon Council has complied with the code and also meets the requirements of Accounts and Audit (England) Regulations 2015, regulation 6 (1), which requires all relevant bodies to prepare and approve an annual governance statement. Table 1 sets out progress in addressing significant areas for improvement in the 2019/20 AGS and Table 2 shows further actions to address areas of weakness identified in this statement. The Council is committed to ensuring that all identified activities in the AGS action plan are rigorously applied and monitored during the course of the year as part of its recovery plan and accountability is assigned for each specific identified risk and control measure.

The AGS has been reviewed in draft form by each directorate, the Executive Leadership Team (ELT), and the GPAC.

The Committee on Standards in Public Life report dated January 2019 made a best practice recommendation regarding separate bodies created by local authorities and how such bodies should be referenced in the Council's AGS together with the transparency expected from those bodies, namely that, '*Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place*'.

Croydon Council acknowledges that it has an 'arm's length' interest in the following organisations:

1. Croydon Council owns a 100% stake in the development company Brick By Brick Croydon Limited, which was established to deliver housing across a number of Council owned sites in the Borough. Activity in 2020/21 has continued, and group accounts have been prepared with Brick By Brick Croydon Limited. The Council took a decision in February 2021 to trade out 23 sites to completion and dispose of all of its remaining sites. It is anticipated that this process will be completed in 2023/4.
2. The Council has a 99% membership of LBC Holdings LLP which itself holds 10% holdings of the other LLPs in the structure. An independent charity, Croydon Affordable Housing, holds a 90% membership in each of the LLPs (other than LBC

Holdings LLP). The Council has entered into 80 year leases and 40 year loan transactions (amongst other agreements) with Croydon Affordable Homes LLP ('CAH') and Croydon Affordable Tenures LLP. A review of the financial accounting position in respect of CAH LLP is currently underway to address specific concerns raised by the Council's external auditor, utilising the technical team at PWC, and is necessary as part of finalising the draft accounts for 2019/20 and 2020/21. Any financial reporting and financial implications arising from this will be analysed following this review and reported appropriately.

3. Croydon Council holds 40% of control of the board of Octavo Partnership Limited, which was created to deliver school improvement services across the Borough of Croydon and beyond and sells discretionary support services to schools directly whilst delivering statutory services on behalf of Croydon Council. Financial activity in 2020/21 was not considered material.
4. Croydon also owns a 100% stake in Croydon Enterprise Loan Fund Limited, which is a growth programme designed to support businesses in Croydon to access finance in order to start or grow a business. Group activity is not judged to be material.
5. Croydon owns a 100% stake in YourCare (Croydon) Ltd, a company that **will carry carries** out sales of aids to daily living equipment to the public. Turnover and balances are not considered material. ~~Group accounts are not being prepared for Croydon Care Solutions Ltd, Croydon Equipment Solutions Ltd and Croydon Day Opportunities Ltd, as these companies have not traded during 2020/21, and any sums are immaterial.~~

In July 2021 Cabinet agreed the establishment of a Croydon Companies' Supervision and Monitoring Panel, chaired by the s151 Officer, to ensure good governance of the Council's external entities. The Panel will formally report at least biannually to Cabinet, making recommendations as appropriate.

Organisational structure and key responsibilities

The Council employs statutory officers to discharge specific functions. These include:

- The Head of Paid Service (the Chief Executive). This role was held on an interim basis from September 2020: a permanent appointment to the role was made in July 2021.
- The Monitoring Officer (the Council designated the role of the Executive Director of Resources as the Monitoring Officer in accordance with the Section 5 of the Local Government and Housing Act 1989). The Monitoring Officer role was covered by an interim Deputy Monitoring Officer from March 2021 following the absence on sickness leave of the postholder from February 2021.
- The Chief Financial Officer. The Council designated the Director of Finance, Investment & Risk (and Section 151 Officer) as the Chief Financial Officer in accordance with Section 151 of the Local Government Act 1972. This role was held on an interim basis from February 2021, following the resignation of the previous postholder. As at October 2021, the s151 Officer was the Corporate Director of Resources and reports directly to the Chief Executive.

Each of these statutory officers has the power to refer certain matters to the Council. During 2021/22 a regular meeting of the statutory officers has been established, chaired by the Chief Executive, to discuss current issues and liaise regularly between meetings on matters affecting the governance of the authority. The statutory officers ensure the provision of professional advice on all decision-making reports to ensure legal, financial, risk management and equality implications are addressed, including compliance with the Public Sector Equality Duty. Going forwards the terms of reference for the meeting will be reviewed to ensure that declarations of interest are managed and any conflicts are routinely declared and to enable an overview of significant contractual arrangements, ensuring that appropriate documentation and compliance is in place.

The Council has also appointed officers with statutory responsibilities for adults and children, public health and scrutiny.

The Council's Executive Leadership Team includes all officers reporting directly to the Chief Executive: in February 2021 5 of the team were suspended and subsequently 4 officers resigned. During the latter half period of 2020/21 these posts were all held by ~~interim officers on an interim basis~~. The post of interim Assistant Chief Executive was added to the structure to build corporate capacity and to support the delivery of improvement actions. In February 2021 the Ethics Committee agreed a Statutory Chief Officer Disciplinary Procedure that is the JNC Model Disciplinary Procedure, for adoption by the Appointments Committee.

As part of the Council's response to the Report in the Public Interest and the MHCLG Rapid Review a far-reaching review and consultation on the management structure of Croydon Council was launched in December 2020: the new organisational structure was approved by Full Council in July 2021 and will be implemented by November 2021. The new structure is designed to ensure the Council can deliver more effectively on its business strategy, address the significant service quality improvements and workplace culture changes required by having focused and sufficient management capacity and ensuring a more consistent, corporate and effective internal control system. The structure is a fundamental part of implementing the Croydon Renewal Plan.

Decision making and governance

The Council's arrangements for decision making and conduct of its statutory functions are set out in the Constitution. It contains rules for the conduct of decision-making meetings and the roles and responsibilities of members and officers.

There has been no systematic review of the Constitution in recent years. A comprehensive review is underway in 2021/22, informed by a member-led Constitution Working Group.

In October 2020, the Council considered an update report on the independent review of the Council's governance arrangements, which had been published in March 2020. The Council agreed the establishment of Cabinet Member Advisory Committees (CMACs) with the aim of increasing backbench Members' ability to influence forthcoming Cabinet decisions. Changes to Key Decision thresholds, arrangements for the publication of forthcoming decisions and procedure rules for Council meetings were also agreed. In January 2021 the Council agreed to delay the introduction of CMACs, the amended Key Decision threshold and amendments to Council procedure rules due

to a lack of capacity available to implement the new and changed arrangements following the issuing of two Section 114 reports. At that time it was intended that implementation be delayed until the 2021/22 municipal year, subject to appropriate resources and capacity being available in the Council budget. The resources and capacity were not identified in the 2021/22 budget and so the changes originally agreed in October 2020 had not yet been implemented as at January 2022.

The Council's policy and decision making is conducted through the Leader and Cabinet governance model, with the exception of non-executive matters and the Policy framework, which is set by Full Council. Members are accountable for strategic and major policy decisions and hold officers to account for delivery against agreed outcomes. The annual revenue and capital budgets are consulted upon prior to consideration and approval by Full Council in March each year. This sets the level of council tax and capital investment for the forthcoming financial year.

The Council's meetings are open to the public, except where personal or confidential matters are being discussed.

The Chief Executive (and Head of Paid Service) and senior officers make decisions under their relevant Scheme of Authorisations and the financial scheme of delegation. The Chief Executive is responsible for ensuring the Council's overall governance and the organisational structure are fit for purpose to deliver the Council's intended outcomes.

The Council publishes a 'Forward Plan' that details the key decisions to be made by the Leader, Cabinet, Committees or officers in relation to executive matters.

In February 2021, Council decided that a referendum should be conducted on its governance arrangements, the ballot to be held on 7th October 2021, and voters asked to choose between the current and mayoral models of governance.

The General Purposes and Audit Committee is responsible for discharging the functions of an audit committee, including reviewing the risk management process, the performance of Internal Audit and agreeing the external audit plan. The appointment of an independent chair of General Purposes & Audit Committee during 2021/22, in response to ~~as~~ a recommendation of the MHCLG rapid review, was designed to enhance the Committee's effectiveness as a source of independent assurance. The Committee's Terms of Reference will be reviewed as part of the wider review of the Constitution.

The Chief Executive chairs a weekly meeting of the Executive Leadership Team to consider key items of business and ensure the organisation is delivering against the Administration priorities. The Executive Leadership Team meeting is attended by all Executive Directors, plus the Head of Communications and the Director of HR.

Each Executive Director holds weekly Departmental Leadership Team meetings. These are used to support internal control processes (e.g. budget and risk management, monitoring of complaints, corporate performance) as well as key business within the department.

Directors are then responsible for cascading information down to Heads of Service (and vice versa) to ensure effective delivery of Council services and decision making in

accordance with the scheme of delegation.

Overview and scrutiny

The role of scrutiny is to scrutinise the decisions of the executive and to contribute to policy review and development.

During 2020/21 the Centre for Governance and Scrutiny conducted a Scrutiny Improvement Review. Their recommendations, to be implemented during 2021/22, should assist in strengthening the effectiveness of scrutiny.

Codes of Conduct

The Council has adopted a Code of Conduct for Members (including Co-opted Members). All Members are required to undertake to observe the Code of Conduct when they accept office as Councillors or are appointed to a Committee.

A review of the Members' Code of Conduct and arrangements for handling complaints on member conduct is underway during 2021/22, informed by recommendations by the Committee on Standards in Public Life and the new national Model Member Code of Conduct.

Details of Members' interests are published on the Council's website.

The Council has determined that its Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics and to consider matters relating to the Members' Code of Conduct. The Monitoring Officer conducts investigations into complaints on Member conduct and, where appropriate, convenes meetings of the Hearings Panel.

The Council has appointed several Independent Persons who are consulted on investigations on Member conduct complaints and may advise on other standards matters.

The Council also has a Code of Conduct for Officers: all staff are given their own copy as they are inducted into the organisation. This Code will also be reviewed in 2021/22 to ensure consistency of arrangements for reporting interests, gifts and hospitality for Members and Officers.

The Codes are supported by Protocols such as the Protocol on Staff Councillor Relations and the Planning Code of Good Practice, which are all contained within the Constitution and will be reviewed as part of wider work on its review.

In addition, a 'Guardians programme' is being implemented in 2021/22 and promoted via a series of webinars, to provide staff with a safe space to share concerns about behaviour or the culture at Croydon and be signposted where appropriate to mechanisms within and outside the Council where they can get advice about situations that cause them concern, such as perceived bullying or inappropriate behaviour. This is an approach which is recognised as contributing to the development of an open culture.

The Croydon Renewal Plan

The Croydon Renewal Plan is an umbrella term that covers the financial recovery plan, the submission to the MCHLG for a capitalisation direction and actions to respond to the RIPI.

Updates are provided regularly to the GPAC on progress in addressing the RIPI action plan and Internal Audit provides independent assurance of completed actions.

In November 2020 the Council adopted new Council Priorities and ways of working (replacing the Council's Corporate Plan 2018-2022) and this now forms part of the Council's policy framework. The focus of the new Priorities and Ways of Working is on practicing sound financial management, being transparent about spending and what the Council can afford by concentrating on core services and a small number of evidence-based outcomes. Delivery of these priorities is supported by new ways of working, namely: becoming a more transparent, open and honest council, involving residents in decision making and being clear about what the Council can do, and what it can't.

The savings projects within the Medium Term Financial Strategy have been prioritised in 2020/21 and in 2021/22 and beyond. Every project and action within the Croydon Renewal Plans has a clearly identified senior accountable officer (SAO) and a named project manager responsible for delivery. A Corporate Programme Management Office (PMO) is in place and works with the SAO and project managers to monitor progress against each project and to capture and report regular updates through a tracker system.

Each month, as part of the budget monitoring process, the PMO provides updates and insights on savings delivery which is then compared against service forecasts to identify any anomalies requiring further investigation. The Chief Executive chairs monthly savings assurance meetings to hold the SAO to account and to identify any risk areas, mitigating actions and savings.

During 2020/21 a Programme Steering Group was established to oversee delivery of key projects and programmes within the Croydon Renewal Plan. As these plans have developed and projects have mobilised, programme governance structures are under review with the intention to launch new arrangements in Autumn 2021.

During 2022/22 preparations will be made for the development of service plans for the year 2022/23, clearly linked to financial plans.

Performance and risk management

The RIPI identified signs that basic systems and controls were not in place, including a lack of appropriate performance management. From January 2021, work has been undertaken to rebuild the Council's performance and risk framework.

The performance management system sets key targets and produces performance monitoring reports for Cabinet and Scrutiny. The system includes measures of the quality of services for users, use of resources and value for money. The corporate performance team supports benchmarking activities for services and key performance indicators (KPIs), drawing on sector wide data sets from various organisations including the Local Government Association.

The Council's risk management process is designed to identify, assess and manage significant risks to the Council's objectives including risks associated with delivering the Croydon Renewal Plan. The process includes a risk management policy statement, corporate and departmental risk registers, and appropriate staff training delivered to risk owners (Heads of Service and above).

Since January 2021, the Council has started to work towards an approach to risk management including actions consistent with the 'Three Lines of Defence' model recognised by the Institute of Internal Auditors and HM Treasury 'Orange Book' standards, as good practice. The first 'line of defence' is implemented by the risk owners (the Council's departments, Executive Directors, Directors and Heads of Service) to ensure an effective control environment, implement risk management policies in relation to their roles and responsibilities, being fully aware of the risk factors to be considered in every decision and action. The second line of defence is the maintenance of a risk management framework and compliance functions, in supporting structured risk management implemented by risk owners. The third line of defence is implemented by both internal and external audit who take an independent view of the application of risk management, reviewing and evaluating the design and implementation of risk management and the effectiveness of the first and second lines of defence. Work is now required to ensure that this approach is embedded consistently across the Council.

Key corporate risks are reviewed quarterly by the Divisional and Departmental Management Teams, ELT and GPAC. This has been strengthened in 2020/21 with the agreement that risk management 'deep dives' on individual risks (attended by Cabinet Members to discuss mitigation actions) will take place at the GPAC in addition to a monthly review of corporate 'red' risks by ELT.

The action plan in response to the RIPI includes actions to increase ownership of and capability for risk management across the Council, including risks of non-delivery of financial savings. This includes:

- An externally-led review of the Council's financial risk appetite with Members and Officers to ensure that the council's financial capacity for managing risk is fully understood.
- A development session for Cabinet on risk management, to be followed up during 2021/22.
- 1-1 training sessions for relevant Officers on the identification of risks and use of risk management software, to be extended to all Directors and Corporate Directors in the new council structure from October 2021.
- During 2021/22, reporting on finance, performance and risk will be combined into one reporting function to enable a corporate overview, with monthly reports to Cabinet.
- Ensure risk considerations are identified at the outset of all new decisions, both for the individual decision and its impact on the whole of the Council by way of the risk and financial impact sections of Member reports.
- All new programmes of work will be subject to sign off at a Programme Steering Group to ensure appropriate consideration of risk.
- Terms of reference for GPAC and Scrutiny and Overview Committee are being reviewed as part of a wider review of the Constitution, to ensure clarify of roles and responsibilities in relation to risk.

Systems, policies and procedures

A new process was begun in June 2020 to develop a new three-year Medium Term Financial Strategy (MTFS) which is updated annually supporting the Council's strategic objectives. The financial strategy has been designed to ensure the economical, effective and efficient use of resources including a financial management process for reporting the Council's financial standing. There is still significant work required to balance the MTFS over the three years.

An independent review of the Council's financial management arrangements was commissioned in May 2020, focused on medium to long term financial management, the annual budget setting process and financial performance monitoring. An action plan has been developed and implementation is underway. Since the Section 114 reports were issued, a Spending Control Panel meets daily to ensure compliance with the requirement to cease all non-essential spending. An essential element of the improvement plan is for all budget managers to have training in finance for non-finance managers.

A Procurement Board meets weekly with director-level attendance to ensure compliance with the Council's Contract and Tender Regulations, holding managers to account and providing challenge to ensure that the use of waivers is minimised. Internal Audit identified a number of improvements required to tender evaluations, contract frameworks, systems and documentation. These are being addressed in a contracts improvement plan to be approved in 2021.

The Council identified a need to develop a more strategic overview of the pipeline of commissioning and contracts and in 2021 has set up a Board to achieve this.

While the Council's capacity in relation to project and programme management has been strengthened through the establishment of the PMO, significant underspends on capital projects continue and considerable work is still required to ensure robust management of capital projects, including financial appraisal skills for those leading projects.

The Council's formal complaints policy sets out how complaints can be made by the public, what should be expected in terms of response and how to appeal. Lessons learned from complaints are reported in an annual report to directorate leadership teams and ELT.

The Local Government and Social Care Ombudsman issued one public report about the Council during 2020/21. The Council accepted the Ombudsman's final report and recommendations and the Ombudsman confirmed their satisfaction with the actions taken.

The Council has an Anti-fraud and Corruption Policy and Strategy, led by the Council's Head of Anti fraud, which is being reviewed in 2021/22. This is supported by the Whistleblowing Policy which enables staff, partners and contractors to raise concerns of crime or maladministration confidentially. This has been designed to enable referrals to be made without fear of being identified and is supported by a whistle blowing hotline supported by a third sector partner. The policy and associated training is being reviewed in 2021/22.

Responsibility for health and safety ultimately rests with the Chief Executive. To ensure

this responsibility is discharged effectively across the Council the Corporate Health and Safety Panel and departmental subgroups are established. Their role includes the monitoring of statistics, safety audit reports and trends of accidents, dangerous occurrences and notifiable diseases and making recommendations for and monitoring progress on corrective action on unsafe and unhealthy conditions and practices. The Panel also monitors the effectiveness of health and safety training and communications and escalating any issues to ELT as appropriate. The Panel is chaired by an executive director and attended by departmental representatives, the corporate health and safety team and trade union representatives. During the COVID pandemic routine safety checks, a review of the Council's health and safety policy and terms of reference of the Panel were delayed. These reviews and actions to address the backlog are scheduled for 2021/22.

The Information Management Steering Group (IMSG) leads the Council's strategic approach to governance of information management. Chaired by the Council's Chief Information Officer and Senior Information Risk Owner (SIRO), its membership includes the Caldicott Guardian, Data Protection Officer, Information Manager and key service leads. The Group's role is to support the Council to ensure compliance with Data Protection, Freedom of Information (FOI) and Caldicott requirements and assist in making good Information Management (IM) part of the culture of the Council. The Group provides advice to the ELT in respect of IM issues/incidents and has an overview of the Council's compliance with policies, procedure and guidance and commissions reviews of policies, procedure and guidance as appropriate.

The Council is not meeting targets for responses to FOIs and Subject Access Requests. There are plans to move the IM service to a new directorate and improve the management of the process and reporting in 2021/22.

The RIPI highlighted a number of gaps in information which may have contributed to poor decision making. Work is underway to ensure that the IM service is appropriately structured and staffed, and to develop a programme of improvement work in relation to document retention, data protection and associated training.

The Council's approach to safeguarding both in relation to vulnerable adults and children is led by executive directors for adult social care and children's families and education respectively and also subject to the relevant statutory inspections. The Croydon Safeguarding Adult Board and Children's Safeguarding Practice Review and Quality Improvement Group are all chaired independently, as is the Children's Improvement Board.

Learning and organisational development

Members' induction training is undertaken after each local government election. In addition, an ongoing programme of training and awareness is available for Members with formal and informal events each year, including all major changes in legislation and governance issues. The development of the programme is overseen by a member-led Member Development Panel. The programme for 2021/22 includes training identified as a requirement by the RIPI.

Staff developmental needs are identified through the Council's Appraisal Scheme. The Council's Learning & Organisational Development service delivers and/or commissions a suite of elective and mandatory courses, children's and adult social care

specialisations in a variety of formats including e-learning through a centralised learning management system. Work is underway in 2021/22 to revise and reintroduce the corporate virtual induction programme 'Welcome to Croydon', to be delivered to all new staff joining the Council, supplemented by department specific elements.

Working in partnership

Many of the Council's services are delivered in partnership with commercial organisations and, increasingly, with other local public sector organisations. Internal Audit has identified areas for improvement in relation to contracting with the NHS which are being addressed in a contracts improvement plan.

The One Croydon alliance is a partnership between the local NHS, the Council and Age UK Croydon, seeking to offer more coordinated support for people's physical and mental health and wellbeing.

The Local Strategic Partnership (LSP) supports partners to coordinate priorities and actions across Croydon. The LSP is led by a board made up of the Leader, relevant Cabinet Members, relevant Chief Executives or equivalent from a wide range of key partners and stakeholders.

The thematic partnerships undertake a range of consultation exercises to enable all residents and customers to contribute to and shape the strategic themed plans such as the Health and Wellbeing Strategy and the Safer Croydon Partnership Community Safety Strategy. In addition, the Council undertakes surveys with a representative sample of its residents who provide the Council with reliable feedback on important issues that help improve services as part of establishing clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation.

The LSP has a number of sub-groups coordinating activity along particular themes:

- Safer Croydon Partnership
- Health & Wellbeing Board
- Children and Families Board
- Sustainable Croydon Economic Renewal Board

The LSP had one priority in 2020/21, namely the COVID-19 pandemic response. The LSP is considered to have functioned very effectively during the 2020/21 year. It met much more frequently than usual, at times weekly. The LSP supported partnership work in Croydon in sharing the latest information, issues and priorities in responding to the pandemic.

It is clear that the impact of the pandemic will result in long-lasting changes for communities in Croydon, and the LSP will make Covid recovery its key focus going forward. Therefore the focus of the LSP will be reviewed in 2021/22. This review will also include the current Community Strategy (which has not been withdrawn formally). Croydon's recovery plan (social and economic) internal and external will have a connection with the LSP.

Internal audit

The Council maintains an Internal Audit service delivered by Mazars as part of 'The

Apex Framework' providing local authorities including Croydon with internal audit resources in a tried and tested framework that operates in accordance with the Public Sector Internal Audit Standards. The Council's assurance arrangements conform to the governance requirements of the *CIPFA Statement on the Role of the Head of Internal Audit* (2019). The Council's contract with Mazars is cliented by the Executive Director of Resources.

Internal audit is responsible for monitoring the quality and effectiveness of the Council's governance, risk management and controls. An internal audit plan is compiled annually for the work to be undertaken, which is submitted to the GPAC for review and approval. The plan is informed by the results of the previous year's audit and follow-up work by Internal Audit, the Council's risk registers and discussions with senior managers, directors and members of the Council's ELT.

The outcome of the internal audit risk-based work is reported to all relevant Executive Directors and Directors and regularly to the GPAC. Implementation of recommendations is monitored and progress reported to GPAC at each meeting.

In addition to the quality assurance processes in place, the Internal Audit function is reviewed annually by the external auditors and every five years by an external body to assess compliance with the Public Sector Internal Audit Standards (this is next due for Croydon in 2022).

As required by the Accounts and Audit (England) Regulations, the Director of Finance, Investment & Risk (& Section 151 Officer) reviewed the effectiveness of the Internal Audit service during the year and reported this to the GPAC, which concluded that the Internal Audit service was satisfactory and fit for purpose. This undertaking is part of the core functions of the GPAC, as set out in CIPFA's *Audit Committees: Practical Guidance for Local Authorities* and applied in the Council.

The Annual Report of the Head of Internal Audit for the year ending 31 March 2020/21 provided only 'Limited Assurance' that the system of internal control accorded with proper practice. 56% of the overall audits undertaken had 'Limited' or 'No' assurance, with 71% of internal audits of systems falling into these categories. The following internal audits from the 2020/21 internal audit plan had limited or no assurance:

- Payments to schools (limited)
- Overtime payments (limited)
- Service based budget monitoring across the organisation (limited)
- Staff expenses (no)
- Clinical governance (limited)
- Disabled facilities grants (limited)
- Public health grants contracts management (sexual health) (limited)
- Temporary accommodation: standards in private sector (limited)
- Overtime payments- parking services (limited)
- Special Educational Needs Transport- safeguarding (limited)
- Right to work checks (limited)
- Procurement card expenditure (under COVID-19) (no)
- Cyber security (limited)

During the year, Internal Audit identified:

- Issues with contract letting, monitoring and management across the Council;

- Instances where privacy notices relating to the collection of personal data were missing or were no longer fit for purpose;
- General compliance issues in basic areas of governance and control;
- A number of schools in deficit.

The Council has action plans to address these issues and Internal Audit will be involved in further audits of these areas. In 2021/22 ELT is starting to review on a monthly basis the management actions arising from internal audits, ensuring that historic and current actions are implemented and improvements to systems and controls are made as appropriate.

External audit

The Council's external auditors are Grant Thornton. During 2020/21 they issued a RIPI in relation to the Council's financial situation, its financial decision-making and governance and made 20 recommendations. Actions to address those recommendations are referenced throughout this Statement.

The external audits of the Council's accounts for 2019/20 and 2020/21 are ongoing.

The annual audit letter is compiled in accordance with the National Audit Office (NAO)'s Code of Audit Practice which reflects the requirements of the Local Audit and Accountability Act 2014. Grant Thornton complies with International Standards on Auditing (UK) (ISAs) and other guidance issued by the NAO.

Reviewing the effectiveness of the governance framework

The governance framework comprises the systems and processes, culture and values by which the Council is directed and controlled as well as the activities through which it accounts to, engages with and leads its communities. The framework enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate services and value for money.

The Statutory Officers and Directors with responsibility for the development and maintenance of the Council's governance keep the effectiveness of the Council's governance framework under review. The processes which maintain the effectiveness of the governance framework include:

- The Council's Constitution, which sets out how decisions are made and the procedures that are followed to evidence open and transparent policy and decision making, ensuring compliance with established policies, procedures, laws and regulations.
- The Council's internal management processes, such as performance monitoring and reporting, the staff performance appraisal framework and monitoring of policies such as corporate complaints and health and safety policies;

A 'Re-Induction' of all managers to focus on key accountabilities and corporate objectives as part of the appraisal process is planned for the forthcoming year as part of changing and improving the culture of the Council;

- The financial management of the Council is conducted in accordance with the Financial Regulations set out in the Constitution (4H). The Council's financial

management arrangements conform to the requirements of the CIPFA statement on the role of the Chief Financial Officer in Local Government (2013);

- Review by the executive and departmental leadership teams of departmental and corporate risk registers;
- The annual report of the Head of Internal Audit, the opinion of the external auditors in their reports and annual letter;
- Findings from fraud and whistleblowing investigations;
- The work of Overview and Scrutiny Committees and the GPAC;
- Other review agencies, through their inspection arrangements, such as the Care Quality Commission and Ofsted.

The 2019/20 Annual Governance Statement has been revised to reflect weaknesses which were identified in the Council's governance framework during 2020/21. A financial governance review identified 75 recommendations which have been accepted by the Council and the action plan to address them is reported on to the GPAC. A Finance Review Board has operated throughout 2020/21, and control arrangements on some of the Council's partly or wholly owned companies are being strengthened.

In 2020/21, work to improve the Council's governance framework has been further informed by the Rapid Review, the RIPI and the Scrutiny Improvement Review. A review of the Council's assurance framework, informed by the NAO's Three Lines of Defence model, will be conducted in 2021/22.

In future years the Annual Governance Statement will also be underpinned by Corporate Director Assurance Statements, as have been used in the past. These have not been sought for the 2020/21 year due to the significant level of improvement actions addressed by external reviews and work underway to address them. A review of the approach to assessing and recording assurance statements will take place in 2021/22 in preparation for the next Annual Governance Statement.

COVID-19 Pandemic Response

In addition to the other issues raised in this statement the COVID-19 pandemic necessitated an adaptation to Croydon's governance approach and in the application of many of its frameworks, with a shift of resources to support the ongoing delivery of 'life and limb' Priority 1 services during the 2020/21 year. 2021/22 has seen a gradual return to normal systems of governance, for example return to physical meetings dealing with council business, in line with the Government's roadmap to recovery.

Significant governance issues

In **Table 1**, there is an update on progress in addressing issues identified in the 2019/20 Annual Governance Statement.

Table 2 lists actions underway to address areas for improvement identified in 2020/21, including governance-related recommendations in the RIPI, the non-statutory 'rapid review', the governance review and scrutiny improvement review. **Delivery of these**

actions will be monitored through a new officer control board and regular updates to the GPAC.

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Table 1- update on significant governance issues identified in 2019/20:

The review process to support the production of the Annual Governance Statement for 2020/21 has provided updates on significant governance issues identified in 2019/20:

Control area	Governance issue	Action taken	Responsible owner for subsequent action
Budget management	A high risk that the 2020/21 budget is not managed within allocated resources	<p>The Finance Review Panel was established to help manage the in-year budget and plan the Medium Term Financial Strategy (MTFS), meeting until July 2021 until its work was incorporated into Business as Usual activity.</p> <p>The agreed MTFS has established a balanced and deliverable budget for 2021/22 and has recognised the level of further savings required in 2022/23 and 2023/24 to balance those years' positions. Work has commenced corporately to identify options to deliver further savings or additional income sources to address this identified gap whilst at the same time identifying the position for 2024/25 as part of the next MTFS refresh.</p> <p>The Croydon Companies' Supervision and Monitoring Panel has been established to ensure good governance of the Council's external entities.</p>	<p>Cabinet Member for Resources & Financial Governance.</p> <p>Interim Director of Finance, Investment & Risk (& Section 151 Officer).</p>
Budget management	Internal audit work during the year identified a number of issues relating to financial	<p><u>Adult social care:</u> New ContrOCC system to support contract and budget management went live in September 2020.</p>	Cabinet Member for Children, Young People & Learning.

Control area	Governance issue	Action taken	Responsible owner for subsequent action
	management within the adult and children's social care teams.	<p>A spend control panel meets daily to consider all new and reviewed package of care requests.</p> <p>All budget holders report monthly on spend and forecast, reviewed by the senior management team as a whole and the Executive Leadership Team, with a briefing to the Cabinet Member, enabling timely and appropriate action/ escalation.</p> <p>All new proposed financial efficiencies must be validated by the head of finance in terms of their achievability before projects can be progressed for corporate sign off.</p> <p><u>Children's social care:</u> Monthly reconciliation of placements made, purchase orders receipted and payments made completed.</p> <p>The DfE- appointed Financial Adviser challenged and validated the P9 and P11 placements forecasts, making recommendations that will be incorporated into financial procedures in 2021-22. The Care Panel and Care Review Panel continue to meet, challenging entry to care and agreeing the support needed to secure reunification where it is safe to do so.</p> <p>All payments for placements for children looked after are now made through the ContrOCC</p>	<p>Cabinet Member for Families, Health & Social Care.</p> <p>Executive Director / DCS Children's, Families & Education.</p> <p>Executive Director / DASS Health, Wellbeing & Adults.</p> <p>Director of Early Help & Children's Social Care.</p> <p>Director of Operations (ASC).</p>

Control area	Governance issue	Action taken	Responsible owner for subsequent action
		system, with plans to move all children with disability payments onto the system by September 2021.	
Procurement	During the course of internal audit work during 2019/20, a number of issues were identified with contract letting, monitoring and management.	<p>An accurate up-to-date contracts register/pipeline is now in place</p> <p>Legacy arrangements have been reviewed and actions are underway in response</p> <p>New governance has been designed and being implemented in Quarter 2 2021/22.</p> <p>New practice related to electronic scoring is being embedded</p> <p>A Contracts Improvement Plan is in place, being reported to Cabinet Members and Executive Leadership Team.</p>	<p>Cabinet Member for Resources & Financial Governance.</p> <p>Executive Director for Resources & Monitoring Officer.</p> <p>Director of Commissioning & Procurement.</p>
Data protection/ GDPR	Internal audit identified a number of instances where privacy notices relating to the collection of personal data were missing or were no longer fit for purpose, and that agreements with 3 rd parties did not always address this issue adequately.	<p>The intranet has been further reviewed with a view of making further changes in 2021/22 to make information simpler and easier to find.</p> <p>A review of service-specific Privacy Notices across the council is underway.</p> <p>The Council's legal team reviews all service requests for new Privacy Notices.</p> <p>The introduction to GDPR training remains a compulsory requirement for all new starters: 1,067</p>	<p>Cabinet Member for Resources & Financial Governance.</p> <p>Executive Director for Resources & Deputy Monitoring Officer.</p> <p>Interim Director of Law & Governance.</p> <p>Statutory Data Protection Officer.</p>

Control area	Governance issue	Action taken	Responsible owner for subsequent action
		staff members have completed the GDPR mandatory course. Since January 2021 731 staff members have completed the refresher course on GDPR.	

Table 2 – Significant governance issues identified in 2020/21:

This table includes new job and team titles introduced in November 2021.

Control area	Governance issue	Action	Responsible owner	Timescale
Access to information for members	Improvements required to access to information for Members	Adopt Access to Information Protocol	Corporate Director of Resources	January 2022
		Commence publication of Forward Plan		December 2021
Anti-fraud, corruption, whistleblowing	Review of anti-fraud and corruption policy overdue	Review and revise anti-fraud and corruption policy and strategy	Corporate Director of Resources	November 2021
Anti-fraud, corruption, whistleblowing	Review of whistleblowing policy and training overdue	Review and revise whistleblowing policy and implement training programme	Corporate Director of Resources	December 2021
Audit	Strengthen the effectiveness of General Purposes and Audit Committee as a source of independent assurance.	Recruit Independent Chair for General Purposes and Audit Committee	Corporate Director of Resources	COMPLETED - September 2021
Audit	Rapid review recommendation to produce a more robust	Benchmark the Council's assurance framework against the National Audit	Corporate Director of	March 2022

Control area	Governance issue	Action	Responsible owner	Timescale
	assurance framework	Office 'Three Lines of Defence' model	Resources	
Audit	Ensure appropriate corporate ownership of and engagement with the Annual Governance Statement	Develop new process for 2021/22	Corporate Director of Resources	March 2022
Audit	Ensure senior oversight of delivery of internal audit management actions	Monthly reviews at ELT of management actions arising from internal audit reports	Corporate Director of Resources	September 2021
Financial management	Recommendations arising from independent review of the Council's financial management arrangements	Implement Croydon Finance Review Finance training for non-finance managers	Corporate Director of Resources	March 2022 March 2022
Capital finance management	Recommendations arising from independent review of the Council's financial management arrangements	Establish Capital Board Review capital programme, establish monthly capital monitoring and strengthen capital project management Financial appraisal skills training for project leads	Corporate Director of Place Corporate Director of Resources	July 2021 March 2022 March 2022
Governance	Code of governance not reviewed since 2015/16	Review Code of governance alongside Annual Governance Statement	Corporate Director of Resources	November 2021
Governance	Review of Constitution overdue	Review Constitution, informed by Constitution Working Group and wider engagement as appropriate, supporting development of member/ officer	Corporate Director of Resources	March 2022

Control area	Governance issue	Action	Responsible owner	Timescale
		awareness of good governance and clarify senior officer ownership		
Governance	RIFI requirement to strengthen governance of the Council's external entities	Croydon Companies Supervision and Monitoring Panel established	Corporate Director of Resources	COMPLETED - July 2021
Health and safety	Review of effectiveness of health and safety arrangements overdue	Review effectiveness of Health and Safety Board and implement actions arising	Corporate Director Place	March 2022
Information Management	Review of record retention policy and procedures overdue Staff training required to ensure consistent implementation of policies Appropriate capacity required to deliver improvement work	Restructure Information Management team and complete recruitment Develop and implement programme of work to ensure all policies and training are updated and backlogs addressed.	Assistant Chief Executive	March 2022
Leadership	Executive Leadership Team postholders all on temporary/ interim contracts	Appointment of permanent Chief Executive Implementation of senior management restructure	Leader of the Council Chief Executive	COMPLETED - July 2021 November 2021
Leadership	Assure compliance in relation to the largest/ highest risk contracts	Establish quarterly statutory officers meetings Review terms of reference to include review of compliance and potential conflicts of interest	Chief Executive	COMPLETED - June 2021 November 2021
Member/ officer	RIFI requirement to review	Review and adopt new Member Code of	Corporate	October 2021

Control area	Governance issue	Action	Responsible owner	Timescale
conduct	Member and Officer Codes of Conduct (and to reflect recommendations of Committee for Standards in Public Life)	Conduct Review and adopt new Officer Code of Conduct Review and adopt new Councillor Officer Working Protocol	Director of Resources	October 2021 March 2022
Member/ officer conduct	Provide signposting for staff to take action in situations causing them concern in the workplace	Introduce Guardians programme	Assistant Chief Executive	COMPLETED - July 2021
Member skills and development	Requirement for member development programme to address recommendations of RIPI	Implementation of member development programme, linked to scrutiny improvements and budget scrutiny	Corporate Director of Resources	March 2022
Officer skills and development	Officer induction programme currently paused	Revise and reintroduce officer induction programme	Assistant Chief Executive	November 2021
Performance management	RIPI action to introduce regular reporting of performance and risk to Cabinet and Scrutiny	Develop and publish a corporate performance report for review by Cabinet and Scrutiny	Assistant Chief Executive	COMPLETED - October 2021
Procurement	Develop strategic commissioning and ensure appropriate oversight	Establish Strategic Commissioning and Contracts Board and contracts and commissioning pipeline Maintain Board and pipeline ongoing	Assistant Chief Executive Corporate Director of Resources	June 2021 Ongoing
Procurement	Address areas for improvement in procurement and contracting identified by Internal Audit	Adopt Contracts Improvement Plan Maintain improved practice ongoing	Assistant Chief Executive Corporate	COMPLETED - September 2021

Control area	Governance issue	Action	Responsible owner	Timescale
			Director of Resources	Ongoing
Risk management	Ensure all CMT and directors understand their roles and responsibilities in relation to risk management	CMT to review 'red' risks monthly 1:1 refresher training for all CMT and directors, update risk management guidance.	Corporate Director of Resources	April 2021 March 2022
Risk management	Benchmark against best practice standards in public sector risk management (in particular HM Treasury 'Orange Book')	Implement actions arising from RIPI relating to risk Implement further actions arising from benchmarking	Corporate Director of Resources	March 2022
Scrutiny	Areas for improvement in the scrutiny function	Adoption and implementation of scrutiny improvement programme, including budget scrutiny	Corporate Director of Resources	March 2022
Service planning	Lack of service-level plans linked to Croydon Renewal Plan	Develop process and approach to service planning for 2022/23	Assistant Chief Executive	March 2022
Transparency	Publication Scheme information not current	Establish and implement processes to ensure Publication Scheme appropriately updated	Assistant Chief Executive	March 2022

We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. The Cabinet will also be identifying new ways of addressing the above matters. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed.....
Katherine Kerswell

Signed.....
Hamida Ali

Chief Executive

Date.....

Leader of the Council

Date.....

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Corporate code of governance

Introduction

“Governance is about how organisations ensure that they are doing the right things, in the right way, for the right people in a timely inclusive, open, honest and accountable manner. In the case of local authorities, it comprises of the systems and processes for the direction and control through which they account to, encourage with and lead their communities.”

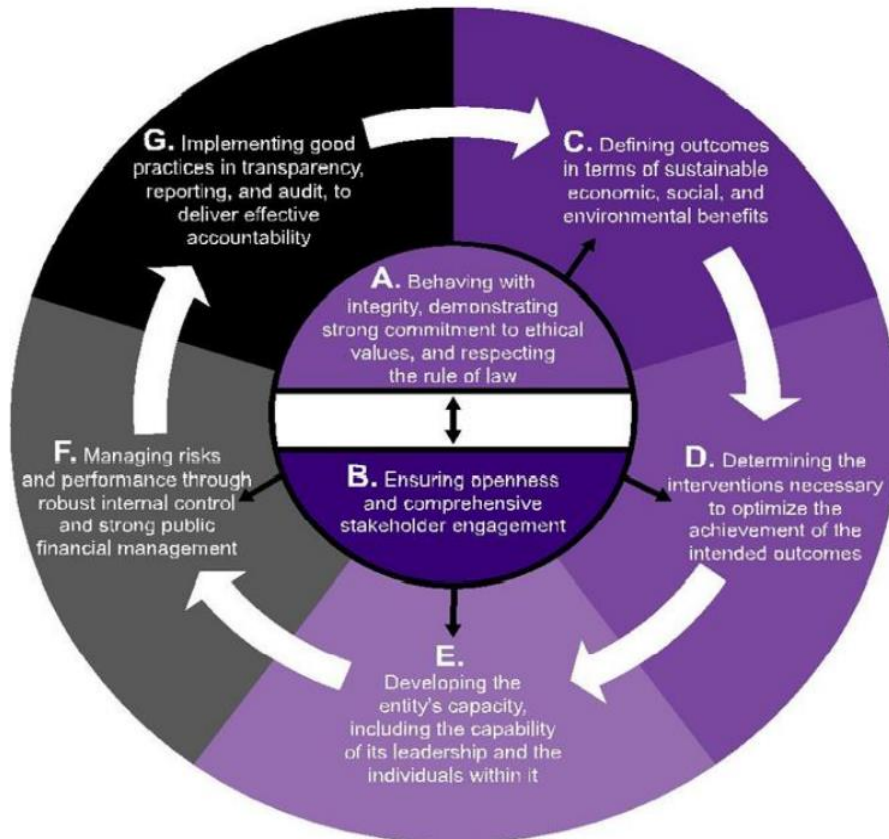
‘CIPFA/SOLACE, Delivering Good Governance in Local Government – 2007’

Croydon Council has chosen to define Governance as “Doing the Right Thing”.

This Code of Governance sets out the Council’s commitment to work to uphold the highest possible standards of good governance. These standards are designed to ensure that we conduct our business in accordance with the law and that public money is properly accounted for, as we work to achieve the best outcomes for our residents.

Croydon Council will annually review its Code of Corporate Governance to help ensure that it matches our evolving corporate strategies, policies and procedures. Where practice is found to have fallen short, our Annual Governance Statement will identify this and the action being taken to put it right. The General Purposes and Audit Committee is responsible for overseeing compliance with the standards and policies set out in this code and the implementation of improvement plans related to good governance.

Achieving the Intended Outcomes While Acting in the Public Interest at all Times.



The diagram above, taken from the International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014) (the 'International Framework'), illustrates the various principles of good governance in the public sector and how these relate to each other.

The International Framework notes that:

Principles A and B permeate implementation of principles C to G. The diagram also illustrates that good governance is dynamic, and that an entity as a whole should be committed to improving governance on a continuing basis through a process of evaluation and review.

The Council's Governance Framework is the set of systems, rules, processes, procedures and values by which the Council is directed and controlled and through which it is accountable to, engages with and, where appropriate, leads the community. The Framework enables the Council to monitor the achievement of its strategic objectives and consider whether those objectives have led to the delivery of appropriate and cost-effective services.

This Code identifies the component parts of Croydon's Governance Framework, as set against the principles of good governance in the International Framework.

Principle A

Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.

The Council supports Principle A in the following ways:

Behaving with integrity.

- The **Constitution** sets out a clear statement of the respective roles and responsibilities of members and key officers individually and collectively whilst defining the organisation's approach putting this into practice. This includes the role of **Monitoring Officer**, who is responsible for promoting and developing high standards of conduct Council wide.
- The **Whistle-blowing Policy** and associated training supports all members and officers (including temporary staff and contractors) to report concerns about malpractice on a confidential basis to the Council.
- Members are required to register interests and gifts/ hospitality: the **register of members' interests and gifts/ hospitality** is published on the council's website and members are required to declare their interests at meetings. Officers are required to submit declarations of interests and a register is published on the council's website on a quarterly basis of gifts and hospitality offered to officers.
- The **Members Code of Conduct** and **Officer Code of Conduct** detail required standards of behaviour that all members and officers are required to comply with.
- The Council has a zero tolerance policy towards bribery and has introduced an **Anti-Bribery Policy** to ensure compliance with the Bribery Act.
- The Council has adopted an **Anti-Fraud and Corruption Policy** to help ensure a robust approach to investigating and combating fraud and corruption.
- The **Member Development Programme** includes training for Members on their roles and responsibilities in relation to integrity and conduct.

Demonstrating strong commitment to ethical values.

- Croydon Council has an agreed set of **5 Corporate Values** which all officers and members are expected to adhere to. Croydon has also adopted the Seven Principles of Public Life (**the Nolan Principles**).
- Croydon Council has an **Equality Policy Statement** detailing our commitment to equality and our expectations of all colleagues, members and relevant 3rd parties. The **Equality Strategy 2020 to 2024** sets out the actions the Council will take to tackle and address inequality. The **Equality and Inclusion Programme Manager** provides expert advice and guidance in relation to the Council's Public Sector Equality Duty and other requirements of equalities legislation.

Respecting the rule of law.

- The Council's **Monitoring Officer** is responsible for advising on the correctness and propriety of the Council's decisions and the Director of Legal Services provides advice to ensure that council decision-making follows relevant regulations and legal processes.
- Croydon Council's **Scheme of Financial Delegation** lays out the responsibility and accountability of officers for financial matters. The Council also delegates non-financial decisions through a series of schemes of delegation and management.

- The Council's Constitution includes a set of **Financial Regulations** and **Tenders and Contracts Regulations** to help ensure that the authority operates within a prudential financial framework. Underlying financial procedures are set out in the **Financial Procedures**.
- The statutory roles of the Head of Paid Services, Section 151 Officer and Monitoring Officer are clearly defined within the Constitution.
- Croydon has a professionally qualified **Chief Financial and Section 151 Officer (CFO)**, whose core responsibilities include those set out in the CIPFA's Statement on the Role of the CFO in Local Government. The CFO reports directly to the Chief Executive and is a member of the Corporate Management Team (CMT).
- The CFO is responsible for ensuring that budget calculations are robust, reserves adequate and in accordance with CIPFA guidance. The CFO also has a line of professional accountability for finance officers within the Council and is responsible for ensuring that appropriate management accounting systems, functions and controls are in place and kept under regular review.
- The **Council's Health and Safety Policy** sets out aims, roles and responsibilities and performance standards. Each department details individual responsibilities and arrangements for implementing the policy.

Principle B

Ensuring openness and comprehensive stakeholder engagement.

The Council supports Principle B in the following ways:

Openness.

- Reports and decisions of the Cabinet, Council and its committees are **published online**. Executive decisions are subject to the call-in process by backbench councillors to enable them to raise any concerns they may have. Council, Cabinet and Committee meetings are webcast and an archive of meetings is available for reference.
- **Freedom of Information and Environmental Information Regulations** processes allow the submission of Freedom of Information requests.
- The Council publishes a **Forward Plan** of key decisions which are due to be made in the month ahead.
- The **Constitution** sets out the Council's governance and decision-making arrangements and is published online.
- Croydon Council actively publicises its purpose, vision, objectives and intended outcomes in the **Croydon Renewal Plan**.
- The **Annual Accounts Report** provides the financial backdrop to the past achievements of the Council, future plans and forward strategy. As part of this document, the Council publishes its accounts to communicate the authority's activities, achievements, its financial position and performance.
- The **Medium Term Financial Strategy (MTFS)** sets out the Council's financial objectives, assumptions and plans over the medium term.
- The Council's **Scrutiny and Overview Committee** produces an annual report on its work.

- The Scrutiny and Overview Committee and its sub-committees and the General Purposes and Audit Committee (GPAC) **co-opt independent members** who are residents with relevant knowledge onto their committees: GPAC additionally appoints an independent Chair for its audit functions.
- The **Croydon Observatory** provides data and information about Croydon: it is an information sharing, mapping and reporting website that can be used by anyone.
- Croydon Council's **Equalities Strategy 2020 – 2024** and **Equalities Policy Statement** sets out the Council's commitment to equality and its aims and objectives. An **Equalities Impact Analysis** is also completed to inform service design and decision-making whenever a new policy, procedure, project, strategy, function or savings proposal is considered or a change is proposed, which will impact on people with one or more characteristics as defined by the Equality Act 2010.

Engaging comprehensively with institutional stakeholders.

- Croydon's **Local Strategic Partnership** supports partners to coordinate priorities and actions across the borough.
- The **Health and Wellbeing Board, One Croydon Partnership** and **Safer Croydon Partnership** support strategic partnership working in health/ wellbeing and community safety services.

Engaging with individual citizens and service users effectively.

- Croydon Council undertakes a **Budget Consultation** exercise each year which gives residents and businesses the opportunity to shape the annual budget.
- The Council works to ensure all corporate communications are readily available to those that require them. The Council's website is designed and written to exceed legal accessibility standards and to facilitate assistive technologies and tools in order to provide information in ways to suit our diverse customer base.
- The Council's '**Get involved**' platform hosts all of the Council's consultation and engagement activities and prompts services to ensure that consultees are informed about the outcomes of consultation exercises. The Communications and Engagement team ensure that consultations posted on the platform are appropriately designed and publicised.
- Croydon provides an interpreting and translation service when required.
- The Council has a **Corporate Complaints Procedure** and annual reports to Scrutiny demonstrate improvements made in response to complaints received. The Council also learns from feedback from the Local Government Ombudsman.

Principle C

Defining outcomes in terms of sustainable economic, social and environmental benefits.

The Council supports Principle C in the following ways:

Defining Outcomes.

- The Council undertakes annual budget challenge sessions as part of the budget setting process. This is linked to departmental objectives and service planning.

- The Council has an **Equalities Strategy** and Equality Policy Statement which sets out the Council's commitment to equality, its aims and objectives. An **Equalities Impact Analysis** is also completed to inform service design and decision-making whenever a new policy, procedure, project, strategy, function or savings proposal is considered or a change is proposed, which will impact on people with one or more characteristics as defined by the Equality Act 2010.

Sustainable economic, social and environmental benefit.

- Reports brought to Cabinet, Council and its committees for decision are required to identify any **environmental implications** arising from the proposal.
- The **Social Value Policy 2019-23** sets out how social value is embedded in the commissioning process and includes measures to be used in contract specifications. The **Contract and Tender Regulations** include a requirement that a minimum of 10% of quality evaluation criteria assessments must be allocated for social value.
- The Council's **Local Plan** sets out the spatial vision for the borough and, supplemented by planning policies, gives the framework for the Council's work with stakeholders to shape the built environment to deliver economic, social and environmental outcomes identified within the Council's plans
- The Council has a **Performance Management System** which sets key targets and produces performance monitoring reports for Cabinet and Scrutiny. This is published online and includes performance quality measures, use of resources and value for money.

Principle D

Determining the interventions necessary to optimise the achievements of the intended outcomes.

The Council supports Principle D in the following ways:

Determining interventions.

- All reports brought to Cabinet, Council and its committees include consideration of legal and finance comments, and all require legal and finance clearance before publication.
- The **Croydon Renewal Plan** outlines our priorities and high level objectives over a five year period.
- Through the **Council's Constitution** we have set out a clear statement of the respective roles and responsibilities of the Council's Cabinet, the members individually and of the other committees of the Council.
- The Council recognises Unison, GMB and Unite for the purposes of representing the workforce. The Council's formal consultation arrangements are set out in the **Staff Consultation and Trade Union facility arrangements**.

Planning interventions.

- The Council's **performance management system** sets key targets and reports on performance monitoring to Cabinet. It sets standards for performance management within directorates and teams.
- The **Programme Management Office** monitors delivery of key transformation programmes and projects, including savings targets within the approved budget and MTFS to enable action to be taken against non-delivery where required.

- Croydon has prepared contingency arrangements including a disaster recovery plan, business continuity plan and arrangements for delivering services during emergency situations such as adverse weather conditions.

Optimising achievement of intended outcomes.

- Council, Cabinet and committees receive regular reports on **performance monitoring** to demonstrate the level to which intended outcomes are being achieved and any interventions planned to address non-performance
- The Council's **risk management processes and procedures** are designed to help ensure that risks to delivery of intended outcomes are appropriately mitigated.
- **Internal audit** monitors and reports on the quality and effectiveness of the Council's governance, risk management and controls and General Purposes and Audit Committee provides independent assurance of the risk management framework and associated controls, informed by the reports of external audit.

Principle E

Developing the entity's capacity, including the capability of its leadership and the individuals within it.

The Council supports Principle E in the following ways:

Developing the entity's capacity.

- The **Workforce Strategy** sets out the Council's actions to attract, recruit and retain talent, improving equality, diversity and inclusion and developing leaders and managers.
- The Workforce Strategy also includes arrangements to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the Council. Approximately 45% of full-time members of the workforce are from the local community.
- The Council's **Appraisal scheme** is used to set stretching objectives for officers that are linked to team, departmental and Corporate objectives. The Appraisal process is also used to assess the skills and competencies needed by officers to enable them to fulfil their roles fully.
- It is mandatory for all new starters to complete the **Council Induction Programme** (Inspire) which has been tailored to meet individual needs: this is supported by a manager's dashboard and checklist to ensure all required induction elements are addressed.
- Croydon Council has a **Member Development Programme** which includes arrangements for member induction and supports members to take control of their own learning and development. Mandatory training is provided for members of regulatory committees.
- Both Members and officers can access the **Croydon Learning Pool** which provides access to e-learning and other development resources.

Developing the capability of the Council's leadership and other individuals.

- Croydon Council has a **Member Development Programme** which includes arrangements for Member induction and supports Members to take control of their own learning and development.

- A Learning and Development Board supervises the expenditure of centralised training budgets to ensure that resources are targeted towards statutory responsibilities and delivery of the Croydon Renewal Plan.
- Staff networks for Racial Equality, Disability, LGBT+ allies, Mental health and wellbeing, Women and Working carers are sponsored by members of the leadership team and others, providing network members with personal and career support.

Principle F

Managing risks and performance through robust internal control and strong public financial management.

The Council supports Principle F in the following ways:

Managing risk.

- The **General Purposes & Audit Committee** scrutinises arrangements for the internal control and risk management environment within the organisation. It receives reports relating to whistleblowing, anti-fraud and corruption and oversees the work of internal and external audit.
- The Council's **Risk Management process** is designed to identify, assess and manage significant risks to the Council's objectives. The process includes corporate, departmental and project risk registers and appropriate training delivered to risk owners.
- The Corporate Management Team reviews the corporate risk register on a monthly basis and GPAC reviews the 'red' risks on the corporate register every second meeting.
- The Council's **Resilience Team** and **Corporate Resilience Board** are focused on emergency planning, business continuity preparedness and response capability in line with the Civil Contingencies Act and associated guidance. The Council also chairs the statutory multi-agency **Borough Resilience Forum**.

Managing performance.

- The Council's **performance management system** sets key targets and reports on performance monitoring to Cabinet. It sets standards for performance management within directorates and teams.
- Compliance with the **Members Code of Conduct** is monitored under the direction of the Council's Ethics Committee.
- The Council's **Appraisal** system enables the consistent setting and monitoring of performance against individual targets.

Robust internal control.

- The Statutory Officer Board provides a forum for the Council's statutory officers to share concerns and risks related to potential serious issues affecting the Council's governance or financial performance and their statutory roles.
- General Purposes and Audit Committee is responsible for providing independent assurance of the Council's control environment.
- The Scrutiny and Overview Committee is responsible for holding the Executive to account.

- **Internal Audit** routinely assesses the adequacy of the Council's governance, risk management and controls. This assessment is fed back to Services and Divisions and responded to as required.
- The Council's **Whistle-blowing Procedure** allows officers to anonymously raise concerns about malpractice.
- The Council's Governance arrangements give the Chief Financial Officer and the Head of Internal Audit direct access to the General Purposes and Audit Committee and External Audit.

Managing data.

- Croydon's Council has an internal **Information Management Team (IMT)** whose practices are overseen by Croydon's Chief Information Officer and Senior Information Risk Owner (SIRO). This team manages and maintains appropriate Policies, Guidance, security measures etc.
- An **Information Management Steering Group (IMSG)**, chaired by the Chief Information Officer and SIRO, oversees the management of risks associated with information and data management and delivery of plans for training and improvement. The Group also oversees the development of information security and information management policies, reporting to the Corporate Management Team.
- As part of Croydon's new starter induction there is a mandatory Information Management training course and officers are required to complete a refresher on an annual basis.
- When introducing new processes or amending a current procedure a **Privacy Impact Assessment** must be completed, which has IMT's oversight. Reports to Cabinet, Council and its committees are required to identify whether the proposal has any implications for processing personal data and/or any data protection implications.
- Croydon's Information Management Steering Group meets Bi-Monthly to review and discuss any appropriate concerns.
- The Council uses industry leading technologies to protect its data, with security solutions modelled on ISO/IEC27001, the international standard for information security management.
- The Officer Code of Conduct states that failing to observe data protection requirements may amount to a disciplinary offence, which will be dealt with under the Council's disciplinary procedure.

Strong public financial management.

- Croydon has a professionally qualified **Chief Financial and Section 151 Officer (CFO)**, whose core responsibilities include those set out in the CIPFA's Statement on the Role of the CFO in Local Government.
- The **Finance Review Board** oversees all expenditure decisions.
- The **Strategic Contracts and Commissioning Board** provides strategic direction for all procurement and commissioning activities across the Council and the **Procurement Board** oversees daily activity.
- The **Financial Regulations and Financial Procedures** give a clear transparent framework for managing the Council's financial affairs, and **Contract and Tender Rules** ensure compliance with procurement legislation.
- The Cabinet receives monthly **budget monitoring reports**.

- **Scrutiny and Overview Committee** scrutinises budget proposals in terms of their deliverability and impact on the Council's objectives. The Committee also routinely receives budget monitoring reports.
- All proposals considered by Cabinet, the Council and its committees include a statement of financial implications, cleared by the Chief Finance Officer.
- **General Purposes and Audit Committee** is responsible for considering the Council's arrangements for financial management and to recommend any actions accordingly. It receives regular reports such as internal audit plans and risk management arrangements and it approves the Council's Statement of Accounts and Treasury Policy.

Principle G

Implementing good practices in transparency, reporting and audit to deliver effective accountability.

The Council supports Principle G in the following ways:

Implementing good practice in transparency.

- The Council's **Constitution** publishes how its affairs will be conducted and how residents can get involved. It includes rules on access to information.
- The Council webcasts its public meetings.
- The Members' and Officers' **Codes of Conduct**, supported by **Declaration of Interest Guidance** provide arrangements for members and officers to declare any potential or actual conflicts of interests.
- The **Annual Governance Statement** provides an annual report on the Council's arrangements for financial and internal control as well as managing risk and identifies areas for improvement and associated actions. This is published on the Council's website.
- The Council publishes **all payments over £500 and procurement card transactions monthly**, and the remuneration details of the Corporate Management Team and directors in the annual Statement of Accounts and on its website.
- The Council publishes a **Forward Plan** of key decisions which are due to be made in the month ahead and its scrutiny workplan.
- The Council's **Pay Policy** and **gender pay gap** are published on its website.

Implement good practices in reporting.

- Cabinet and Scrutiny and Overview Committee receive regular reports on budget, performance and risk.
- Annual reports from the independent chairs of adults and children's safeguarding boards are considered by Cabinet.

Assurances and effective accountability.

- The **Officer Code of Conduct** and the **Members Code of Conduct** define the standards of conduct and personal behaviour expected of members and officers.
- The **HR Handbook** includes all HR-related policies and procedures, including appraisal, probation, discipline, capability and absence management.
- The organisation can be seen to be encouraging openness and honesty within the **Whistle-blowing Procedure**, this allows officers to anonymously raise concerns about

malpractice. This is supported by a programme of **Guardians** who provide staff with a safe space to share concerns about behaviour or culture at the Council.

- **Internal Audit** provides independent assurances to management on the effectiveness of the Council's internal control, governance and risk arrangements. The Head of Internal Audit attends departmental leadership team meetings regularly to report on the latest internal audit reports and any outstanding actions from previous audits.

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Agenda Item 8

REPORT TO:	GENERAL PURPOSES AND AUDIT COMMITTEE 25 January 2022
SUBJECT:	REVISIONS TO THE COUNCIL'S CONSTITUTION
LEAD OFFICER:	Richard Ennis, Interim Corporate Director of Resources & Section 151 Officer
WARDS:	All
PUBLIC/ EXEMPT:	Public
SUMMARY OF REPORT: This report updates Councillors on progress in reviewing the Council's Constitution in preparation for the introduction of the mayoral model of governance and seeks approval for other changes to the constitution which are appropriate at this time.	
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.	
RECOMMENDATIONS: The Committee is asked to recommend to Council that they: 1. Approve the changes to the Constitution as detailed in section 2 and set out more fully in Appendix 1.	

1. BACKGROUND

- 1.1 Consideration of changes to the Constitution is a responsibility of the General Purposes and Audit Committee, prior to referral of any proposals to full Council for approval.
- 1.2 In July 2021, full Council agreed that a politically proportionate Constitution Working Group be established to keep the constitution under review and inform proposals for any revisions to the Constitution.
- 1.3 The Constitution Working Group has been meeting since late November 2021 to consider revisions to the constitution in preparation for the commencement of the mayoral governance model in May 2022. Proposed revisions relating to the mayoral model will be brought to the March meeting of this committee.

1.4 The Working Group has also considered other revisions to the constitution which are required for a variety of reasons: this report sets out those proposed revisions for consideration by the Committee.

2. PROPOSAL

2.1 The following revisions are proposed:

- i) Part 3 – Responsibility for Functions section 2.2(8): updated criteria for dispensations to ensure consistency with the Members’ Code of Conduct (reflecting all categories of interest for disclosure);
- ii) Part 4B – Access to Information Procedure Rules section 13: addition to ensure clarity that redaction may be used to enable disclosure of information where part but not all of the document contains confidential information, consistent with the Access to Information Protocol (see below);
- iii) Part 4D – Executive Procedure Rules section 1.4 and Part 4F – Non-Executive Committee Procedure Rules section 11: updated to include disclosure of all categories of interest, consistent with the Members’ Code of Conduct;
- iv) Part 2, Article 8 and Part 3 – Responsibility for Functions for Licensing: minor amendments.

The Committee is also asked to note that the Director of Legal Services is amending Part 5F – Protocol for Licensing Hearings under the Licensing Act 2003 and Part 5G – Protocol for Licensing Hearings under the Gambling Act 2005: these revisions are to address typographical errors and provide clarity on the appointment of Reserve Members to the Licensing Committee.

- v) Part 6D – Scheme of Co-option: revisions to:
 - Include reference to the independent Chair of General Purposes and Audit Committee (the Committee does not appoint its own chair);
 - Ensure consistency with the Member Code of Conduct (when Ethics Committee agreed to recommend to Full Council adoption of the Member Code on 30 September 2021, it did so on the understanding that the Scheme of Co-option would also be revised, as part of a suite of documents supporting high standards of conduct);
 - Clarify that access to information rights for co-optees apply only in relation to co-optees’ specific role.

2.2 It is also proposed to add the Access to Information Protocol at a new Part 5K, following agreement to recommend adoption of this document by Ethics Committee on 9 December 2021.

3. REASONS FOR RECOMMENDATION

3.1 The proposed changes to the constitution will ensure and assist with compliance and consistency with other decision making by the Council.

4. CONSULTATION

- 4.1 The changes proposed in this report will support implementation of other decisions by Council and compliance with legislation and as such have not been subject to separate consultation.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

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

6. LEGAL CONSIDERATIONS

- 6.1 The Head of Head of Litigation & Corporate Law comments on behalf of the Interim Director of Law and Deputy Monitoring Officer that the Local Government Act 2000 ('2000 Act') requires the Council to prepare and keep up to date the Council's constitution.
- 6.2 To ensure the Council upholds its responsibility in line with the 2000 Act, the changes as summarised in paragraph 1.4 are being proposed. These proposed changes and updates are set-out in paragraph 2 and detailed within the appendices of the report.
- 6.3 Clarification as to some of the more substantive changes are outlined below.
- 6.4 The proposed changes relating to the Code of Conduct reflect the Council's duty under the 2000 Act to adopt such a Code, which was revised at the Council's meeting in October 2021. These changes were made in accordance with the new national Model Member Code of Conduct produced by the Local Government Association.
- 6.5 Under section 31 of the Localism Act 2011 a Member or co-opted Member should not participate in a meeting where they have a disclosable pecuniary interest (DPI), unless he/she has first obtained a dispensation. The relevant changes reflect the newly adopted Code of Conduct and the need for a declaration also to be sought for Other Registrable Interests (ORIs) and Non-Registrable Interests, in accordance with the Council's dispensation procedure, should the Member or co-opted Member wish to participate in a meeting where any such interests arise.
- 6.6 The proposed change to Part 4B's Access to Information Procedure Rules has been made in line with the introduction, within the Constitution, of the Part 5.K Protocol on Members' rights of access to information. This amendment has been made with due regard being given to both the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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

7. HUMAN RESOURCES IMPACT

- 7.1 There are no immediate Human Resources implications arising from the contents of this report.

Approved by: Gillian Bevan, Head of HR – Resources and Assistant Chief Executive

8. EQUALITIES IMPACT

- 8.1 The constitution of the Council should give due regard to equality and fairness and ensure that equality is fundamental to how the Council undertakes its core business. The Council has a statutory duty to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must therefore have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 Any constitutional review should have regard, wherever possible, to the vision that Croydon is a fairer, safer, more inclusive borough, where everyone has a voice and feels as if they belong. The review should also have regard wherever possible to the Council's core priority, which is to focus on tackling ingrained inequality and poverty in the borough.

Approved by: Denise McCausland, Equality Programme Manager

9. ENVIRONMENTAL IMPACT

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

10. CRIME AND DISORDER REDUCTION IMPACT

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

11. DATA PROTECTION IMPLICATIONS

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

No.

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

N/A.

Approved by: Richard Ennis, Interim Director of Resources.

CONTACT OFFICER: Heather Wills, Governance Improvement Adviser;
heather.wills@croydon.gov.uk

APPENDICES TO THIS REPORT:

1: Proposed changes and amendments to the Constitution

BACKGROUND PAPERS: None.

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CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 1 The Constitution

1.1 The Constitution

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

1.2 Powers of the Authority

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

1.3 Purpose of the Constitution

The purpose of this Constitution is to:

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

1.4 Interpretation and review of the Constitution

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

ARTICLE 2 **Members**

2.1 **Composition and eligibility**

- (a) **Composition.** The Council shall comprise 70 Members. With the exception of 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) Corporate Director Adult Social Care & Health (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 10 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 optee from Healthwatch (Croydon)	6 Members + 1 non-voting co-
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
Monitoring Officer	Monitoring Officer
Corporate Director Resources	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 Corporate Director Adult Social Care & Health 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 BernardWeatherill 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

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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 a Corporate 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 Corporate 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), Other Registrable Interests (ORIs) or Non-Registrable Interests (NRIs) 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 a Corporate Director, action as a matter of urgency.
67. 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), Corporate Director Adult Social Care & Health (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 10 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 3 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 administrating authority for the local government pension scheme, to other scheme employers;
 - g) To make representations to government as appropriate concerning any proposed changes to the Local Government Pension Scheme; and
 - h) To keep these terms of reference under review.

2.9. **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 & Sustainable Regeneration, 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 & Sustainable Regeneration 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 & Sustainable Regeneration;
 - b) The Director of Planning & Sustainable Regeneration 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 & Sustainable Regeneration 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 & Sustainable Regeneration, 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

As amended 06.2019, 08.2019,
02.2021, 05.08.21 and 25.08.21

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 & Sustainable Regeneration 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 & Sustainable Regeneration;
 - b) The Director of Planning & Sustainable Regeneration 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 & Sustainable

Regeneration 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 & Sustainable Regeneration.

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. CORPORATE DIRECTORS

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

Chief Executive
Corporate Director /DCS Children, Young People & Education
Corporate Director/DASS Adult Social Care & Health
Corporate Director Sustainable Communities, Regeneration & Economic Recovery
Corporate Director Resources
Executive Director Localities & Residents Pathway
Corporate Director Housing
Assistant Chief Executive
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 Chief People Officer 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.B - Access to Information Procedure Rules

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

1 SCOPE

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

2 ADDITIONAL RIGHTS TO INFORMATION

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

3 RIGHTS TO ATTEND MEETINGS

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

4. NOTICE OF MEETINGS

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

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

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

6 SUPPLY OF COPIES

The Authority shall supply copies of:

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

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

7. ACCESS TO MINUTES ETC. AFTER THE MEETING

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

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

8. BACKGROUND PAPERS

List of Background Papers

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

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

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

Public Inspection of Background Papers

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

9. SUMMARY OF PUBLIC'S RIGHTS

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

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

Confidential Information – Requirement to Exclude Public

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

Exempt Information – Discretion to Exclude Public

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

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

Meaning of Confidential Information

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

Meaning of Exempt Information

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

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

Licensing Sub-Committee

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

11 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

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

12 SCOPE

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

For the purposes of these Rules "executive decision" means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a local authority.

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

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

13 GENERAL PROVISIONS RELATING TO INFORMATION AND REPORTING OF MEETINGS

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

13.2 Nothing in these Rules—

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

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

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

13.4 Nothing in these Rules prohibits the disclosure of a document, should it be appropriate to do so in the opinion of the proper officer, in which all confidential and exempt information or the advice of a political adviser or assistant has been redacted. Disclosure with one or more redactions would not be appropriate where, as a result of redacting information, the document or copy provided would be misleading or not reasonably comprehensible.

13.5 For the purposes of these Rules:

13.5.1 Reporting on proceedings at a meeting means-

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

orally or in writing, so that the report or commentary is available to a person not present, as the meeting takes place or later.

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

13.5.3 Subject to 13.5.4,

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

13.5.4 Paragraphs 13.5.1 - 13.5.3 above do not permit the oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting. In addition, any reporting is subject to the Chair's power to require that any person terminate their reporting if such reporting is distracting, disruptive or contrary to the good order or conduct of the meeting.

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

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

14. RIGHTS TO ATTEND EXECUTIVE MEETINGS

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

15 NOTICE OF PUBLIC EXECUTIVE MEETINGS

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

16 ACCESS TO AGENDA AND REPORTS BEFORE PUBLIC EXECUTIVE MEETINGS

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

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

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

17. NOTICE OF PRIVATE EXECUTIVE MEETINGS

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

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

18. URGENT PRIVATE EXECUTIVE MEETINGS

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

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

that the meeting is urgent and cannot reasonably be deferred.

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

19. ACCESS TO REPORTS BEFORE PRIVATE EXECUTIVE MEETINGS

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

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

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

20. RECORD OF EXECUTIVE DECISIONS MADE AT EXECUTIVE MEETINGS

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

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

21. RECORD OF EXECUTIVE DECISIONS MADE BY INDIVIDUAL MEMBERS

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

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

22 RECORD OF EXECUTIVE DECISIONS MADE BY OFFICERS

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

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

23. ACCESS TO MINUTES ETC. AFTER THE EXECUTIVE MEETING

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

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

24. BACKGROUND PAPERS

24.1 List of Background Papers

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

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

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

24.2 Public Inspection of Background Papers

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

25. SUPPLY OF COPIES

The Authority shall supply copies of:

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

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

26. SUMMARY OF PUBLIC'S RIGHTS

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

27 EXCLUSION OF ACCESS BY THE PUBLIC TO EXECUTIVE MEETINGS

Confidential Information – Requirement to Exclude Public

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

Meaning of Confidential Information

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

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

Exempt Information – Requirement to Exclude Public

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

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

Meaning of Exempt Information

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

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

Exclusion to maintain orderly conduct or prevent misbehaviour

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

28. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

29 KEY DECISION RULES

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

- (a) result in the Council incurring expenditure, or making savings, of 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
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.

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

30 PUBLICITY IN CONNECTION WITH KEY DECISIONS:

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

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

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

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

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

30.3 Where, in relation to any matter—

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

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

31 GENERAL EXCEPTION

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

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

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

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

32 CASES OF SPECIAL URGENCY

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

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

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

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

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

33.1 Where an executive decision has been made and—

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

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

33.2 The report must include details of—

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

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

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

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

34. REPORTS TO COUNCIL ON USE OF SPECIAL URGENCY

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

The report submitted shall include—

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

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

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

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

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

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

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

35.3 Subject to Rules 35.4 and 35.5 any document which—

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

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

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

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

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

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

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

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

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

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

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

LOCAL GOVERNMENT ACT 1972 (as amended)

SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

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

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

PART 2

QUALIFICATIONS: ENGLAND

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

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

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

10. Information which—

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

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

PART 3

INTERPRETATION: ENGLAND

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

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

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

"labour relations matter" means—

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

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

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

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

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

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

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

(b) in the case of a committee, to—

(i) any constituent principal council;

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

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

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

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

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

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 4.D - Executive Procedure Rules

1 THE EXECUTIVE

1.1 Who may make Executive Decisions

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

The Leader – who may delegate to:

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

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

1.2 Sub-delegation of Executive Functions

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

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

1.3 The Council's Scheme of Delegation and Executive Functions

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

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

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

1.4 Disclosable Pecuniary Interests, Other Registrable Interests and Non Registrable Interests and Conflicts of Interest

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

1.5 Meetings of the Cabinet

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

no longer than three hours.

- (c) In the event that business remains outstanding at the time specified for the meeting to conclude, the Chair may move a motion to extend the termination of the meeting by up to 30 minutes to enable business set out on the agenda to be transacted. In the event that business remains outstanding at the expiry of the 30 minute period, the Chair may, in exceptional circumstances, move a motion to extend the meeting by a further 30 minutes to enable the transaction of business on the agenda.
- (d) Meetings of the Cabinet shall be open to the media and public unless the business under consideration is exempt or confidential as determined under the Access to Information Rules set out in Part 4 of this Constitution. Participation at meetings by the Shadow Cabinet and Members of other Political Groups represented on the Council may be governed by a Leader's protocol.
- (e) Notice of each meeting shall be given and the agenda and papers for each meeting shall be available in compliance with the Access to Information Rules set out in Part 4 of this Constitution.

1.6 **Quorum**

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

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

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

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

to the Cabinet as a whole.

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

1.8 Recommendation to Council

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

2 THE CONDUCT OF EXECUTIVE MEETINGS

Appointment of Chair

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

Business

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

Attendance by Non-Executive Members

- 2.6 The Chair of the Scrutiny and Overview Committee together with the relevant Deputy or the Vice Chair shall have automatic entitlement to attend any Cabinet or Cabinet Committee meeting at which a report from a Scrutiny and

Overview Committee or a Sub-Committee is under consideration and participate in the consideration of that item of business but not vote.

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

3 COMMITTEES OF THE CABINET

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

General Purposes Committee

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

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

4. ADVISORY COMMITTEES

- 4.1 The Council has established the following Advisory Committees to advise the relevant Cabinet Member:

Traffic Management Advisory Committee (Membership 6)

- 4.2 The Traffic Management Advisory Committee shall meet as frequently as business requires for the purpose of advising the Cabinet Member for

Environment, Transport & Regeneration in respect of:

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

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

PROTOCOLS OF THE EXECUTIVE

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

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

This Protocol applies to the Corporate Director/ DCS Children, Young People & Education who shall exercise delegated powers to appoint School Governors and in approving or amending Instruments of Government relating to the size and composition of individual governing bodies.

Appointment of School Governors

Before approving, or otherwise, any appointment of a person as a School Governor, the Corporate Director/DCS Children, Young People & Education shall:

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

Instruments of Government

Before approving, or otherwise, any Instrument or amendment to an Instrument of Government, the Corporate Director/DCS Children, Young People & Education shall:

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

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

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

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

**CROYDON COUNCIL
RECORD OF EXECUTIVE DECISION**

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

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

Signature:

Title:

Date:

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 4.F - Non-Executive Committee Procedure Rules

1 Application

- 1.1 Without prejudice to the Licensing, Licensing Sub-Committee, Planning Committee and Planning Sub-Committee Procedure Rules, these Rules shall apply to meetings of all Non-Executive Committees and Sub-Committees established by the Council.

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, other registrable interests and/or non-registrable interests, including any not already on a Member's Register of Interest or subject to a pending notification to the Monitoring Officer, shall be recorded in the minutes of the meeting.

- 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, and/or other registrable 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, and to disclose any non-registrable interest. Each disclosure shall be minuted but Members are required to notify the Monitoring Officer of any disclosure of a disclosable pecuniary interest or other registrable interest so minuted in accordance with the Members' Code of Conduct.

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 5.F – Protocol for Licensing Hearings under the Licensing Act 2003

Protocol adopted by the Licensing Committee on 19 April 2005 1st Revision: 6.1.06
2nd Revision: 22.11.07

Updated: 30 September 2020 - approved by the Licensing Committee on 30
September 2020 pursuant to Article 15 of the Council's Constitution

1. DEFINITIONS

1.1 In this Protocol:

- **'The Act'** means the Licensing Act 2003.
- **'The Regulations'** means the Licensing Act 2003 (Hearings) Regulations 2005 and the Licensing Act 2003 (Hearings) (Amendment) Regulations 2005.
- **'Applicant'** means the applicant for a licence under the Licensing Act 2003. This includes an applicant making an application for a new premises licence or club premises certificate, a variation to a premises licence or club premises certificate, a personal licence, a transfer, an interim authority, designated premises supervisor, a provisional statement or a temporary event notice. The term Applicant also refers to a person representing the Applicant.
- **'The Authority'** means the Licensing Authority for the London Borough of Croydon.
- **'Licensing Sub-Committee'** means a Sub-Committee of the Licensing Committee empowered under the Act and the Council's Constitution to determine applications under the Act.
- **'Party to the hearing'** means a person to whom a notice of hearing is required to be given in accordance with Regulation 6(1) of the Regulations including the Applicant, Responsible Authorities and 'Other Persons' and "Party" and "Parties" shall be construed accordingly. "Party" includes a person representing the Applicant, Responsible Authority and Other Persons.
- **'Responsible Authority'** means a person or body as defined by the Act and/or the Regulations and includes the Police, the Fire Authority, the Health Authority, the Licensing Authority, Planning Officers, Noise and Nuisance Officers, Health and Safety Officers Trading Standards Officers and officers responsible for protecting children from harm. "Responsible Authority" includes a person representing the Responsible Authority.
- **'Other Persons'** means any of the following: -
 - An individual or a body representing the same;
 - a business or a body representing the same."Other Person" and "Other Persons" shall be construed accordingly. "Other Person" includes a person representing the 'Other Person'

2. INTRODUCTION/APPLICATION OF PROTOCOL

- 2.1 This protocol applies to hearings held by the London Borough of Croydon under the Act. It sets out how the Licensing Committee and its Sub-Committees will manage their business under the Act and the procedure to be followed in determining applications/requests for review and at hearings.
- 2.2 The protocol shall comply with the Regulations and any regulations or enactment amending or replacing the same. The protocol applies to all applications which are required under the Act to be determined by the Licensing Sub-Committees, and to the conduct of all Members whether or not Members of the Licensing Committee or its Sub-Committees.
- 2.3 This protocol does not apply to the consideration of any licensing matter outside of the Act's scope by the Licensing Committee or to non-decision making matters related to the Act (i.e. recommendations) from the Licensing Committee. In either instance the Licensing Committee can use their Reserve Members when considering such matters. Reserve Members are appointed when any of the 12 Voting Licensing Members are unable to attend a Meeting. Reserve Members will be notified in advance to Democratic Services and, subject to availability, their selection and appointment will be confirmed at the outset of the meeting.

3. DETERMINATION OF APPLICATIONS

- 3.1 Where a hearing is required under the Act, this shall be held by one of the Licensing Sub-Committees.
- 3.2 Applications and other matters shall be determined in accordance with the Guidance issued under section 182 of the Act. Unopposed applications will be determined by officers under delegated authority, except where the Act or Regulations require otherwise. Officers will report periodically to the Licensing Committee on applications determined under delegated authority.

4. THE LICENSING SUB-COMMITTEES

- 4.1 The membership of each Licensing Sub-Committee shall be three Members, drawn from the pool of 12 voting Members of the Licensing Committee. The Council Solicitor, Director of Legal Services, shall, after consultation with the appropriate Group Whip(s), nominate Members, to serve on meetings of the Licensing Sub-Committees taking into account member availability, group proportionality and the need to avoid any potential conflict of interests.
- 4.2 The quorum of the Licensing Sub-Committee is three Members and all three Members must be present throughout the hearing.
- 4.3 Each Political Group shall nominate a reserve member for each meeting of the Licensing Sub-Committee to provide for the eventuality that a Member is unavailable at short notice.
- 4.4 The Licensing Sub-Committees shall be subject to the 'access to information' rules applying to committees and sub-committees appointed under Section 102 of the Local Government Act 1972 and the Council's Access to Information Procedure Rules set out in Part 4B of this Constitution, provided always that the Licensing Sub-Committees may decide to withdraw to private

session to deliberate on any matter.

4.5 The Licensing Sub-Committees shall be subject to the 'political balance' rules applying to committees and sub-committees appointed under Section 102 of the Local Government Act 1972.

4.6 The Licensing Sub-Committee shall appoint a chair for the meeting from amongst its Membership at the start of each meeting.

5. HEARINGS

5.1 Hearings will be convened and conducted in accordance with the procedures at Annex 1 and Annex 2 to this protocol (as applicable).

5.2 Hearings shall normally take place at the Town Hall, Katharine Street, Croydon though as at Annex 2, hearings may also be held remotely, online. Hearings may take place during the daytime or evening.

5.3 The agenda for meetings of the Licensing Sub-Committees shall be agreed by the Council Solicitor, Director of Legal Services, after any necessary consultation with the relevant Chair. The Council Solicitor, Director of Legal Services, after consultation with the Chair and the Licensing Officer, shall determine how many applications shall be heard at each meeting of the Licensing Sub-Committee and in what order, taking into account all relevant factors including the number of parties who are present for each item.

5.4 Hearings shall be scheduled in accordance with the timescales set out in the Regulations. In general a hearing must be held within 20 working days after the time has expired for making representations.

6. NOTIFICATION OF HEARINGS

6.1 The Applicant and all parties who have made relevant representations shall be notified of the hearing in accordance with the timescales set out in the Regulations. Information to accompany the notice of hearing shall be provided in accordance with the Regulations, and shall include:

- a copy of this Protocol;
- confirmation that a Party may be assisted or represented by a person whether or not that person is legally qualified;
- confirmation that a Party to the hearing may address the Authority, give further information on a point on which the Authority requires clarification and, if considered by the Licensing Sub-Committee to be required, question another Party to the hearing;
- the consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the Party's absence); and
- a note of any particular points on which the Authority wants clarification.

6.2 In order to consider whether there are any issues of clarification to be requested, from Applicants or those making representations, Members of the Licensing Sub-Committee may meet with the Clerk and/or Legal Adviser in advance of the hearing. No decisions will be made or discussions held regarding the substantive merits of the application or submissions at this meeting.

- 6.3 Subject to any restrictions in the Regulations, a Party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.
- 6.4 All Parties upon whom a notice of hearing has been served are required to give to the Authority, in accordance with the timescales set out in the Regulations, notice of:
- whether they intend to attend or to be represented at the hearing;
 - whether or not they consider a hearing to be unnecessary; and
 - whether they wish to request that another person appear at the hearing (other than their representative). If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the Authority.
- 6.5 The Authority may dispense with the requirement to hold a hearing if all Parties agree that such a hearing is unnecessary provided (1) all the Parties involved in the application agree to dispense with a hearing and (2) all Parties have each served a notice on the Authority that a hearing is unnecessary. Where all the persons required by the Act to agree that a hearing is unnecessary have done so in accordance with paragraph 6.4 above, the Authority, if it agrees that a hearing is unnecessary, shall forthwith give notice to the Parties that the hearing has been dispensed with and the application will be determined by the officers under delegated authority. The Authority will determine the application within **10 working days** from the date the Notice is served dispensing with the hearing. Once the application has been determined the Authority will notify the Parties of its decision forthwith.
- 6.6 Subject to the requirement to determine an application within the timescale set out in the Regulations and to any other restrictions contained in the Regulations, the Authority has the power to extend a time limit specified in the Regulations for a specified period where it considers this is necessary in the public interest, or to adjourn a hearing to a specified date. Where the Authority has exercised its discretion to extend a time limit or adjourn a hearing, it must forthwith give notice to the Parties, stating the period of the extension and the reasons why it considers it is necessary in the public interest, or the date, time and place to which the hearing has been adjourned, as appropriate.

7. FAILURE OF PARTIES TO ATTEND THE HEARING

- 7.1 If a Party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Licensing Sub-Committee may either adjourn the hearing or hold the hearing in the Party's absence. Where the hearing is held in the absence of a Party, the Licensing Sub-Committee will still consider the application, representation or notice submitted by that Party.

8. OFFICERS TO ATTEND THE HEARING

- 8.1 The hearing will be attended by a Legal Officer, a Democratic Services Officer who shall act as the clerk, and a Licensing Officer. The officers are present to provide advice and are not Parties to the hearing. Where the Licensing

authority determines that it will make representations as a Responsible Authority, these representations will not be made by the same Licensing Officer who presents the application to the Sub-Committee at the hearing.

- 8.2 The role of the Legal Officer is to provide legal advice relating to the application and submissions. Any legal advice that may be given to the Licensing Sub-Committee in private shall be repeated when the Licensing Sub-Committee returns in open session.
- 8.3 The role of the Clerk is to record the hearing and the decisions of the Licensing Sub-Committee, and to ensure efficient administration.

9. LICENSING OFFICER'S REPORT TO THE LICENSING SUB-COMMITTEE

- 9.1 The Licensing Officer shall prepare a report for consideration by the Sub-Committee including:
- a brief summary of the application;
 - a brief summary of representations by responsible authorities and Interested Parties;
 - relevant aspects of the Council's Licensing Policy and National Guidance; and
 - Other information as appropriate and as included in the Council's standard report format.
- 9.2 The Licensing Officer's report shall be sent to the Parties and will be accompanied by the relevant documentary material that has been submitted by the Parties.
- 9.3 After having heard the representations and prior to retiring to make its decision the Licensing Sub-Committee may, if it wishes, seek the guidance of the licensing officer regarding possible suitable conditions in respect of any particular application.

10. REPRESENTATIONS

- 10.1 Other Person(s) or Responsible Authority may make written representations about an application for a premises licence or certificate. Generally these must be made at any time up to and including 20 working days after the day on which the application was received. A copy of all relevant representations will be provided, in full, to the Applicant. The papers for the Licensing Sub-Committee hearing will be available to the press and public. Correspondence submitted anonymously will not be considered.
- 10.2 Licensing Sub-Committee Members will not enter into correspondence or discussion with Applicants, their agents or representatives, Other Persons or Responsible Authorities about the merits of the application(s) they may be called upon to decide.
- 10.3 Where an application is to be decided at a hearing by the Licensing Sub-Committee, Applicants and those who have made relevant written

representations in connection with the application, will be invited to attend.

- Representations or requests for review will only be relevant if they relate to one or more of the four licensing objectives:
the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

10.5 At the hearing a Party shall be entitled to:

- give further information in response to a point upon which the Authority has given notice that it will want clarification;
- if given permission by the Authority, question any other Party; and
- address the Authority.

10.6 Members of the Licensing Sub-Committee may question any Party or other person appearing at the hearing.

10.7 In considering any representations or notice made by a Party the Authority may take into account documentary or other information produced by a Party either before the hearing or, with the consent of all the other Parties, at the hearing.

10.8 Statements made by people in support of a Party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

10.9 A Party who wishes to withdraw any representations they have made, may do so by giving written notice to the Authority no later than 24 hours before the day on which the hearing is scheduled to be held, or orally at the hearing.

10.10 The Licensing Sub-Committee has the discretion to consider whether to take into account any documentary or other evidence produced by a Party before the hearing. Any documentary or other evidence produced by any Party in support of an application, representations or notice of hearing, which has not been produced before the hearing can only be heard with the consent of all other Parties present, and the Licensing Sub-Committee. During the hearing no new matters may be raised without the express consent of the Chair of the Licensing Sub-Committee.

11. HEARINGS TO BE OPEN TO THE PUBLIC

11.1 The hearing will take place in public. However, the Licensing Sub-Committee may exclude the public (including a Party and any person assisting or representing a Party) from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

11.2 The Chair may exclude from the hearing any person who is behaving in a disruptive manner. This may include a Party who is seeking to be heard at the

hearing. In the case where a Party is to be excluded, the Party may submit to the Licensing Sub-Committee in writing any information which they would have been entitled to give orally had they not been excluded from the hearing.

- 11.3 The Licensing Sub-Committee may retire into private session during or at the end of the hearing to deliberate on any matter or decide how it wishes to determine the application. The Licensing Sub-Committee may be accompanied by the Clerk and the Legal Advisor who will be available to assist the Licensing Sub-Committee with any legal problems but will not participate in any decision making of the Licensing Sub-Committee.

12. DETERMINATION OF APPLICATIONS

- 12.1 Normally the Licensing Sub-Committee shall make its determination at the conclusion of the hearing and in all cases the Licensing Sub-Committee shall make its determination in accordance with the timescales laid down by the Regulations.
- 12.2 Where all Parties have notified the Authority that a hearing is not required and the Authority agrees that a hearing is not required, the application shall be determined in accordance with the timescales set out in the Regulations.
- 12.3 The Licensing Sub-Committee shall give reasons for its decision and these shall be recorded in the minutes of the meeting.
- 12.4 The Authority shall notify Parties of its determination, and provide any accompanying information in accordance with the Regulations. The Chief Officer of Police shall also be notified even in a case where the Police have not made a representation.

13.1 RECORD OF PROCEEDINGS

- 13.1 The Authority shall keep a record of the hearing in a permanent and intelligible form for 6 years from the date of the determination or, where an appeal is brought against the determination of the Authority, from the disposal of the appeal.

14. CODE OF CONDUCT AND PRINCIPLES OF DECISION-MAKING

- 14.1 Members shall at all times comply with the provisions of the Members' Code of Conduct.
- 14.2 In making their determinations under the Act, Members shall have regard to:
- the material relevant facts in light of the evidence presented;
 - the relevant statutory provisions;
 - relevant national guidance and the policy statement;
 - the licensing objectives; and
 - the individual merits of the case.
- 14.3 Applications shall be determined on the basis of whether they promote the

licensing objectives in the Act, namely:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

14.4 The Licensing Sub-Committee shall disregard any information or evidence given which is not relevant to the application, representations or notice; or to the promotion of the licensing objectives.

14.5 Decisions must not be influenced by any political party direction whether given at a previous party group meeting or otherwise.

14.6 Members of the Licensing Committee or its Sub-Committee(s) must act without bias or predetermination, must have no disclosable pecuniary interest (DPI) in any application before them, and must keep an open mind on all applications until they have considered all of the evidence and arguments presented. They shall not take or express any view on the merits of an application, nor organise support for or opposition to any application in advance of a hearing. Any Member who does so shall not be eligible to serve on the Licensing Sub-Committee [meeting] that hears the application.

15. MEMBERS' INTERESTS: GENERAL

15.1 Members must at all times comply with the Members' Code of Conduct in relation to the disclosure of disclosable pecuniary interests, participation in relation to disclosed interests and registration of disclosable pecuniary interests and other interests and of gifts and hospitality.

16. MEMBERS' INTERESTS: MEMBERS OF THE LICENSING COMMITTEE

16.1 A Member of the Licensing Committee who has been involved in a licence application shall not serve on the Licensing Sub-Committee hearing at which the licence application is to be determined.

16.2 No Member sitting on the Licensing Sub-Committee can represent one of the interested Parties or applicant. If a Member wishes to do so s/he must excuse him/herself from membership of the Licensing Sub-Committee which is considering the application and address the Licensing Sub-Committee as a representative for an Interested Party (subject to 17.2 below).

16.3 Members involved in Council meetings which approved the Licensing Policy (or any amendment to it), will not be excluded from membership of the Licensing Sub-Committee solely on this basis.

17. MEMBERS' INTERESTS: WARD MEMBERS AND OTHER MEMBERS

17.1 Under the Members' Code of Conduct a Member who has a disclosable pecuniary interest must, if the interest is not one which is already on the register of interests or subject to a pending notification to the Monitoring Officer,

disclose the existence of that interest to the meeting and thereafter notify the Monitoring Officer of that interest within 28 days of this disclosure.

- 17.2 Where a Member has a disclosable pecuniary interest in relation to the application under consideration they may not sit on that sub-committee.
- 17.3 Any Member with a disclosable pecuniary interest is also precluded from making representations orally to the Sub-Committee or from making representations on behalf of a party to the hearing. They can still present their views through other means. For example, the Member can:
- make written representations in their private capacity. The existence and nature of the interest should be disclosed in such representations and the Member should not seek preferential consideration for their representations. Such written representations should be addressed to officers rather than other Members of the Authority;
 - use a professional representative to make an application on the Members behalf; or
 - arrange for another Member of the Authority to represent the views of the Member's constituents on matters in which their ward Member has a disclosable pecuniary interest.
- 17.4 The Member who has a disclosable pecuniary interest but has been asked to represent the views of a party making representations should advise them about that interest and inform them that another Member may represent their views on the issue. When representing those views the other Member should make it clear to the relevant committee or officers that he or she is acting in place of the original Member because of that Member's disclosable pecuniary interest.

18. LOBBYING

- 18.1 If a Member of the Licensing Committee is approached by a person(s) wishing to lobby him/her on a licence application then that Member should explain that they cannot discuss the matter and refer the lobby person(s) to the Licensing Officer or his/her Ward Member who can explain the process of decision making. Any written representations received by a Member of the Licensing Committee should be passed to the Licensing Officer and reported at the hearing at which the application is being determined. Requests for procedural advice with regards to licensing applications should be referred to Council Officers for advice and information.
- 18.2 Other Members must not lobby Members who sit on the Licensing Sub-Committee, directly or indirectly, before or after a meeting, in writing or otherwise, in respect of items to be decided by the Licensing Sub-Committee. Any representation by other Members, on behalf of an Other Person(s), should be sent to the relevant Licensing Officer for inclusion in his/her report. A Member shall not attempt to use her/his status as a Member to influence consideration of a submission, or try to get officers to change a decision or recommendation.

19. SITE VISITS

- 19.1 The Licensing Sub-Committee may undertake a site visit to the premises which are the subject of an application. If required, the site visit may occur prior to the hearing or the Licensing Sub-Committee may adjourn the hearing part way through to undertake a site visit. The Chair of the Licensing Sub-Committee shall give reasons justifying the need for a site visit and these shall be notified to the Parties.
- 19.2 If a site visit is necessary the following procedure should be observed:
- the visit should be undertaken as a group visit attended by all the Licensing Sub-Committee Members and its purpose should be confined to that indicated by the Chair;
 - the visit should be attended by an officer who may be asked factual questions by the Members;
 - no indication of the likely outcome of the application should be given on the visit;
 - no representation from the applicant or from those making representations shall be heard or accepted on the visit; and
 - a record should be kept of those attending the visit, the questions asked, and answers given.

20. APPLICATIONS SUBMITTED BY THE LOCAL AUTHORITY OR BY ANOTHER PUBLIC AUTHORITY

- 20.1 Where the Authority is the applicant for a licence, that application shall be determined in accordance with the normal procedure. The Licensing Sub-Committee shall give no regard to the interests of the Council itself, aside from receiving relevant representations on this issue. Members who were part of the Authority's decision to apply for the licence, or who express a view in respect of such an application, shall not serve on the Licensing Sub-Committee to determine the application.
- 20.2 A Member who also serves on another local authority, or carries out a function for another public authority, or is appointed by Croydon Council as its representative on another body, shall not serve on the Licensing Sub-Committee to determine an application which has been made by that other authority or body, or on which that other authority or body has made a representation.

21. VARIATION/AMENDMENT OF THIS PROTOCOL

- 21.1 The Licensing Sub-Committee may waive, vary or modify any part of this protocol in relation to a particular case if it considers that this is necessary to ensure fairness to the Parties and/or proper consideration of the application in question, provided always that this does not result in any contravention of the Regulations.
- 21.2 This protocol may be amended by the Licensing Committee. In addition, where amendments to this protocol are necessary due to legislative changes, the

Council Solicitor, Director of Legal Services, may make such consequential changes to this Protocol as are necessary to take such changes into account.

ANNEX 1 - Procedure for Licensing Sub-Committee Hearings

Note: (1) This procedure shall normally be followed for all Hearings held by the Licensing Sub-Committee(s). The Chair may vary the procedure in respect of any hearing if he/she considers that this would facilitate the proper consideration of the application or notice before the Licensing Sub-Committee.

Note: (2) The hearing shall take the form of a discussion led by the Licensing Sub-Committee. Cross-examination shall not be permitted unless the Licensing Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice before it.

1. The Licensing Sub-Committee will elect a Chair from amongst their number
2. The Chair will introduce those present, Parties to indicate their names and who they represent. Chair to ascertain who will speak.
3. The Chair of the Licensing Sub-Committee will inform the Parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused (Note this relates to people other than those attending on behalf of a Party in the capacity as a representative of the Party).
4. The Chair will explain to the Parties the procedure to be followed at the hearing and to consider any request made by a Party in accordance with the Regulations for permission for another person to appear at the hearing (Such permission shall not be unreasonably withheld).
5. The Licensing Sub-Committee will confirm or vary the time limits set out below to be applied to contributions from the Parties. (Note: under the Regulations an equal maximum time period must be allowed to the Parties to exercise their rights under the Regulations).
6. The Chair will summarise the paperwork before the Licensing Sub-Committee and confirm that all present have copies; will ascertain whether any representations have been or are now to be withdrawn, and will hear any requests to adduce additional documentary or other information.
7. The Licensing Officer will outline:
 - details of the application and relevant representations received from the Parties; and the outcome of any discussions
 - relevant legislation;
 - relevant Licensing Policy; and
 - the time limit in which the Council must reach a determination.
8. The Chair will invite each of the Parties or their representative in turn to address the Licensing Sub-Committee and call any person/s to whom permission has been granted to appear. Each Party will be allowed a maximum period of 10 minutes in which to address the Licensing Sub-Committee and call persons on his/her behalf, and clarify any points on which the Licensing Sub-Committee has sought clarification prior to the hearing. This

10 minute period should be uninterrupted unless a member of the Licensing Sub-Committee or Legal Adviser considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.

9. Members of the Licensing Sub-Committee or their Legal Adviser may ask questions of any Party, at any time throughout the proceedings.
10. The sequence in which each of the Parties will be invited to address the Licensing Sub-Committee will normally be in the order of:
 - the Police;
 - the Fire Authority;
 - the Health Authority
 - the Licensing Authority
 - the Health and Safety at Work Enforcing Authority;
 - the Local Planning Authority;
 - the Local Environmental Health Authority – Noise and Nuisance Officers;
 - the Local Trading Standards Authority;
 - the Authority Responsible for the Protection of Children from Harm;
 - any Other Person(s) that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Licensing Sub-Committee (if there are a large number of Other Persons present who are making relevant representations they may be invited to share the maximum time available or to nominate a spokesperson to speak on their behalf); and
 - the Party that has submitted the application, certificate, notice or other matter appearing before the Licensing Sub-Committee.
11. At the discretion of the Licensing Sub-Committee the above order may be varied.
12. Parties may give their evidence by making a statement or if appropriate by being questioned by the person calling them.
13. If the Licensing Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require, a period of up to 5 minutes cross-examination shall be allowed after each submission.
14. The Sub-Committee will then ask any outstanding points requiring clarification.
15. The Chair will ask the Applicant whether in the light of any representations made, they wish to amend their application or offer any additional conditions to overcome the representations and/or promote the licensing objectives.
16. If the Applicant makes any comments in relation to 15 above, the Licensing Sub-Committee will ask the other Parties whether they wish to make any further comment in relation to any amendment or additional comments offered by the Applicant.
17. The Chair will invite the Parties to indicate if they wish to make any final

comments. If any Party wishes to do so they will be given a maximum of 3 minutes to do so and the other Parties will be given the same maximum period, finishing with the Applicant.

18. The Licensing Sub-Committee will deliberate on and determine the matter under consideration. The Licensing Sub-Committee may withdraw to a private room to do this.
19. The Licensing Sub-Committee will return to open session. The Chair will ask the Legal Adviser to inform the Parties of any legal advice given during the Licensing Sub-Committee's private discussion that has informed their decision.
20. The Chair will then announce in open session to all Parties the decision of the Licensing Sub-Committee and reasons, unless (where permitted by the Regulations) the decision is to be communicated at some later time.

ANNEX 2 - Procedure for Remote Licensing Sub-Committee Hearings

Note: (1) This procedure shall normally be followed for all Hearings held by the Licensing Sub-Committee(s). The Chair may vary the procedure in respect of any hearing if he/she considers that this would facilitate the proper consideration of the application or notice before the Licensing Sub-Committee.

Note: (2) The hearing shall take the form of a discussion led by the Licensing Sub-Committee. Cross-examination shall not be permitted unless the Licensing Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice before it.

Note: (3) Having regard to the Licensing Act 2003 (Hearings) Regulations 2005, The Coronavirus Act 2020 (in so far as it impacts on licensing proceedings) and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020: any reference to hearing may be to a virtual or remote hearing which is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a "place" where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers and "present", "appear" and "attend" shall be construed accordingly.

1. The Licensing Sub-Committee will elect a Chair from amongst their number
2. The Chair will invite those present to introduce themselves, Parties to indicate their names and who they represent. Chair to ascertain who will speak.
3. The Chair of the Licensing Sub-Committee will inform the Parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused (Note this relates to people other than those attending on behalf of a Party in the capacity as a representative of the Party).
4. The Chair will explain to the Parties the procedure to be followed at the hearing and to consider any request made by a Party in accordance with the Regulations for permission for another person to appear at the hearing (Such permission shall not be unreasonably withheld).
5. The Licensing Sub-Committee will confirm or vary the time limits set out below to be applied to contributions from the Parties. (Note: under the Regulations an equal maximum time period must be allowed to the Parties to exercise their rights under the Regulations).
6. The Chair will summarise the paperwork before the Licensing Sub-Committee and confirm that all present have copies; will ascertain whether any representations have been or are now to be withdrawn, and will hear any requests to adduce additional documentary or other information.
7. The Licensing Officer will outline:
 - details of the application and relevant representations received from the

- Parties; and the outcome of any discussions
 - relevant legislation;
 - relevant Licensing Policy; and
 - the time limit in which the Council must reach a determination.
8. The Chair will invite each of the Parties or their representative in turn to address the Licensing Sub-Committee and invite any person/s to whom permission has been granted to appear. Each Party will be allowed a maximum period of 10 minutes in which to address the Licensing Sub-Committee and call persons on his/her behalf, and clarify any points on which the Licensing Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Licensing Sub-Committee or Legal Adviser considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
 9. Members of the Licensing Sub-Committee or their Legal Adviser may ask questions of any Party, at any time throughout the proceedings.
 10. The sequence in which each of the Parties will be invited to address the Licensing Sub-Committee will normally be in the order of:
 - the Police;
 - the Fire Authority;
 - the Health and Safety at Work Enforcing Authority;
 - the Local Planning Authority;
 - the Local Environmental Health Authority – Noise and Nuisance Officers, Waste Management Officers;
 - the Local Trading Standards Authority;
 - the Authority Responsible for the Protection of Children from Harm;
 - any Other Party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Licensing Sub-Committee (if there are a large number of Other Persons present who are making relevant representations they may be invited to share the maximum time available or to nominate a spokesperson to speak on their behalf); and
 - the Party that has submitted the application, certificate, notice or other matter appearing before the Licensing Sub-Committee.
 11. At the discretion of the Licensing Sub-Committee the above order may be varied.
 12. Parties may give their evidence by making a statement or if appropriate by being questioned by the person calling them.
 13. If the Licensing Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require, a period of up to 5 minutes cross-examination shall be allowed after each submission.
 14. The Sub-Committee will then ask any outstanding points requiring

clarification.

15. The Chair will ask the Applicant whether in the light of any representations made, they wish to amend their application or offer any additional conditions to overcome the representations and/or promote the licensing objectives.
16. If the Applicant makes any comments in relation to 15 above, the Licensing Sub-Committee will ask the other Parties whether they wish to make any further comment in relation to any amendment or additional comments offered by the Applicant.
17. The Chair will invite the Parties to indicate if they wish to make any final comments. If any Party wishes to do so they will be given a maximum of 3 minutes to do so and the other Parties will be given the same maximum period, finishing with the Applicant.
18. The Licensing Sub-Committee will deliberate on and determine the matter under consideration. The Licensing Sub-Committee may withdraw to do this privately.
19. Where a decision is required to be made at the conclusion of the hearing, the Licensing Sub-Committee will return to open session following their private deliberations. The Chair will ask the Legal Adviser to inform the Parties of any legal advice given during the Licensing Sub-Committee's private discussion that has informed their decision. The Chair will then announce in open session to all Parties the decision of the Licensing Sub-Committee and reasons, unless (where permitted by the Regulations) the decision is to be communicated at some later time.
20. Where a decision is not one which is required to be made at the conclusion of the hearing, the meeting will be concluded and thereafter the Members will undertake their deliberations. Parties will be notified of the decision of the Sub Committee and the reasons for that decision in writing within 5 working days following the conclusion of the hearing.

ANNEX 3 – Delegation of Functions

Applications and other matters shall be determined under delegated powers in accordance with the following schedule:

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a police objection is raised	If no objection is made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club registration Certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club registration Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor		If a police Representation is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection is raised	All other cases
Application for interim authorities		If a police objection is raised	All other cases
Application to review premises licence/club registration Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application.		All cases	
Determination of a police objection to a temporary event notice		All cases	

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 5.G – Protocol for Licensing Hearings under the Gambling Act 2005

Protocol adopted by the Licensing Committee on: 10th October 2007 Effective from:
22nd November 2007

Amended: 30 September 2020 - - approved by the Licensing Committee on 30
September 2020 pursuant to Article 15 of the Council's Constitution

1. DEFINITIONS

1.1 In this Protocol:

- **'The Act'** means the Gambling Act 2005.
- **'The Regulations'** mean the Gambling Act 2005 (Proceedings of Licensing Committees & Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.
- **'Applicant'** means the person who makes an application under the Act. This includes an applicant making an application for a premises licence for an adult gaming centre, casino, bingo premises, betting premises, track or licensed family entertainment centre, travelling fair permits or for a variety of permits and temporary or occasional use notices. The term Applicant also refers to a person representing the Applicant.
- **'The relevant committee'** means the Licensing Committee or Licensing Sub-Committee, empowered under the Act and the Council's Constitution to determine applications under the Act.
- **'Party to the hearing'** means a person to whom a notice of hearing is required to be given in accordance with Regulation 5(1) of the Regulations including the Applicant, Responsible Authorities and Interested Parties and "Party" and "Parties" shall be construed accordingly. "Party" includes a person representing the Applicant, Responsible Authority and Interested Parties.
- **'Responsible Authority'** means a public body as defined by s.157 of the Act and the Regulations that must be notified of applications and is entitled to make representations. They are the Licensing Authority, the Gambling Commission, HM Revenue and Customs, the Police, the Fire Authority, Planning Officers, Noise and Nuisance Officers and the Croydon Children's Safeguarding Board. "Responsible Authority" includes a person representing the Responsible Authority.
- **'Interested Party'** means any of the following:
 - a) a person who lives sufficiently close to the premises likely to be affected by the authorised activities;
 - b) a person who has business interests that might be affected by the authorised activities; or
 - c) a person who represents the persons who satisfy para.a) or b)."Interested Party" and "Interested Parties" shall be construed accordingly.

2. INTRODUCTION/APPLICATION OF PROTOCOL

- 2.1 This protocol applies to hearings held by the London Borough of Croydon under the Act. It sets out how the Licensing Committee and its Sub-Committees will manage their business under the Act and the procedure to be followed in determining applications/requests for review and at hearings. It includes the matters required to be explained in the notice of hearing under Regulation 6(1) of the Regulations.
- 2.2 The protocol shall comply with the Regulations and any regulations or enactment amending or replacing the same. The protocol applies to all applications which are required under the Act to be determined by the relevant committees, and to the conduct of all Members whether or not Members of the Licensing Committee or its Sub-Committees.
- 2.3 This protocol does not apply to the consideration of any licensing matter outside of the Act's scope by the Licensing Committee or to non-decision making matters related to the Act (i.e. recommendations) from the Licensing Committee. In either instance the Licensing Committee can use their Reserve Members when considering such matters. Reserve Members are appointed when any of the 12 Voting Licensing Committee Members are unable to attend a Meeting. Reserve Members will be notified in advance by Democratic Services and, subject to availability, their selection and appointment will be confirmed at the outset of the Meeting. 'Non-decision matters' in this context do not include fee setting pursuant to s212 of the Act.

3. DETERMINATION OF APPLICATIONS

- 3.1 Both unopposed applications and those where a hearing is required under the Act shall be heard by one of the Licensing Sub-Committees.
- 3.2 Applications and other matters shall be determined in accordance with the guidance issued under section 25 of the Act.

4. THE LICENSING SUB-COMMITTEES

- 4.1 The membership of each Licensing Sub-Committee shall be three Members, drawn from the pool of 12 Voting Members of the Licensing Committee. The Council Solicitor, Director of Legal Services, shall, after consultation with the appropriate Group Whip(s), nominate members to serve on meetings of the relevant committee taking into account member availability, group proportionality and the need to avoid any potential conflict of interests.
- 4.2 The quorum of the relevant committee is three members and all three members must be present throughout the hearing.
- 4.3 Each Political Group shall nominate a reserve member for each meeting of the relevant committee to provide for the eventuality that a member is unavailable at short notice.

- 4.4 The relevant committee shall be subject to the ‘access to information’ rules applying to committees and sub-committees appointed under Section 102 of the Local Government Act 1972 and the Council’s Access to Information Procedure Rules set out in Part 4B of this Constitution, provided always that the relevant committee may at any time decide to withdraw to private session to deliberate on any matter.
- 4.5 The relevant committee shall be subject to the ‘political balance’ rules applying to committees and sub-committees appointed under Section 102 of the Local Government Act 1972. The Licensing Sub-Committee shall appoint a chair for the meeting from amongst its membership at the start of each meeting.

5. HEARINGS

- 5.1 Hearings will be convened and conducted in accordance with the procedures at Annex 1 and Annex 2 to this protocol (as applicable).
- 5.2 Hearings shall normally take place at the Town Hall, Katharine Street, Croydon though as at Annex 2, hearings may also be held remotely, online. Hearings may take place during the daytime or evening.
- 5.3 The agenda for meetings of the relevant committee shall be agreed by the Council Solicitor, Director of Legal Services, after any necessary consultation with the relevant Chair. The Council Solicitor, Director of Legal Services, after consultation with the Chair and the Licensing Officer, shall determine how many applications shall be heard at each meeting of the relevant committee and in what order, taking into account all relevant factors including the number of parties who are present for each item.
- 5.4 Hearings shall be arranged to commence as soon as is reasonably practicable after the expiry of any period for representations. If the hearing is to be held on more than one day it must be arranged to take place on consecutive working days.

6. NOTIFICATION OF HEARINGS

- 6.1 Interested Parties shall be notified of the hearing in accordance with the timescales set out in the Regulations. Information to accompany the notice of hearing shall be provided in accordance with the Regulations, and shall include:
- a copy of this Protocol;
 - confirmation that a Party may be assisted or represented by a person whether or not that person is legally qualified;
 - confirmation that a Party to the hearing may address the Authority, give further information on a point on which the Authority requires clarification and, if considered by the relevant committee to be required, question another Party to the hearing;
 - the consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the Party’s absence); and
 - a note of any particular points on which the Authority wants clarification.

- 6.2 In order to consider whether there are any issues of clarification to be requested from Applicants or those making representations, Members of the relevant committee may meet with the Clerk and/or Legal Adviser in advance of the hearing. No decisions will be made or discussions held regarding the substantive merits of the application or submissions at this meeting. Subject to any restrictions in the Regulations, a Party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.
- 6.3 All Parties upon whom a notice of hearing has been served are required to give to the Authority, in accordance with the timescales set out in the regulations, notice of:
- whether they wish to attend, address, or to be assisted or represented at the hearing;
 - whether or not they consider a hearing to be unnecessary; and
 - whether they wish to request that another person appear at the hearing (other than their representative). If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the Authority.
- 6.4 The Authority may dispense with the requirement to hold a hearing if all Parties agree that such a hearing is unnecessary provided (1) all the Parties involved in the application agree to dispense with a hearing and (2) all Parties have each notified the Authority that a hearing is unnecessary. Where all the persons required by the Act to agree that a hearing is unnecessary have done so in accordance with paragraph 6.4 above, the Authority, if it agrees that a hearing is unnecessary, shall as soon as is reasonably practicable, give notice to the Parties that the hearing has been dispensed with and proceed to determine the application or review. Once the application has been determined the Authority will notify the Parties of its decision forthwith.
- 6.5 Subject to the requirement to determine an application within the timescale set out in the regulations and to any other restrictions contained in the Regulations, the Authority has the power to extend a time limit specified in the Regulations for a specified period where it considers this is necessary in the public interest, or to adjourn a hearing to a specified date. Where the Authority has exercised its discretion to extend a time limit or adjourn a hearing, it must forthwith give notice to the Parties, stating the period of the extension and the reasons why it considers it is necessary in the public interest, or the date, time and place to which the hearing has been adjourned, as appropriate.

7. FAILURE OF PARTIES TO ATTEND THE HEARING

- 7.1 If a Party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing or has left the hearing in circumstances which would enable the relevant committee to reasonably conclude that he does not intend to participate further, the relevant committee may either adjourn the hearing or hold the hearing in the Party's absence. Where the hearing is held in the absence of a Party, the relevant committee will still consider the application, representation or notice submitted by that Party.

8. OFFICERS TO ATTEND THE HEARING

- 8.1 The hearing will be attended by a Legal Officer, a Democratic Services Officer who shall act as the clerk, and a Licensing Officer. The officers are present to provide advice and are not Parties to the hearing.
- 8.2 The role of the Legal Officer is to provide legal advice relating to the application and submissions. Any legal advice that may be given to the relevant committee in private shall be repeated when the relevant committee returns in open session.
- 8.3 The role of the Clerk is to record the hearing and the decisions of the relevant committee, and ensure efficient administration.

9. LICENSING OFFICER'S REPORT TO THE RELEVANT COMMITTEE

- 9.1 The Licensing Officer shall prepare a report for consideration by the relevant committee including:
- a brief summary of the application;
 - a brief summary of representations by responsible authorities and Interested Parties;
 - relevant aspects of the Council's Statement of Principles and National Guidance;
 - other information as appropriate and as included in the Council's standard report format.
- 9.2 The Licensing Officer's report shall be sent to the Parties and will be accompanied by the relevant documentary material that has been submitted by the Parties.
- 9.3 After having heard the representations and prior to retiring to make its decision the relevant committee may, if it wishes, seek the guidance of the licensing officer regarding possible suitable conditions in respect of any particular application.

10. REPRESENTATIONS

- 10.1 An Interested Party or Responsible Authority may make written representations about an application for a premises licence within a period of 28 days beginning on the date on which the application was made to the Authority. A copy of all relevant representations will be provided, in full, to the Applicant. The papers for the relevant committee hearing will be available to the press and public. Correspondence submitted anonymously will not be considered.
- 10.2 Relevant committee members will not enter into correspondence or discussion with Applicants, their agents or representatives, other Interested Parties or Responsible Authorities about the merits of the application(s) they may be called upon to decide.
- 10.3 Where an application is to be decided at a hearing by the relevant committee, Applicants and those who have made relevant written representations in

connection with the application will be invited to attend.

10.4 Representations or requests for review will only be relevant if they relate to one or more of the three licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

10.5 At the hearing a Party shall be entitled to:

- address the relevant committee on any relevant matter;
- call witnesses to give evidence on any relevant matter;
- give further information in response to a point upon which the Authority has given notice that it will want clarification; and
- if given permission by the relevant committee, question any other Party.

10.6 Members of the relevant committee may question any Party or other person appearing at the hearing.

10.7 Statements made by people in support of a Party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

10.8 A Party who wishes to withdraw any representations they have made, may do so by giving written notice to the Authority no later than 24 hours before the day on which the hearing is scheduled to be held, or orally at the hearing.

10.9 The relevant committee has the discretion to consider whether to take into account any documentary or other evidence produced by a Party before the hearing. Any documentary or other evidence produced by any Party in support of an application, representations or notice of hearing, which has not been produced before the hearing can only be heard with the consent of all other parties present, and the relevant committee. During the hearing no new matters may be raised without the express consent of the Chair of the relevant committee.

11. HEARINGS TO BE OPEN TO THE PUBLIC

11.1 The hearing will take place in public. However, the relevant committee may decide that all or part of the hearing will be in private if it is necessary in all the circumstances of the case having regards to:

- any unfairness to a Party that is likely to result from a hearing in public; and
- the need to protect as far as possible, the commercial or other legitimate interests of a Party.

11.2 The relevant committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner, or in breach of conditions specified under this paragraph, to leave the hearing and:

- refuse to permit him to return; or
- permit him to return only on such conditions as the relevant committee may specify.

The relevant committee may allow a person who is attending the hearing and in their opinion is behaving in a disruptive manner, or in breach of conditions specified under paragraph (11.2), to remain at the hearing only on such conditions as the committee may specify.

Where a person is required to leave the hearing in accordance with paragraph (11.2), the relevant committee must:

- permit him to submit in writing, before the end of the hearing, any information which he would have been entitled to give orally had he not been required to leave; and
- take into account that information in reaching a determination of the application or review.

11.3 The relevant committee may retire into private session during or at the end of the hearing to deliberate on any matter or decide how it wishes to determine the application. The relevant committee may be accompanied by the Clerk and the Legal Adviser who will be available to assist the relevant committee with any legal problems but will not participate in any decision making of the relevant committee.

12. DETERMINATION OF APPLICATIONS

12.1 Normally the relevant committee shall make its determination at the conclusion of the hearing and in all cases the relevant committee shall make its determination before the end of five working days starting with the day after the last day of the hearing. That time limit may be extended if it is considered to be in the public interest, in which case, as soon as is reasonably practicable, the relevant committee must give notice of the extension to the Parties stating the period of the extension and the reasons for it.

12.2 Where all Parties have notified the Authority that a hearing is not required and the Authority agrees that a hearing is not required, the application shall be determined as soon as is reasonably practicable.

12.3 The relevant committee shall give reasons for its decision and these shall be recorded in the minutes of the meeting.

12.4 The Authority shall notify Parties of its determination, and provide any accompanying information in accordance with the Regulations. The Chief Officer of Police shall also be notified even in a case where the Police have not made a representation.

13.1 RECORD OF PROCEEDINGS

13.1 The Authority shall keep a record of the hearing in a permanent and intelligible form for 6 years from the date of the determination or, where an appeal is brought against the determination of the authority, from the disposal of the appeal.

14. CODE OF CONDUCT AND PRINCIPLES OF DECISION-MAKING

14.1 Members shall at all times comply with the provisions of the Members' Code of Conduct.

14.2 In making their determinations under the Act, Members shall have regard to:

- the material relevant facts in light of the evidence presented;
- the relevant statutory provisions;
- relevant national guidance and the policy statement;
- the licensing objectives; and
- the individual merits of the case.

14.3 Applications shall be determined on the basis of whether they promote the licensing objectives in the Act, namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

14.4 The relevant committee shall disregard any information or evidence given which is not relevant to the application, representations or notice; or to the promotion of the licensing objectives.

14.5 Decisions must not be influenced by any political party direction whether given at a previous party group meeting or otherwise.

14.6 Members of the Licensing Committee or its Sub-Committee(s) must act without bias or predetermination, must have no disclosable pecuniary interest in any application before them, and must keep an open mind on all applications until they have considered all of the evidence and arguments presented. They shall not take or express any view on the merits of an application, nor organise support for or opposition to any application in advance of a hearing. Any Member who does so shall not be eligible to serve on the relevant committee meeting that hears the application.

15. MEMBERS' INTERESTS: GENERAL

15.1 Members must at all times comply with the Members' Code of Conduct in relation to the disclosure disclosable pecuniary interests, participation in relation to disclosed interests and registration of financial and other interests

and of gifts and hospitality.

16. MEMBERS' INTERESTS: MEMBERS OF THE LICENSING COMMITTEE

- 16.1 A Member of the relevant committee who has been involved in a licence application shall not serve on the relevant committee hearing at which the licence application is to be determined.
- 16.2 No Member sitting on the relevant committee can represent one of the interested parties or applicant. If a Member wishes to do so s/he must excuse him/herself from membership of the relevant committee which is considering the application and address the relevant committee as a representative for an Interested Party (subject to 17.2 below).
- 16.3 Members involved in Council meetings which approved the Licensing Policy (or any amendment to it), will not be excluded from membership of the relevant committee solely on this basis.

17. MEMBERS' INTERESTS: WARD MEMBERS AND OTHER MEMBERS

- 17.1 Under the Members' Code of Conduct a Member who has a disclosable pecuniary interest must, if the interest is not one which is already on the register of interests or subject to a pending notification to the Monitoring Officer, disclose the existence of that interest to the meeting and thereafter notify the Monitoring Officer of that interest within 28 days of this disclosure.
- 17.2 Where a Member has a disclosable pecuniary interest in relation to the application under consideration they may not sit on that sub-committee.
- 17.3 Any Member with a disclosable pecuniary interest is also precluded from making representations orally to the Sub-Committee or from making representations on behalf of a party to the hearing. They can still present their views through other means. For example, the Member can:
- make written representations in their private capacity. The existence and nature of the interest should be disclosed in such representations and the Member should not seek preferential consideration for their representations. Such written representations should be addressed to officers rather than other Members of the Authority;
 - use a professional representative to make an application on the Members behalf; or
 - arrange for another Member of the Authority to represent the views of the Member's constituents on matters in which their ward Member has a disclosable pecuniary interest.
- 17.4 The Member who has a disclosable pecuniary interest but has been asked to represent the views of a party making representations should advise them about that interest and inform them that another Member may represent their views on the issue. When representing those views the other Member should make it clear to the relevant committee or officers that he or she is acting in

place of the original Member because of that Member's disclosable pecuniary interest.

18. LOBBYING

- 18.1 If a Member of the relevant committee is approached by a person(s) wishing to lobby him/her on a licence application then that Member should explain that they cannot discuss the matter and refer the lobby person(s) to the Licensing Officer or his/her Ward Member who can explain the process of decision making. Any written representations received by a Member of the relevant committee should be passed to the Licensing Officer and reported at the hearing at which the application is being determined. Requests for procedural advice with regards to licensing applications should be referred to Council Officers for advice and information.
- 18.2 Other Members must not lobby Members who sit on the relevant committee, directly or indirectly, before or after a meeting, in writing or otherwise, in respect of items to be decided by the relevant committee. Any representation by other Members, on behalf of an Interested Party, should be sent to the relevant Licensing Officer for inclusion in his/her report. A Member shall not attempt to use her/his status as a Member to influence consideration of a submission, or try to get officers to change a decision or recommendation.

19. SITE VISITS

- 19.1 The relevant committee may undertake a site visit to the premises which are the subject of an application. If required, the site visit may occur prior to the hearing or the relevant committee may adjourn the hearing part way through to undertake a site visit. The Chair of the relevant committee shall give reasons justifying the need for a site visit and these shall be notified to the Parties.
- 19.2 If a site visit is necessary the following procedure should be observed:
- the visit should be undertaken as a group visit attended by all the relevant committee Members and its purpose should be confined to that indicated by the Chair;
 - the visit should be attended by an officer who may be asked factual questions by the Members;
 - no indication of the likely outcome of the application should be given on the visit;
 - no representation from the applicant or from those making representations shall be heard or accepted on the visit; and
 - a record should be kept of those attending the visit, the questions asked, and answers given.

20. APPLICATIONS SUBMITTED BY THE LOCAL AUTHORITY OR BY ANOTHER PUBLIC AUTHORITY

- 20.1 Where the Authority is the applicant for a licence, that application shall be determined in accordance with the normal procedure. The relevant committee

shall give no regard to the interests of the Council itself, aside from receiving relevant representations on this issue. Members who were part of the Authority's decision to apply for the licence, or who express a view in respect of such an application, shall not serve on the relevant committee to determine the application.

- 20.2 A Member who also serves on another local authority, or carries out a function for another public authority, or is appointed by Croydon Council as its representative on another body, shall not serve on the relevant committee to determine an application which has been made by that other authority or body, or on which that other authority or body has made a representation.

21. VARIATION/AMENDMENT OF THIS PROTOCOL

- 21.1 The relevant committee may waive, vary or modify any part of this protocol in relation to a particular case if it considers that this is necessary to ensure fairness to the Parties and/or proper consideration of the application in question, provided always that this does not result in any contravention of the Regulations.
- 21.2 This protocol may be amended by the Licensing Committee.
- 21.3 Where amendments to this Protocol are necessary due to legislative changes, the Council Solicitor, Director of Legal Services, may make such consequential changes to this Protocol as are necessary to take such changes into account.

ANNEX 1 - Procedure for Licensing Sub-Committee Hearings

Note: (1) This procedure shall normally be followed for all Hearings held by the Licensing Sub-Committee(s). The Chair may vary the procedure in respect of any hearing if he/she considers that this would facilitate the proper consideration of the application or notice before the relevant committee.

Note: (2) The hearing shall take the form of a discussion led by the relevant committee. Cross-examination shall not be permitted unless the relevant committee considers that cross-examination is required for it to consider the representations, application or notice before it.

1. The relevant committee will elect a Chair from amongst their number
2. The Chair will introduce those present, Parties to indicate their names and who they represent. Chair to ascertain who will speak.
3. The Chair of the relevant committee will inform the Parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused (Note this relates to people other than those attending on behalf of a Party in the capacity as a representative of the Party).
4. The Chair will explain to the Parties the procedure to be followed at the hearing and to consider any request made by a Party in accordance with the Regulations for permission for another person to appear at the hearing (Such permission shall not be unreasonably withheld).
5. The relevant committee will confirm or vary the time limits set out below to be applied to contributions from the Parties (Note: under the Regulations an equal maximum time period must be allowed to the Parties to exercise their rights under the Regulations).
6. The Chair will summarise the paperwork before the relevant committee and confirm that all present have copies; will ascertain whether any representations have been or are now to be withdrawn, and will hear any requests to adduce additional documentary or other information.
7. The Licensing Officer will outline:
 - details of the application and relevant representations received from the Parties; and the outcome of any discussions
 - relevant legislation;
 - relevant Licensing Policy; and
 - the time limit in which the Council must reach a determination.
8. The Chair will invite each of the parties or their representative in turn to address the relevant committee and call any person/s to whom permission has been granted to appear. Each Party will be allowed a maximum period of 10 minutes in which to address the relevant committee and call persons on his/her behalf, and clarify any points on which the relevant committee has sought clarification

prior to the hearing. This 10 minute period should be uninterrupted unless a member of the relevant committee or Legal Adviser considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.

9. Members of the relevant committee or their Legal Adviser may ask questions of any party, at any time throughout the proceedings.
10. The sequence in which each of the Parties will be invited to address the relevant committee will normally be in the order of:
 - the Gambling Commission
 - the Police;
 - the Fire Authority;
 - the Licensing Authority
 - Her Majesty's Revenue & Customs (HMRC);
 - the Local Planning Authority;
 - the Local Environmental Health Authority – Noise and Nuisance Officers;
 - the Authority Responsible for the Protection of Children from Harm;
 - any other Interested Party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the relevant committee (if there are a large number of Interested Parties present who are making relevant representations they may be invited to share the maximum time available or to nominate a spokesperson to speak on their behalf).
 - the Party that has submitted the application, certificate, notice or other matter appearing before the relevant committee.
11. At the discretion of the relevant committee the above order may be varied.
12. Parties may give their evidence by making a statement or if appropriate by being questioned by the person calling them.
13. If the relevant committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require, a period of up to 5 minutes cross-examination shall be allowed after each submission.
14. The relevant committee will then ask any outstanding points requiring clarification.
15. The Chair will ask the Applicant whether in the light of any representations made, they wish to amend their application or offer any additional conditions to overcome the representations and/or promote the licensing objectives.
16. If the Applicant makes any comments in relation to 15 above, the relevant committee will ask the other Parties whether they wish to make any further comment in relation to any amendment or additional comments offered by the Applicant.
17. The Chair will invite the Parties to indicate if they wish to make any final

comments. If any Party wishes to do so they will be given a maximum of 3 minutes to do so and the other Parties will be given the same maximum period, finishing with the Applicant.

18. The relevant committee will deliberate on and determine the matter under consideration. The relevant committee may withdraw to a private room to do this.
19. The relevant committee will return to open session. The Chair will ask the Legal Adviser to inform the Parties of any legal advice given during the relevant committee's private discussion that has informed their decision.
- 20 The Chair will then announce in open session to all Parties the decision of the relevant committee and reasons, unless (where permitted by the Regulations) the decision is to be communicated at some later time.

ANNEX 2 - Procedure for Remote Licensing Sub- Committee Hearings

Note: (1) This procedure shall normally be followed for all Hearings held by the relevant committee(s). The Chair may vary the procedure in respect of any hearing if he/she considers that this would facilitate the proper consideration of the application or notice before the relevant committee.

Note: (2) The hearing shall take the form of a discussion led by the relevant committee. Cross-examination shall not be permitted unless the relevant committee considers that cross-examination is required for it to consider the representations, application or notice before it.

Note: (3) Having regard to the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licenses and Provisional Statements) (England and Wales) Regulations 2007, The Coronavirus Act 2020 (in so far as it impacts on licensing proceedings) and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020: any reference to hearing may be to a virtual or remote hearing which is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers and “present”, “appear” and “attend” shall be construed accordingly.

1. The relevant committee will elect a Chair from amongst their number
2. The Chair will invite those present to introduce themselves, Parties to indicate their names and who they represent. Chair to ascertain who will speak.
3. The Chair of the relevant committee will inform the Parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused (Note this relates to people other than those attending on behalf of a Party in the capacity as a representative of the Party).
4. The Chair will explain to the Parties the procedure to be followed at the hearing and to consider any request made by a Party in accordance with the Regulations for permission for another person to appear at the hearing (Such permission shall not be unreasonably withheld).
5. The relevant committee will confirm or vary the time limits set out below to be applied to contributions from the Parties. (Note: under the Regulations an equal maximum time period must be allowed to the Parties to exercise their rights under the Regulations).
6. The Chair will summarise the paperwork before the relevant committee and confirm that all present have copies; will ascertain whether any representations have been or are now to be withdrawn, and will hear any requests to adduce additional documentary or other information.

7. The Licensing Officer will outline:
 - details of the application and relevant representations received from the Parties; and the outcome of any discussions
 - relevant legislation;
 - relevant Licensing Policy; and
 - the time limit in which the Council must reach a determination.
8. The Chair will invite each of the Parties or their representative in turn to address the relevant committee and invite any person/s to whom permission has been granted to appear. Each Party will be allowed a maximum period of 10 minutes in which to address the relevant committee and call persons on his/her behalf, and clarify any points on which the relevant committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the relevant committee or Legal Adviser considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
9. Members of the relevant committee or their Legal Adviser may ask questions of any Party, at any time throughout the proceedings.
10. The sequence in which each of the Parties will be invited to address the relevant committee will normally be in the order of:
 - the Police;
 - the Fire Authority;
 - the Health and Safety at Work Enforcing Authority;
 - the Local Planning Authority;
 - the Local Environmental Health Authority – Noise and Nuisance Officers, Waste Management Officers;
 - the Local Trading Standards Authority;
 - the Authority Responsible for the Protection of Children from Harm;
 - any Other Party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Relevant committee (if there are a large number of Other Persons present who are making relevant representations they may be invited to share the maximum time available or to nominate a spokesperson to speak on their behalf); and
 - the Party that has submitted the application, certificate, notice or other matter appearing before the relevant committee.
11. At the discretion of the relevant committee the above order may be varied.
12. Parties may give their evidence by making a statement or if appropriate by being questioned by the person calling them.
13. If the relevant committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require, a period of up to 5 minutes cross-examination shall be allowed after each submission.

14. The relevant committee will then ask any outstanding points requiring clarification.
15. The Chair will ask the Applicant whether in the light of any representations made, they wish to amend their application or offer any additional conditions to overcome the representations and/or promote the licensing objectives.
16. If the Applicant makes any comments in relation to 15 above, the relevant committee will ask the other Parties whether they wish to make any further comment in relation to any amendment or additional comments offered by the Applicant.
17. The Chair will invite the Parties to indicate if they wish to make any final comments. If any Party wishes to do so they will be given a maximum of 3 minutes to do so and the other Parties will be given the same maximum period, finishing with the Applicant.
18. The relevant committee will deliberate on and determine the matter under consideration. The relevant committee may withdraw to do this privately.
19. Where a decision is required to be made at the conclusion of the hearing, the relevant committee will return to open session following their private deliberations. The Chair will ask the Legal Adviser to inform the Parties of any legal advice given during the relevant committee's private discussion that has informed their decision. The Chair will then announce in open session to all Parties the decision of the relevant committee and reasons, unless (where permitted by the Regulations) the decision is to be communicated at some later time.
20. Where a decision is not one which is required to be made at the conclusion of the hearing, the meeting will be concluded and thereafter the Members will undertake their deliberations. Parties will be notified of the decision of the relevant committee and the reasons for that decision in writing within 5 working days following the conclusion of the hearing.

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CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 5.K – Protocol on Members’ rights of access to information

1. Introduction and background

1.1 The purpose of this protocol is to:

- a) set out the rights of access to Council information that members of the Council have to enable them to carry out their duties as Members; and
- b) provide guidance to Members and Officers on the approach to be adopted in exercising these rights in relation to the availability of Cabinet and Committee Reports and to information held by the Council generally.

1.2 This protocol does not deal with the wider rights of access of the public and the press which are set out in the Access to Information Procedure Rules at Part 4B of the Constitution. Members are advised to refer to Part 4B which also sets out members’ statutory rights to information: this protocol expands on those rights.

1.3 The Council is committed to ensuring that Members have the information they need in a timely way to carry out their duties, in line with Members’ statutory and common law rights to access information.

1.4 The term ‘Member’ as used throughout this Protocol includes both elected Councillors and any individuals co-opted to Council Committees and Sub-Committees. Co-optees’ rights under this Protocol apply only in relation to the function(s) of the committee or sub-committee for which they are co-opted and are subject to specific advice from the Director of Legal Services to ensure information is not disclosed when it is not legally permissible to do so.

1.5 Statutory rights and guidance: summary

- a) The Local Government Act 1972, as amended primarily by the Local Government (Access to Information) Act 1985 governs the statutory rights that Members have, along with the public, to access agendas, background documents, reports to meetings and minutes. The Act also gives Members rights to see exempt information (i.e. information which would be kept off the public agenda and public part of the meeting) if it falls into certain categories of information;
- b) The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 give anyone the right to access information held by the Council, provided that information is not determined to be exempt under the Act (e.g. personal information about others, information that is about to be published, confidential information or information that would prejudice the commercial interests of the Council or others if released). Many of the

exemptions are subject to a Public Interest Test to determine whether the information should be withheld.

Members have the same rights to access to information under the FOIA as anyone else. Members' rights of access may overlap with rights under the FOIA or may allow Members access to information (or documents) that would not be available to them under the FOIA. For example, it is not necessary to say why information is wanted if it is requested under the FOIA but it would be necessary to state this if a Member was relying on their need to know as a Member. Information that is not available to a Member under the FOIA (because it is covered by an exemption) may be available to them on the basis of their rights as a Member. So, in some respects the FOIA rights are wider than Members' other rights and in some respects they are narrower.

- c) The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 include additional rights for Members of the Council and for Members of an Overview and Scrutiny Committee to see information held by the executive, including exempt or confidential information. Where a Scrutiny Member or Committee requests information in relation to matters which they are scrutinising, the executive must provide it no later than ten clear working days after the executive receives the request;
- d) For Members carrying out casework, there are rights to access the personal information of individuals within protections set out in the Data Protection Act 2018 and General Data Protection Regulation 2018 (more information is provided in the Members' Handbook);
- e) The Government has published statutory guidance on the conduct of overview and scrutiny which states that:

A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.

and

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

- 1.6 The statutory guidance includes the following points:
- Scrutiny members need access to a regularly available source of key information about the management of the authority, including information on performance, management and risk;
 - Officers should speak to Scrutiny Members to ensure they understand the request and the reasons why information is needed, so that the authority is better able to provide relevant and timely information in a format that meets the recipient's needs;
 - In instances where it is legitimate for a council to withhold information, the executive is required to provide a written statement to the Scrutiny Committee setting out its reasons for that decision;

- Before deciding not to share information, the council should give serious consideration to whether that information could be shared in closed session;
- Scrutiny committees can require Cabinet members and Officers to attend before them to answer questions.

1.7 Case law

Members have certain 'common law' rights to information in addition to the statutory rights outlined above, which have been established through historic case law and which intersect with the Freedom of Information Act and statutory guidance. **Members are entitled to see documents which are reasonably necessary to enable them to carry out their duties as a Member.** This is generally described as the 'need to know' principle.

1.8 There is no simple definition of the 'need to know', but there is no right for Members to access information if it does not relate to carrying out their role as a Member (e.g. where the reason is to do with their position as a party member, as a resident or as a member of an association). Extra care will be needed when considering the application of this right in cases which are legally sensitive, e.g. where there is litigation underway or contemplated, where the Council is acting as a quasi-judicial body (such as planning or licensing matters), employment or conduct related matters, or any matter relating to an individual or entity where that individual/ entity has right of appeal or review which is pending.

1.9 The following principles relate to the 'need to know':

- i) A Member will generally have a need to know information a constituent had asked the Member to obtain on their behalf if the constituent would themselves be entitled to that information.

Members have a legitimate role as advocates for their constituents as a group and as individuals. Members seeking information about individual constituents will need to demonstrate that they have the agreement of their constituent to the disclosure by the Council of the information. This must be by way of written confirmation, especially in the case of sensitive personal information. Ward members cannot use their role as a Member to obtain for constituents information to which the constituents themselves would not be entitled.

- ii) Ward Members may have a particular need to know about matters affecting their ward. This does not mean they are entitled to access all information the Council has concerning matters affecting their ward. For example, if the information is confidential and could not in any event be passed on by the Ward Member to constituents, it would be necessary to establish a clear 'need to know' for reasons that did not involve sharing the information with constituents.
- iii) The Party Leaders are likely to have a greater need (but no absolute right) to have access to exempt reports than ordinary Members with no special role.

- iv) Members of the Scrutiny Committees are entitled to have access to exempt or confidential reports relevant to an action or decision being reviewed or scrutinised.

1.10 Principles

All Officers and Members are expected to adhere to the Seven Principles of Public Life which include the principle of Openness:

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

- 1.11 Croydon Council has adopted a number of values which define the way that Officers will work on a day to day basis: this includes the principle 'Honest and open'.

- 1.12 When requesting information, Members will:

- be mindful of the resource implications of providing a response and will ensure that their enquiries are proportionate and focused on enabling them to carry out their duties as Members;
- understand that Officers will, as part of undertaking good governance, seek to understand the basis on which the Member is requesting the information (for example, as a Ward Member or as a Scrutiny Member).

- 1.13 This protocol has been drafted to ensure compliance with relevant legislation, statutory guidance, current case law and the above principles.

2. The process

2.1 Information requests from all Members

The Council has established a Members' Enquiries system which is designed to ensure that Members receive timely responses to requests for information and resolution of casework issues. The process works as follows:

- i) Members enter their enquiry on the desktop member enquiries app and can see the case number allocated;
- ii) An immediate acknowledgement is sent in response via email, showing the case number against the subject of the request identified by the Member;
- iii) A response is provided within ten clear working days of receipt of the request.
- iv) If a full response is not provided within ten clear working days, the Member Enquiries system will chase a response from the relevant Officer and continue to chase until the response is provided.

- 2.2 Use of the Members' Enquiries system enables the production of reports on speed of response, (enabling areas for improvement to be identified and addressed) and generation of information on enquiry trends, to inform the proactive provision of briefings and other information for Members.

2.3 Members should use the Members' Enquiries' system to follow up casework issues on behalf of their constituents when normal procedures and timescales (for example, reporting fly tipping, applying for Housing Benefit) have not led to an appropriate outcome. Issues raised as a Members' Enquiry at the same time as a resident raises the same matter as a complaint to the Council will result in duplication of effort and reduced resources available to respond to other matters. Officers will ensure that Members are well-briefed on the routes for members of the public to use when reporting issues and making requests to the Council.

2.4 Officers will follow these principles when responding to Members' enquiries:

- i) Officers will seek clarification from the Member at the earliest possible opportunity as necessary to ensure that the request (and the intent behind the request) is fully understood, to enable a full and appropriate response to be given;
- ii) If an Officer considers that meeting a request for information would involve an unreasonable commitment of resources (for example a request to compile information which does not already exist in the form requested by the member):
 - the relevant Director will take legal advice to ensure that the Member's right to information is not being inappropriately denied;
 - the Officer will discuss with the Member what information is currently available and whether the request can be adjusted to reflect that availability;
 - the Member will be informed of the outcome within ten clear working days of making the request, including reference to the legal reason for the decision. The Officer will provide the Member with any parts(s) of their request which can be provided through reasonable expenditure of resources;
 - the Executive Leadership Team will receive regular reports on any instances of non-provision of information in response to Member requests to ensure an appropriate and consistent approach;
- iii) Draft documents compiled in the context of Council policy development and draft Committee reports will not normally be supplied in response to Member enquiries;
- iv) Where a response would otherwise lead to the dissemination of particularly sensitive information (see section 2.11 below) which cannot be made available, Officers will either:
 - a) redact source material only to the extent necessary to ensure that information not appropriate for dissemination is obscured or
 - b) give the Member an explanation of the reason why the information cannot be provided, with reference to the relevant definition of exempt information (as set out in Appendix 1, Part 4B of the Access to Information Procedure Rules) or any other relevant reason, on the advice of the Director of Legal Services.

This response will be provided to the Member within ten clear working days of making the request;

- v) Where a request for information in relation to the Cabinet would otherwise lead to the dissemination of the advice of a political adviser or assistant, Officers will either
 - a) redact source material only to the extent necessary to ensure that information not appropriate for dissemination is obscured or
 - b) give the Member an explanation of the reason why the information cannot be provided, with reference to the relevant definition of exempt information.

This response will be provided to the Member within ten clear working days of making the request;

- vi) Where it is not possible to provide the information for any other reason (e.g. the information is not held by the Council) the Member will be provided with a full explanation within ten clear working days of making the request;
- vii) Officers will aim to respond quicker than the ten clear working days timescale wherever resources and other priorities permit.

2.5 Both Members and Officers will act in accordance with the Protocol for Staff-Councillor relations as set out in the Council's Constitution when requesting and responding to requests for information.

2.6 Access to reports

All reports will be despatched to the members of the relevant committee or other body and all published reports will be available to all Members via the ModGov app.

2.7 Except where reports contain particularly sensitive information (as set out in section 2.11 and following below), exempt reports to Cabinet will additionally be accessible to Shadow Cabinet Members, Scrutiny Leads (majority and minority groups), Group Whips (majority and minority groups) and the Majority Group Secretary. The Director of Legal Services retains discretion not to make exempt reports automatically available in appropriate cases (for example if a report concerned a matter in which the Member had a Disclosable Pecuniary Interest).

2.8 Any Member may request a copy of an exempt report, demonstrating their 'need to know'. The Director of Legal Services reserves the right not to provide exempt information to any Member not ordinarily entitled to it if they believe the 'need to know' has not been demonstrated, or the information is wanted for an improper purpose or if the member has a financial or personal interest relating to the matter... In such cases, the Director of Legal Services will advise the Member of the legal reason/s why access to the exempt report has been denied. (see also section 2.11 below).

2.9 In some cases it may be appropriate for a Member to be given an opportunity to see the report without a copy being supplied to take away.

2.10 Members automatically sent exempt reports, or receiving them after making a request, are not entitled to share the reports with other members of their party group but may alert them to the opportunity to request a copy of the report from the Head of Democratic Services. Such a request would be dealt with in accordance with the principles set out in this section and at 2.11 below.

2.11 Categories of particularly sensitive information

It would not normally be appropriate for exempt information covered by categories 1, 2 and 4-7 in Appendix 1 of Part 4.B (Access to Information Procedure Rules) of this Constitution to be made available on request or automatically circulated. The 'public interest' test states that the right to disclosure of exempt information does not apply when the public interest in maintaining the exemption outweighs the public interest in disclosing it. Reports containing information falling into these exempt categories will only be provided to (or in some cases made available to) Members who are not members of the relevant Committee if they are able to positively demonstrate to the Director of Legal Services that they have a need to have a copy of or see the report in order properly to carry out their duties as a Member and where complying with the councillor's request would not breach the terms of the Data Protection Act or General Data Protection Regulation.

2.12 Reports containing information falling into category 3 to which Members are not automatically entitled (for example, terms proposed in the course of negotiations for a contract) may also be particularly sensitive. These reports may be made available or copied to Members on their specific request. However, where the report is particularly sensitive this will not happen. This may be the case for example where negotiations are ongoing in relation to price or price sensitive aspects of the contract.

2.13 The advice of the Director of Legal Services will be sought in response to requests for information in cases which are legally sensitive, for example where there is litigation underway or contemplated, where the Council is acting as a quasi-judicial body (such as planning or licensing matters), employment or conduct related matters, or any matter relating to an individual or entity where that individual/ entity has right of appeal or review which is pending.

2.14 Additional rights of access to information for Scrutiny

Scrutiny committee members are entitled to a copy of any document in the possession or under the control of the Council's executive which:

- contains material relating to any business that has been considered at a Cabinet meeting or a meeting of any other decision-making executive body; and/or
- any executive decision that has been made by an individual Cabinet Member or Officer

where that document relates to a matter they are scrutinising. In making requests for information, members should have regard to the relevance of that request to the scrutiny workplan in order to ensure that scrutiny's attention and resource is appropriately focused.

2.15 Scrutiny Members may additionally request information which relates to the Council's functions in relation to the borough and/or the borough's residents and which the Committee reasonably requires to carry out its functions. Such

requests will be made in writing through the Statutory Scrutiny Officer or their direct reports, who will:

- coordinate requests to avoid duplication of activity;
- ensure that requests are passed to the relevant Officer for response;
- track and chase responses as appropriate;
- support Officers to clarify requests for information as required, including consideration as to the best format to enable Members to assimilate the information.

2.16 Information supplied in response to requests from scrutiny members will be copied to the relevant Cabinet Member and/or the Leader of the Council.

2.17 The Scrutiny Officers will also work with Scrutiny Chairs and Officers to agree appropriate timescales for the scheduling of reports for scrutiny meetings, as part of a planned and prioritised scrutiny work programme.

2.18 Where a Scrutiny Member requests such a document Officers must provide it as soon as reasonably practicable and in any case no later than ten clear working days after the request is received.

2.19 The above entitlement to documents does not apply to any document or part of a document if:

- i) it contains advice provided by a political adviser or assistant; or
- ii) it would be a breach of confidence for the Council to share that information; or
- iii) disclosure would, or would be likely to prejudice the Council's ability to exercise its functions or to prejudice the legitimate interests of any person or the Council;
- iv) it contains personal information as defined by the Data Protection Act 1988 (unless the Act permits its disclosure); or
- v) any other legislation prohibits its disclosure.

Officers will ensure that, where iii) has previously applied, this is not used to deny requests by Scrutiny for information if the conditions which led to a decision about actual or likely prejudice no longer apply.

Where iv) applies, Officers will revise the information so that the individual concerned cannot be identified and, having checked that disclosure is now permitted under the Data Protection Act 2018 and the General Data Protection Regulations, disclose it.

2.20 Where a Scrutiny Member requests information which is classified as exempt (Part 4B of the Constitution, Appendix 1) or confidential, this will only be supplied if that information is relevant to:

- i) an action or decision that that Member is reviewing or scrutinising; or

- ii) any review contained in any programme of work of such a committee (or sub-committee).

2.21 Before a decision not to share information is taken, Officers will give serious consideration to whether that information could be shared in an informal briefing or meeting from which the public are excluded. Once the Scrutiny Committee has received exempt or otherwise sensitive information, the Statutory Scrutiny Officer and their direct reports will support Members to consider how the matter can be discussed by the Committee if it includes confidential or sensitive information.

2.22 Where a Scrutiny Member is denied a copy of a document or part of any such document, the Executive will provide Scrutiny with a written statement, usually no later than ten clear working days after the request is received setting out its reasons for that decision.

3. Proactive provision of information to Councillors

3.1 Officers will take action to ensure that Members are appropriately briefed to enable them to carry out their duties, including, but not limited to:

- i) Members' bulletin;
- ii) Forward Plan of reports for Member decision;
- iii) Regular reports to Cabinet on delivery against Council plans and financial monitoring;
- iv) Informal briefings of topics of relevance to Ward Members;
- v) Proactive publication on the Council's website of information identified as being of public interest through Members' Enquiries.

Additionally, Scrutiny Members will be provided with regular digests of finance, performance and risk information to support them to prioritise their workplan.

4. Applying the principle of openness when writing reports

4.1 Reports to Committees and the Cabinet will only be marked as exempt when this cannot reasonably be avoided in order to protect the interests of the Council and/or third parties in accordance with the statutory rules on exempt reports.

4.2 When Officers are preparing a report that contains information about terms proposed in the course of negotiations for a contract they will separate the exempt from the non-exempt information so the latter can be freely circulated. Sometimes information in reports can be made anonymous without the effectiveness of the report being reduced. This is one way of ensuring that as many reports, and as much information, are made accessible as possible. This applies in all cases and not just where category 3 of Appendix 1 of Part 4B of the Access to Information Procedure Rules is relied on. There will still inevitably be a number of reports which are marked exempt.

5. Confidentiality and restrictions on the use of information

- 5.1 Members have a duty to comply with the requirements of the Member Code of Conduct, including provisions relating to the treatment of confidential information. Members must be alert to whether the information they receive from the Council is and/or continues to be confidential.
- 5.2 Officers will ensure that confidential information is clearly marked as such before its release to Members.
- 5.3 Members should only use information obtained in the course of their official duties and which is not public information for the specific purpose of fulfilling their work as a member of the Council. This information should not be shared further except in specific circumstances: any Member considering doing so should seek advice from the Monitoring Officer.
- 5.4 There are detailed provisions concerning the use of personal data by elected representatives contained in the Data Protection Act and General Data Protection Regulations (GDPR), and advice is included in the Members' Handbook.
- 5.5 A request from a Member acting in a personal capacity will be treated in the same confidence as an enquiry from a member of the public. Officers are also under a duty not to relate any information disclosed privately by a Member(s) (for example during Part B discussions at Committee or informal briefings) to another Member, Officer or person not already privy to that information.
- 5.6 The duty of Officers to observe a Member's confidence will however not apply if the information disclosed relates to something which could severely damage the Council or which is illegal or constitutes maladministration. In this event, the Officer will refer the matter to the appropriate Corporate Director and/or Monitoring Officer and Chief Executive for further investigation and action as appropriate. Officers are also expected to seek advice from senior officers as part of any query they may have on their interaction with a Member.

6. Implications of disclosure of personal or commercially sensitive information

- 6.1 Much of the information kept by the Council relates to individual clients: Officers and Members are expected to be discreet in their handling of such information which is disclosed to them.
- 6.2 Inappropriate disclosure of information can have significant consequences for the Council and individual Members. Members and Officers have obligations to individuals or organisations about whom the Council holds confidential information to respect that confidentiality. If information was wrongfully disclosed, this could lead to legal action against the Councillor and/or Council. Information is often provided by people to the Council for a particular purpose and to disclose or use it for another purpose can lead to a Data Protection Act breach or criminal sanctions under the Data Protection Act. The Council itself could be damaged by information wrongly disclosed. Wrongful disclosure of

information by a Member could also result in action under the Members' Code of Conduct.

7. Procedure for handling queries or disputes in relation to this protocol

- 7.1 Members should seek advice from the Monitoring Officer on any matters relating to duties, obligations or requirements related to access to information.
- 7.2 Any disputes relating to the rights of access of any person under these rules or any statutory provision or common law rights shall be referred to the Monitoring Officer of the Council.
- 7.3 On the rare occasion that a Member disagrees with the Monitoring Officer's decision on a dispute relating to rights of access under these rules, statutory provision or common law rights, the matter shall be escalated to the Chief Executive for decision. In such cases, the Member shall detail the grounds on which they believe that their request is consistent with the provisions of this Protocol.

8. Review

- 8.1 This Protocol will be reviewed annually by Ethics Committee.

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CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

PART 6D

SCHEME OF CO-OPTION

- 1.1 This scheme applies to all Co-opted Members whether they are voting or non-voting. The scheme covers the co-option of voting and non-voting co-opted Members onto current Committees as detailed in sections 2 - 10 below.
- 1.2 The purpose of this scheme of co-option is to:
- Bring together in one document the various provisions in place for co-option across the Committees and statutory Boards of the Council. Outline the role and expected contribution of co-opted Members
 - Clarify the induction to be provided to co-opted Members and the support and training to be made available
- 1.3 Co-opted Members can provide committees with outside knowledge, experience and skills that can inform the work of the Committee and supplement the role of councillors.
- 1.4 All Co-opted Members (voting and non-voting) and any appointees to Task and Finish Groups are subject to the Members' Code of Conduct, Part 5I of the Constitution.
- 2. Co-opted Members on Scrutiny and Overview Sub-Committees required by Statute**
- 2.1 The Parent Governor representatives and the arch/diocesan representatives on the Scrutiny Sub-Committees exercising education function are required by law (*The School Standards and Framework Act 1998 for Parent Governors and the Education Act 1996 for Diocesan representatives*). The legislation explains that these co-opted Members will have full speaking and voting rights for any decisions relating to education and school matters. Parent Governor representatives are elected by the Borough's parent governors, but once co-opted their role is to be an apolitical voice for *all* parents in the area. The Church of England and Roman Catholic representatives are nominated by the Bishop and Archbishop of Southwark respectively. Voting Co-opted Members on Scrutiny and Overview have the same rights of access to information as councillors in relation to their role on Scrutiny and Overview.
- 3. Co-opted Members on Scrutiny and Overview Sub-Committees appointed at the Committee's discretion**

- 3.1 Currently in Croydon there are two non-statutory co-opted Members: a teacher representative and the Healthwatch (Croydon) representative. These “non-statutory” co-opted Members do not have voting rights and are co-opted at the discretion of the Scrutiny & Overview Committee, which can also rescind the appointment if it feels it is necessary.
- 3.2 The Scrutiny and Overview Committee has the power to appoint these additional co-opted Members if it is judged that they will be beneficial to the committee as it carries out its work. Before recommending any additional co-opted Members to full Council for appointment, the committee, , should demonstrate that it has considered the composition of the local community to ensure it is as representative as possible. An over-representation of any particular specialist area should also be avoided and the elected Members of the committee should always have a majority over co-opted Members.
- 3.3 These co-opted Members will usually (but not exclusively) be representatives of specific organisations relevant to the work of the committee. The recommending committee should invite the organisation to make an appropriate nomination, although a vacancy can be advertised more widely if the committee agrees it would be beneficial. Anyone who lives, works (including voluntary work) and/or studies in Croydon is eligible to be a co-opted Member, except if they are a Croydon Council Member or Croydon Council Officer. In approving an appointment, the committee will be mindful of the potential for any ongoing prejudicial interests between, for example, the co-opted Member’s paid employment and the work of the committee and there are declaration requirements placed on any such appointees.

4. Appointments Committee Co-opted Members

- 4.1 The independent voting Co-optees on the Appointments Committee are appointed to consider specified disciplinary matters.
- 4.2 Where the Appointments Committee is giving consideration to dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer, the Appointments Committee shall include at least two voting co-opted Independent Persons.

5. Ethics Committee Co-opted Members

- 5.1 The Independent non-voting Co-optees are required to be appointed by statute and are invited to attend all meetings of the Ethics Committee and their views are sought and taken into consideration before the Ethics Committee takes any decision on whether the Member’s conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

6. General Purposes and Audit Committee Co-opted Members

- 6.1 Appointments Committee recommends to Council the appointment of the independent (non-voting) Chair of General Purposes and Audit Committee.

The General Purposes and Audit Committee appoints one further independent non-voting co-opted committee member.

- 6.2 Both independent members are permitted to be involved in respect of the Audit Functions of the committee only.

7. Pensions Board Members

- 7.1 The Pension Board, with an independent non-voting Chair, is formed of three voting employer representatives and three voting representatives of the Pension Fund. The Board secures the effective and efficient governance and administration of the Croydon Council Pension Fund.

8. Pensions Committee Co-opted Members

- 8.1 The Pensions committee includes 1 Staff Side non-voting co-opted member and 2 Pensioner Side co-opted Members (1 of whom is a voting co-opted member and one of whom is a non-voting co-opted member).
- 8.2 Staff side and Pensioners' side members are appointed on an annual basis following consultation with the Staff side and Pensioners of the Pension Fund.
- 8.3 Two representatives of Pensioners of the Fund are elected by ballot of Pensioners of the Fund, one of whom shall be a voting member and one of whom shall be a non-voting member. The representative with the most votes following the ballot of Pensioners of the Fund shall be the voting member. The other representative of the Pensioners of the Fund shall be non-voting however is permitted to exercise a vote only in the absence of, and on behalf of, the voting representative. The ballot is normally undertaken every 3-4 years.

9. Appointees to Panels/Forums

- 9.1 Panels and forums are not regarded as Committees of the Council, nor are appointees to such forums regarded as co-optees. As such they are not subject to the Code of Conduct requirements placed either on voting or non-voting co-optees of the Council.

10. Terms of Office

- 10.1 Subject to the requirements of the Committee in question, Co-opted Members will usually be invited to serve for a term of office of four years but be appointed annually at Full Council. Towards the end of a term of office, the relevant committee will consider whether any non-statutory co-opted post is still required. If it is, the committee shall advertise the vacancy by means appropriate to the nature of the vacancy, which will usually include via the Council's website.

- 10.2 Non-statutory co-opted Members can be disqualified during their term of office if they do not attend four consecutive meetings of the committee to which they have been co-opted without giving an apology; if they fail to adhere to the Code of Conduct which applies to them or if they are subsequently elected as a Member of Croydon Council.
- 10.3 Where Co-optees are appointed on the basis of representing a particular organisation or group, then their term of office will also end if they resign from or are disqualified from being a Member of that organisation or representative of that group, or if that organisation/group ceases to exist.
- 10.4 It is the responsibility of the co-opted Member to inform the Council if a circumstance arises that they believe disqualifies them from continuing in their term of office.
- 10.5 Co-opted Members can also resign during their term of office if they feel that they can no longer fulfil the requirements of the role.
- 10.6 Non-statutory co-opted Members can also be appointed for a shorter period, for example, to be involved with a specific piece of work.

11. Powers and responsibilities

- 11.1 Co-opted Members will:
- Be required to comply with the Members' Code of Conduct and register and declare/ register and notify interests as required by the Code.
 - Be expected to agree, in writing, to abide by the Code.
 - Be entitled to speak on any matter that is discussed by the committee to which they have been appointed provided that it falls within their remit (for example on Appointments committee and General Purposes and Audit Committee, the co-optees are only appointed for specific purposes)
 - Be encouraged to contribute to the development of the committee work programme and propose agenda items for future meetings
 - Be expected to attend all meetings of the committee to which they have been appointed having read the agenda papers
 - Bring an external perspective to the work of the Committee by utilising their specialist knowledge and experience
 - Be expected to represent the whole community and not just one sector or viewpoint
 - Act independently of party politics and lobbying interests
 - Be responsible for keeping the organisation or interest they were appointed to represent informed and engaged in the work of the Committee
 - Be expected to treat other committee Members, officers and external parties with respect
 - Be required to recognise that they may encounter sensitive information and to act with discretion
 - Not to disclose or - other than in the performance of their role on the

- Committee - use exempt or confidential information
- To raise issues with the Monitoring Officer or Head of Democratic Services at the earliest possible opportunity if there are any concerns

12. Support for Co-opted Members

- 12.1 All co-opted Members will be provided with a comparable level of support to the elected Members. This will include:
- All summons, agendas and committee reports will be sent to co-opted Members at the same time as elected Members and will comply with the public access to information regulations
 - An induction will be provided for new co-opted Members that will outline their expected contribution and familiarise them with the Code of Conduct.
 - Co-opted Members will be invited to attend Member training sessions that relate to their role.
- 12.2 With the exception of the Chair of General Purposes and Audit Committee, co-opted Members will not receive an allowance or salary.

13. Why co-opt

- 13.1 Co-option is a way of ensuring that under represented voices are represented on Council committees. The Equality Act 2011 (section 149) places a public sector equality duty (section 146) on the council. The duty requires the Council to have due regard to *the need to advance equality of opportunity* between persons who share a relevant protected characteristic and persons who do not share it;
- 13.2 Having “due regard” to the need to advance equality of opportunity involves having due regard, in particular, to the need to *encourage persons* who share a relevant protected characteristic *to participate in public life* or in any other activity in which participation by such persons is disproportionately low.

REPORT TO:	GENERAL PURPOSES AND AUDIT COMMITTEE 25 January 2022
SUBJECT:	Local Government & Social Care Ombudsman Report Finding of Fault with Maladministration and Injustice
LEAD OFFICER:	Annette McPartland, Corporate Director of Adult Services and Simon Robson, Director, Adults Services
CABINET MEMBER:	Councillor Campbell
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:	
The recommendations and actions from the Local Government & Social Care Ombudsman (LGSCO) will be carried out by the responsible service manager in the Adults Social Care Team.	
FINANCIAL IMPACT: £2,000 by way of compensation;	

1. **RECOMMENDATIONS**

The Committee is asked to:

- 1.1 consider the public interest report dated 6 December 2021 and the recommendations made by the Local Government & Social Care Ombudsman (LGSCO) in relation to Croydon Council. The full list of recommendations can be found in section 6 of this report.
- 1.2 agree the recommendations set out in the public interest report; and
- 1.3 note the steps, progress and time line to implement the recommendations set out in section 7 of this report.

2. **EXECUTIVE SUMMARY**

- 2.1 On 4th November 2021 the LGSCO wrote to the Chief Executive Katherine Kerswell to confirm that after consideration of a complaint they had received, they decided to issue their findings as a public interest report.
- 2.2 The LGSCO consider six criteria when deciding whether to issue a public interest report, these are:
 - Recurrent faults (for example, the organisation keeps making similar mistakes)
 - Significant fault, injustice or remedy (by scale or the number of people affected)

- Non-compliance with an Ombudsman's recommendation (it has not agreed or has not carried out their recommendations)
- A high volume of complaints about on subject
- A significant topical issue
- Systemic problems and/or wider lessons (for example, problems with how the organisation does things that if not put right are likely to affect others, and this is an opportunity for others to learn).

2.3 In this case the reasons for issuing the report are:

- The significance of the fault / wider lessons

3. **BACKGROUND**

3.1 The complainant who we refer to as Ms C complained in her own right and on behalf of her son, who we refer to as Mr D.

Ms C complained the Council:

- failed to properly assess Mr D's needs. In particular: his needs associated with preventing a deterioration in his mental health;
- failed to liaise, and have a joint working approach with other departments such as the NHS as part of the assessment process;
- failed to recognise Mr D's physical health needs such as how he can access a GP and understand medical instructions;
- failed to properly consider Mr D's emotional needs;
- failed to consider a need for advocacy.
- failed to assess her needs as a carer;
- made errors in a housing application which resulted in the delayed allocation of housing;
- failed to provide a support plan that reflected Mr D's needs before and after his move to independent living;
- failed to provide support to prevent a deterioration in Mr D's mental health;
- did not make reasonable adjustments and acknowledge Ms C's medical condition;
- did not make reasonable adjustments and acknowledge Ms C's medical condition and its effects;
- did not listen and act on concerns about Mr D's social worker who Ms C found to be intimidatory and unprofessional;
- failed to safeguard Ms C and provide preventative services;

- breached confidentiality by telling Mr D where Ms C worked, which was against her express wishes; and
- failed to respond to her complaint impartially.

3.2 The LGSCO report confirmed that the following failings had been identified:

- The Council failed to follow the Care and Support Statutory Guidance in the assessment process. It failed to carry out a fresh assessment, or properly amend a pre-existing one. The Council also failed to produce a personal budget in line with Mr D's needs.
- The Council failed to implement adjustments needed to make so they could effectively communicate with Mr D on an ongoing basis.
- The lack of reasonable adjustments is not in line with the Equality Act 2010, nor is it in the spirit of the Autism Act 2009.
- The Council failed to consider Mr D's short-term needs and longer-term needs. Mr D needed support to obtain skills for independent living. The Council did not consider or review these needs when Mr D entered independent living.
- The Council failed to record preventive measures or a contingency plan of what would happen if Ms C could not cope and the situation in the home became untenable.
- The Council did not provide Mr D with a personal budget.
- The Council never provided Mr D with any options. It only offered one service provider. The Council did not provide Mr D with a support plan, nor was he involved in planning for his care.
- Mr D and Ms C did not have an opportunity to consider alternative forms of support and Council officers failed to listen and address their concerns.
- The Council was also at fault for failing to offer Mr D an advocate as required under the Care Act 2014.

4. CHRONOLOGY OF THE COMPLAINT

What follows is a brief case chronology. It does not contain all the information reviewed during the investigation.

4.1 Following a referral in March 2019, the Council assessed Mr D. It identified he had eligible needs for social support to enable him to access community-based activities and help him build positive relationships with others. The assessment also identified a need for Mr D to access alternative housing.

- 4.2 As a result of the assessment the social worker made several contacts. These included:
- a housing officer already involved with Mr D. The housing officer had told Mr D there were few properties under the Council's "Fast track" programme that would meet his current requirement of a property with a garden for his dog. The housing officer advised Mr D to bid for a property himself and during the interim offered Mr D a place in shared accommodation for people with mental health problems. This had 24 hour support available. Ms C rejected the offer of shared accommodation as Mr D would find communal areas difficult;
 - an outreach support service, to pursue Mr D's need for independent living; and
 - Mr D's psychologist, to find out how to support Mr D during meetings.
- 4.3 There is no written record of the assessment. In response to our enquiries the Council says it completed a comprehensive assessment in 2017 and to avoid distressing Mr D used this as a basis for the reassessment.
- 4.4 In June 2019 Ms C contacted the Council to say she was feeling increasingly threatened by Mr D and was finding it difficult to manage.
- 4.5 In October 2019, the Council met with Mr D and Ms C. The Council told Mr D that it had assessed him as needing three, two-hour sessions each week for "outreach support". There was no care and support plan setting out Mr D's needs, desired outcomes and the care and support the Council was arranging to meet his eligible needs.
- 4.6 The social worker discussed Mr D's need for housing and reiterated that it would take longer to find a property which met Mr D's preferences.
- 4.7 Ms C reiterated her concerns about the verbal threats that Mr D continued to make against her and her ability to manage.
- 4.8 In November 2019 Ms C could no longer cope. She contacted the Council which advised her that Mr D should present himself as homeless. In early December, the Council arranged a meeting to process a homelessness application. The Council provided Mr D with hostel accommodation which had support should Mr D need help. There was however no care plan or detail about what Mr D needed or what support the worker could offer. The Council says this was a planned intervention as once in hostel accommodation the Council could fast track Mr D's application for suitable accommodation.
- 4.9 Mr D moved from the hostel into his own flat at the end of January 2020. There were no complaints from Ms C at the time, and the Council records her saying Mr D's interim stay in the hostel had gone well.
- 4.10 On the day of Mr D's move into his new flat he met with Ms C, the social worker, and the support workers. At this point the support had not started as Mr D still had worries about the support workers and would not fully engage. He

did however agree to go to the cinema with the support workers the following week.

- 4.11 The support workers visited a further three times. On 2 April, the social worker contacted Ms C for an update on Mr D. She did not contact Mr D directly because of his anxiety around using phones. Ms C said Mr D was fine, he was visiting home at least once a week to see his dog. At this point COVID-19 restrictions were in force. The social worker reassured Ms C she could contact her. Later, the same day, Ms C emailed the social worker raising concerns about the support agency. She said the service was not motivational or doing activities Mr D wanted. The social worker responded suggesting a meeting when the Government lifted COVID-19 restrictions.
- 4.12 A few days later the support stopped because of COVID-19. The social worker contacted Ms C to check she and Mr D had enough provision. Ms C again expressed her dissatisfaction over the support service. Ms C reiterated her concerns twice in May. She stated Mr D did not want the support service to resume. Ms C also explained Mr D was having difficulties in his new flat. This included anti-social behaviour from his neighbours, difficulty with his post and access to his GP.
- 4.13 The social worker arranged for the same support workers to visit Mr D for a “check call”. Following the visit Ms C contacted the social worker saying that Mr D had threatened to hurt her if the support workers visited the property again.
- 4.14 The social worker contacted the support workers asking them to re-engage with Mr D. Mr D refused. On 5 June Ms C made a complaint to the Council. Her complaint included concerns about the social worker.
- 4.15 In early July, the social worker contacted Ms C to explain that she had cancelled the support worker service and had made a referral to another organisation which provides outreach support to people living independently. Ms C refused to engage with the social worker stating that she had written a letter of complaint. Later in July the social worker tried to contact Ms C again by phone but there was no response.
- 4.16 The Council responded to Ms C’s complaint on 21 July 2020 and following comments from Ms C sent further letters in August and September. The social worker’s team manager wrote the complaint responses. The Council agreed to assign a new social worker to support Mr D. It recognised that Ms C no longer wanted to be a carer and explained that because of this it would need to contact Mr D to assess his needs. It asked Ms C for advice on how best to engage with Mr D without increasing the risk to her.
- 4.17 The Council set out the next steps which included arranging a meeting with the new social worker and progressing a referral for Mental Health Services. The letter also recognised Ms C’s needs and suggested a meeting.
- 4.18 The Council assigned Mr D a new social worker in September. The Community Learning Disability Team became involved and made a referral to the Mental Health Team. It also developed a health action plan. Mr D did not meet the criteria for mental health services and the Mental Health Team rejected the referral.

- 4.19 The social worker and her manager made an unannounced visit to Mr D. There was no answer, so they left a letter saying they would call back a few days later.
- 4.20 Over the next few months the Council tried to engage with Ms C and Mr D and arrange a meeting which would meet both Ms C's needs and those of Mr D.

5. CONCLUSIONS

What follows is a summary of the Ombudsman conclusions from the Final Decision report:

- 5.1 The Council failed to follow Care and Support Statutory Guidance in the assessment process. It failed to carry out a fresh assessment, or properly amend a pre-existing one. The Council also failed to produce a personal budget in line with Mr D's needs.
- 5.2 The Council did not extend to what adjustments workers needed to make so they could effectively communicate with Mr D on an ongoing basis.
- 5.3 The lack of reasonable adjustments is not in line with the Equality Act 2010, nor is it in the spirit of the Autism Act 2009.
- 5.4 The Council failed to consider Mr D's short-term needs and longer-term needs. The Council did not consider or review these needs when Mr D entered independent living.
- 5.5 The Council failed to record preventive measures or a contingency plan of what would happen if Ms C could not cope and the situation in the home became untenable.
- 5.6 The Council's fault caused Mr D and Ms C anxiety and anger.
- 5.7 The Guidance says councils should provide those with eligible needs a personal budget.
- 5.8 The Guidance says people should have a choice in how to meet their needs. The Council never provided Mr D with any options. It only offered one service provider. The Council did not provide Mr D with a support plan, nor was he involved in planning for his care. This is fault and not in line with the inclusive and collaborative nature of the Autism Act 2009 or the Care Act 2014.
- 5.9 Mr D and Ms C did not have an opportunity to consider alternative forms of support and Council officers failed to listen and address their concerns.
- 5.10 The Council was also at fault for failing to offer Mr D an advocate as required under the Care Act 2014.
- 5.11 Ms C says there was delay in housing provision for Mr D. The case records show the Council advised Mr D and Ms C about the lack of housing to meet their preferences. It is unclear whether the Council would have offered Mr D

- housing earlier if he had not been restrictive in the accommodation he wanted at the time.
- 5.12 Under the Housing Act 1996 the Council has an obligation to consider housing someone when they are threatened with homelessness. The situation between Ms C and Mr D was deteriorating but it is difficult to say at what point Mr D was “threatened” with homelessness.
- 5.13 Ms C did not complain to the Council about the delay in housing at the time, neither did she amend Mr D’s requirements for housing until they reached crisis point. For these reasons we cannot say the Council was at fault for failing to allocate housing earlier.
- 5.14 Ms C was Mr D’s main carer and under the Care Act 2014 was entitled to a carer’s assessment. The Council failed to update Ms C’s carer’s assessment.
- 5.15. There is no evidence the Council had knowledge of Ms C’s physical health problems until her complaint. Had the Council completed a carer’s assessment it is more likely than not that it would have identified her health problems and the impact it has on her caring role.
- 5.16 The Council’s failure to consider Ms C as a carer had a profound effect.
- 5.17 Since Ms C’s complaint the Council has been pro-active in trying to engage with Ms C and offer reasonable adjustments to meet her needs. These steps are welcome, however due to historical events we appreciate that it is difficult for Ms C to trust the Council.
- 5.18 We understand the social worker involved wanted to ensure Mr D was safe during the COVID-19 lock down period. But it is unclear why she did not obtain information from Ms C about Mr D’s wellbeing, and why she repeatedly engaged support workers to initiate contact when she knew this was causing anxiety. As a result of this both Ms C and Mr D lost confidence in the services the Council provided, and disengaged.
- 5.19 While Mr D was living with Ms C the Council failed to properly assess Mr D’s needs and in doing so failed to have regard for his Article 8 rights. In particular how his behaviour was affecting his relationship with Ms C and it potentially being a contributory factor in him leaving home as he did.
- 5.20 Ms C says the Council breached confidentiality in telling Mr D where she worked. There is no record of this. Without further information we are unable to make a balance of probability finding about whether the Council was at fault. We understand however that any breach would have upset Ms C and potentially put her in a difficult situation.
- 5.21 The Council’s first response to Ms C was timely. The 2009 regulations referred to above, are silent on whether investigating officers from the Council should have no knowledge of the complaint. Indeed in some circumstances someone who knows about the case can have a broader understanding of what has happened. For fairness it is also usual to obtain the view and perspective of the person who is complained about. We therefore find no fault in this aspect of the complaint.

5.22 It did however take Ms C two further letters for the Council to suggest a way forward and carry out changes. We consider the Council had the information initially to make these recommendations but did not do so.

6. RECOMMENDATIONS

To remedy the injustice caused, the Ombudsman recommend the Councils take the following actions.

- 6.1 apologise to Mr D and Ms C for the failures we have identified in this report;
- 6.2 pay Mr D £1,000 for the anxiety and frustration the Council's actions have caused him;
- 6.3 pay Ms C £1,000 for the stress, anxiety and break down in family life that the Council's actions caused her;
- 6.4 arrange a re-assessment of Mr D by someone who is trained and experienced in assessing and supporting people with autism and mental health problems;
- 6.5 review how services are provided to people with autism. In particular:
 - that staff have adequate training in autism so that they have the appropriate skills and knowledge to support people with autism;
 - agree a process of liaison with specialist community teams and mental health services, or specialist autism professionals, when and if necessary;
- 6.6 review the overall Council strategy to providing services to people with autism. In particular, whether there is due regard for services such as care and housing available to those who have needs related to autism;
- 6.7 to remind staff about:
 - the importance of person-centered practice and keeping people using services central to the process;
 - assessing to prevent a potential deterioration in needs especially in situations such as these where it is known there is going to be a substantial change in a person's circumstances;
 - the duty to complete carers' assessments;
 - the Equality Act 2010 and the duty to make reasonable adjustments where applicable.

7. ACTIONS TAKEN BY CROYDON COUNCIL

- 7.1 The Local Authority has apologised to Ms C and Mr D for the failings identified in this report
- 7.2 The Local Authority have made the compensatory payments recommended by the Ombudsman to Ms C and Mr D

- 7.3 A re-assessment has been offered and is being arranged for Mr D by someone who is trained and experienced in assessing and supporting people with autism and mental health problems; the service has an appropriately trained Advanced Practitioner but the family are considering whether they would prefer a specialist who dual qualified in both Learning Disability and Mental Health.

8. LESSONS LEARNT, IMPROVEMENT AND PREVENTION

- 8.1 The Head of Service has met with Learning and Development Department and a bespoke training offer is being developed to be rolled out across Adult Social Care Directorate and Housing which will ensure that all staff have adequate training in autism so that they have the appropriate skills and knowledge to support people with autism.
- 8.2 The Council recently launched its Autism Strategy, overseen by the multi-agency Autism Partnership Board, supported by the Autism Inclusion Lead, to support the implementation of the strategy and action plans;
- 8.3 The introduction of Specialist Autism panel is being explored between health and social care clinicians and practitioners to improve liaison with *specialist* community teams and mental health services and specialist autism professionals.
- 8.4 Supervision, evaluated through audits, will ensure staff are reminded and understand the importance of person-centred practice, keeping people using services central to the process and ensuring appropriate and timely support to carers.
- 8.5 The current carers' strategy is being refreshed to improve the offer to carers;
- 8.6 The anonymised case is being used as a 'live' example to share with the Directorates Senior Management Team, to share lessons learnt.

9. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 9.1 The financial recommendations made by the LGSCO were:

£2,000 in respect of compensation.

In addition to the financial costs, the LGSCO's recommendations, have a reputational impact on the Council's Adult's Services.

- 9.2 Section 8 - Lessons Learnt, Improvement and Prevention will help mitigate future financial risks of this type.

Approved by: Mirella Peters, Head of Finance, Adults on behalf of the Director of Finance, Investment and Risk and Section 151 Officer

10. LEGAL CONSIDERATIONS

- 10.1 The Head of Litigation and Corporate Law comments on behalf of the interim Director of Law and Governance that the the Local Government Ombudsman was established under the Local Government Act 1974 Part 3 (LGA 74). Changes to the Act were included in the Local Government and Public Involvement in Health Act 2007 and the Health Act 2009. The LGA 74 sets out the Ombudsman's powers. Case law has further clarified how the LGA 74 should be interpreted. The Local Government Ombudsman changed their name to The Local Government and Social Care Ombudsman (LGSCO) in June 2017.
- 10.2 The main statutory functions of the LGSCO are:
- to investigate complaints against councils and some other authorities;
 - to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009); and
 - to provide advice and guidance on good administrative practice.
- 10.3 Under sections 26(1) and 26A(1) of the LGA 1974, as amended, the LGSCO investigates complaints about 'maladministration' and 'service failure' referred to as 'fault'. They consider whether any fault has had an adverse impact on the person making the complaint referred to as 'injustice'. If there has been fault which has caused injustice they will suggest a remedy.
- 10.4 The LGA Act 1974, as amended, also specifies how the LGSCO issues decisions which is either by:
- a statement of reasons for their decision (sections 30(1B) and (1C)); or,
 - a report (section 30(1)).
- 10.5 There are six criteria applied by the LGSCO when deciding whether to issue a public interest report which are set out in paragraph 2.2 of this report. The issue of a public interest report under section 30(1) ensures the council remains accountable to people who use its services and help to improve services for others.
- 10.6 Section 31(2) provides that the Council has a period of three months from the date of the LGSCO's report for Members to formally consider the report and its recommendations following which a formal written response must be sent to the LGSCO explaining what steps the council has taken and will take to comply with the recommendations in the report. The report should be considered at a full Council, Cabinet or other appropriately delegated committee of elected members.
- 10.7 In addition, the legislation and regulation relevant to this specific complaint can be found in:
- The Care Act 2014 and the associated Care and Support Statutory Guidance which sets out the Council's duties in supporting people in need.
 - The Adult Autism Strategy which provides guidance on the implementation of the Autism Act 2009 and the Council's obligation to ensure that any

person carrying out a needs assessment has the skills, knowledge, and competence to carry out the assessment in question.

- In relation to housing matters the Housing Act 1996 provides that the Council as local housing authority must publish an allocations scheme that sets out how it prioritises applicants, and its procedures for allocating housing. All allocations must be made in strict accordance with that published scheme.
- The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. This includes Article 8, “*respect for private and family life*”. This right is emphasised within the Autism Act 2009. The Act requires the Council to respect and protect individuals’ rights. The right to private and family life is a qualified one, and so can be interfered with in certain circumstances.
- Separately, the Equality Act 2010 protects the rights of individuals and supports equality of opportunity for all. It offers protection, in employment, education, the provision of goods and services, housing, transport and the carrying out of public functions. The Equality Act makes it unlawful for the Council when carrying out public functions to discriminate on any of the nine listed protected characteristics which include disability and race. The reasonable adjustment duty set out in the Equality Act also applies to the Council when carrying out a public function. As far as reasonably possible, people who have disabilities should have the same standard of service as non-disabled people.
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 provide that Councils should have clear procedures for dealing with social care complaints.

10.9 Where a finding of ‘maladministration’ is made the Council’s Monitoring Officer has a duty to report that finding to its Members under section 5 of the Local Government and Housing Act 1989.

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

11. HUMAN RESOURCES IMPACT

11.1 The recommendations in this report do not have any human resources implications. Following the completion of recommendations, the learning from the case will be fed back to practitioners and managers through existing learning and development activities within the department.

Approved by: Debbie Calliste, Head of HR; Health, Wellbeing and Adults on behalf of the Director of Human Resources

12. EQUALITIES IMPACT

12.1 The Equality Act 2010, sets out the standard of service that each characteristic is entitled to receive by law and identifies that no individuals are to be treated

less favourably in respect of their characteristic. With regard to disability organisations should provide reasonable adjustments where possible and practical to support disabled employees. In this case reasonable adjustments were possible and practical and were not provided to the service user contrary to the requirements of the Act. It would be useful to remind staff of the use of reasonable adjustments giving practical examples across a range of conditions where necessary.

12.2 Autism can be described as a neurological condition which means that an individual's brain responds differently to the population who are non neuro diverse. Differences in brain functioning mean that it may be necessary to communicate with individuals differently in respect of how messages are received and communicated to others. Though the department were aware that the service user had autism, they did not provide an appropriate service to meet the needs of the service user. Additional staff training should address this issue and ensure that service users with similar conditions receive an appropriate service.

12.3 Ms C associated with the service user who had a condition defined as a disability under the Equality Act 2010. The Equality Act states that an individual should not be treated less favourably because of their association with someone with a protected characteristic.

Approved by: Denise McCausland Equality Programme Manager

13. ENVIRONMENTAL IMPACT

13.1 There are no environmental impacts arising from this report

Approved by: Simon Robson, Director, Adults Social Care

14. CRIME AND DISORDER REDUCTION IMPACT

14.1 I can confirm there are no community safety / crime and disorder comments needed for this report.

Approved by: Kristian Aspinall, Director of Culture and Community Safety

15. DATA PROTECTION IMPLICATIONS

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

NO

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

NO

To comply with data protection requirements all personal details have been removed from the published report.

Approved by: Simon Robson, Director, Adults Social Care

CONTACT OFFICER: Simon Robson, Interim Director of Adult's Social Care

APPENDICES TO THIS REPORT: Appendix 1 – Full LGSCO Report

BACKGROUND DOCUMENTS: None

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**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
London Borough of Croydon
(reference number: 20 003 686)**

04 November 2021

The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Ms C	The complainant
Mr D	Her son

Report summary

Adult Social Care

Ms C complained the Council failed to provide her, and her son, Mr D appropriate services and act in accordance with both the Human Rights Act 1998 and the Equality Act 2010.

Finding

Fault found causing injustice and recommendations made.

Recommendations

Within three months of the date of this report, the Council should:

- apologise to Mr D and Ms C for the failures we have identified in this report;
- pay Mr D £1,000 for the anxiety and frustration the Council's actions have caused him;
- pay Ms C £1,000 for the stress, anxiety and break down in family life that the Council's actions caused her;
- arrange a re-assessment of Mr D by someone who is trained and experienced in assessing and supporting people with autism and mental health problems;
- review how services are provided to people with autism. In particular:
 - that staff have adequate training in autism so that they have the appropriate skills and knowledge to support people with autism;
 - agree a process of liaison with specialist community teams and mental health services, or specialist autism professionals, when and if necessary;
- review the overall Council strategy to providing services to people with autism. In particular, whether there is due regard for services such as care and housing available to those who have needs related to autism;
- remind staff about:
 - the importance of person-centered practice and keeping people using services central to the process;
 - assessing to prevent a potential deterioration in needs especially in situations such as these where it is known there is going to be a substantial change in a person's circumstances;
 - the duty to complete carers' assessments;
 - the Equality Act 2010 and the duty to make reasonable adjustments where applicable.

The Council has accepted our recommendations.

The complaint

1. The complainant who we refer to as Ms C complained in her own right and on behalf of her son, who we refer to as Mr D.
2. Ms C complained the Council:
 - failed to properly assess Mr D's needs. In particular:
 - his needs associated with preventing a deterioration in his mental health;
 - a failure to liaise, and have a joint working approach with other departments such as the NHS as part of the assessment process;
 - a failure to recognise Mr D's physical health needs such as how he can access a GP and understand medical instructions;
 - a failure to properly consider Mr D's emotional needs;
 - a need for advocacy.
 - failed to assess her needs as a carer;
 - made errors in a housing application which resulted in the delayed allocation of housing;
 - failed to provide a support plan that reflected Mr D's needs before and after his move to independent living;
 - failed to provide support to prevent a deterioration in Mr D's mental health;
 - did not make reasonable adjustments and acknowledge Ms C's medical condition and its effects;
 - did not listen and act on concerns about Mr D's social worker who Ms C found to be intimidatory and unprofessional;
 - failed to safeguard Ms C and provide preventative services;
 - breached confidentiality by telling Mr D where Ms C worked, which was against her express wishes; and
 - failed to respond to her complaint impartially.
3. Ms C said the Council's failures have affected both her and Mr D. Ms C said Mr D's behaviour has worn her down. Ms C said the Council's inadequate service provision caused the deterioration in behaviour. Ms C said the Council's actions have affected her mental and physical health. On some days Mr D called Ms C more than 80 times. Many of these calls were aggressive and threatening which caused her fear and distress. She said she also had the frustration of having to deal with officers who were not listening to her.
4. Ms C said Mr D has not had his needs met in the community. He continues to be without appropriate support, and this has worsened his anxiety and distress.

Legal and Administrative Background

The Ombudsman's role and powers

5. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused

an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)

6. When considering complaints, if there is a conflict of evidence, we make findings based on the balance of probabilities. This means that we will weigh up the available relevant evidence and base our findings on what we think was more likely to have happened.
7. We investigate complaints about councils and certain other bodies. Where an individual, organisation or private company is providing services on behalf of a council, we can investigate complaints about the actions of these providers. (*Local Government Act 1974, section 25(7), as amended*)
8. This complaint involves events that occurred during the COVID-19 pandemic. The Government introduced a range of new and frequently updated rules and guidance during this time. We can consider whether a council followed the relevant legislation, guidance and our published [“Good Administrative Practice during the response to COVID-19”](#).

The law relevant to this complaint

Care Act 2014

9. The Care Act 2014 and the associated Care and Support Statutory Guidance (‘The Guidance’) sets out council duties in supporting people in need.

Assessments

10. A council must carry out an assessment for any adult with an appearance of need for care and support. The assessment must be of the adult’s needs and how they impact on their wellbeing and the outcomes they want to achieve. It must also involve the individual and where appropriate their carer or any other person they might want involved. (*Care Act 2014, section 9*)
11. The Care Act spells out the duty to meet eligible needs (needs which meet the eligibility criteria). (*Care Act 2014, section 18*)
12. An adult’s needs meet the eligibility criteria if they arise from or are related to a physical or mental impairment or illness and as a result they cannot achieve two or more of the following outcomes. Or their physical or mental impairment or illness is likely to be a significant impact on wellbeing.
 - Managing and maintaining nutrition
 - Maintaining personal hygiene
 - Managing toilet needs
 - Being appropriately clothed
 - Making use of the home safely
 - Maintaining a habitable home environment
 - Accessing work, training, education
 - Making use of facilities or services in the community
 - Carrying out caring responsibilities
13. If a council decides a person is eligible for care, it should prepare a care and support plan which specifies the needs identified in the assessment, says whether and to what extent the needs meet the eligibility criteria and specifies the needs

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- the council is going to meet and how this will be done. The council should give a copy of the care and support plan to the person. (*Care Act 2014, sections 24 and 25*)
14. The Guidance explains a council should review a care and support plan at least every year, on request or in response to a change in circumstances. The purpose of a review is to see how a care and support plan has been working and to decide if any revisions need to be made to it. The council should act promptly after receiving a request for a review. (*Care and Support Statutory Guidance, Paragraphs 13.19-21 and 13.32*)
 15. The Guidance identifies fluctuating needs as a particular focus which needs comprehensive care planning. The omission of contingency planning to deal with sudden changes in need is not something to be left until someone reaches a crisis point. (*Care and Support Statutory Guidance, Paragraph 10.44*)
 16. Everyone whose needs the local authority meets must receive a personal budget as part of the care and support plan. The personal budget gives the person clear information about the money allocated to meet the needs identified in the assessment and recorded in the plan. The council should share an indicative amount with the person, and anybody else involved, at the start of care and support planning, with the final amount of the personal budget confirmed through this process. The detail of how the person will use their personal budget will be in the care and support plan. The personal budget must always be an amount enough to meet the person's care and support needs.

Autism Act 2009

17. The Adult Autism Strategy provides guidance on the implementation of the Autism Act 2009. It says when acting under the Guidance councils must:
 - ensure that any person carrying out a needs assessment has the skills, knowledge, and competence to carry out the assessment in question and is appropriately trained. Where the assessor does not have experience in the condition, the local authority must ensure that a person with that expertise is consulted;
 - carry out a supported self-assessment of the care and support needs of an adult with autism if that is what the adult wants (providing they have capacity to consent);
 - involve individuals (including those with autism and their carers) when carrying out certain care and support functions in respect of them, such as when conducting needs or carers assessments, preparing care and support, or support plans (and when revising such plans);
 - where required provide access to an independent advocate to enable the individual's engagement in determining their support;
 - identify the outcomes individuals (including those with autism) want to achieve for their day to day lives in their needs assessments and carer's assessment;
 - exercise their care and support functions with a view to ensuring the integration of care and support provision with health provision and the provision of other services that may influence health (such as housing accommodation) where they consider this would, for adults in their area, promote wellbeing, improve the quality of care and support, or help prevent or delay the development of needs; and

- provide or arrange services, facilities, or resources, or take other steps, which they consider will contribute to preventing or delaying the development of care and support needs of adults in their area and support needs of carers, including the care and support needs of adults with autism and the support needs of their carers, regardless of whether they are eligible for social care.

Carers

18. The Care Act 2014 says where an individual provides or intends to provide care for another adult and it appears the carer may have any needs for support, local authorities must carry out a carer's assessment. Carers' assessments must seek to find out not only the carer's needs for support, but also the sustainability of the caring role itself. This includes the practical and emotional support the carer provides to the adult.

Housing

19. Every local housing authority must publish an allocations scheme that sets out how it prioritises applicants, and its procedures for allocating housing. All allocations must be made in strict accordance with the published scheme.

(Housing Act 1996, section 166A(1) & (14))

20. An allocations scheme must give reasonable preference to applicants in the following categories:

- homeless people;
- people in insanitary, overcrowded or unsatisfactory housing;
- people who need to move on medical or welfare grounds;
- people who need to move to avoid hardship to themselves or others. *(Housing Act 1996, section 166A(3))*

21. We recognise that the demand for social housing far outstrips the supply of properties in many areas. We may not find fault with a council for failing to re-house someone, if it has prioritised applicants and allocated properties according to its published lettings scheme policy.

22. Someone is threatened with homelessness if, when asking for assistance from the council on or after 3 April 2018:

- he or she is likely to become homeless within 56 days; or
- he or she has been served with a valid Section 21 notice which will expire within 56 days. *[Housing Act 1996, section 175(4) & (5)]*

Human Rights Act 1998

23. The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. This includes Article 8, "*respect for private and family life*". This right is emphasised within the Autism Act 2009. The Act requires councils to respect and protect individuals' rights. The right to private and family life is a qualified one, and so can be interfered with in certain circumstances.

24. The courts in *Conors v UK (2004)* described Article 8 rights as being:

"of central importance to the individual's identity, self-determination, physical and moral integrity, maintenance of relationships with others and a central place in the community".

25. It is not our role to decide whether a council has breached the Human Rights Act, this can only be done by the courts. But we can decide whether a council has had

due regard to an individual's human rights in their treatment of them, when considering a complaint.

Equality Act 2010

26. The Equality Act 2010 protects the rights of individuals and supports equality of opportunity for all. It offers protection, in employment, education, the provision of goods and services, housing, transport and the carrying out of public functions.
27. The Equality Act 2010 makes it unlawful for organisations carrying out public functions to discriminate on any of the nine listed protected characteristics. The protected characteristics referred to in the Act include disability and race.
28. The reasonable adjustment duty is set out in the Equality Act 2010 and applies to any organisation that carries out a public function. Its aim is that, as far as reasonably possible, people who have disabilities should have the same standard of service as non-disabled people.

Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

29. Councils should have clear procedures for dealing with social care complaints. Regulations and guidance say they should investigate a complaint in a way which will resolve it speedily and efficiently. A single stage procedure should be enough. The council should say in its response to the complaint:
 - how it has considered the complaint;
 - what conclusions it has reached about the complaint, including any matters which may need remedial action;
 - whether the responsible body is satisfied it has taken or will take necessary action; and
 - give details of the complainant's right to complain to the Local Government and Social Care Ombudsman.

How we considered this complaint

30. We considered written information from Ms C and the Council's response to her complaint. We made enquiries of the Council and considered its response. We looked at the relevant legislation and statutory guidance which applies in the case and applied it accordingly. We reviewed:
 - case records; and
 - medical reports, academic texts, and good practice guidance Ms C provided.
31. Ms C and the Council had an opportunity to comment on our draft report. We considered any comments received before making a final decision.

What we found

Background information

32. Mr D has autism and mental health problems. He lived in the community with his mother who was his main carer. Mr D finds it difficult to initiate and maintain relationships. When frustrated or anxious he can become verbally aggressive which others can find challenging.
33. Mr D's difficulties are outlined in assessments completed by the Council and NHS in 2017. Mr D's needs include those associated with anxiety and depression.

What happened

34. Following a referral in March 2019, the Council assessed Mr D. It identified he had eligible needs for social support to enable him to access community-based activities and help him build positive relationships with others. The assessment also identified a need for Mr D to access alternative housing.
35. As a result of the assessment the social worker made several contacts. These included:
 - a housing officer already involved with Mr D. The housing officer had told Mr D there were few properties under the Council's "Fast track" programme that would meet his current requirement of a property with a garden for his dog. The housing officer advised Mr D to bid for a property himself and during the interim offered Mr D a place in shared accommodation for people with mental health problems. This had 24 hour support available. Ms C rejected the offer of shared accommodation as Mr D would find communal areas difficult;
 - an outreach support service, to pursue Mr D's need for independent living; and
 - Mr D's psychologist, to find out how to support Mr D during meetings.
36. There is no written record of the assessment. In response to our enquiries the Council says it completed a comprehensive assessment in 2017 and to avoid distressing Mr D used this as a basis for the reassessment.
37. In June 2019 Ms C contacted the Council to say she was feeling increasingly threatened by Mr D and was finding it difficult to manage.
38. In October 2019, the Council met with Mr D and Ms C. The Council told Mr D that it had assessed him as needing three, two-hour sessions each week for "outreach support". There was no care and support plan setting out Mr D's needs, desired outcomes and the care and support the Council was arranging to meet his eligible needs.
39. The social worker discussed Mr D's need for housing and reiterated that it would take longer to find a property which met Mr D's preferences.
40. Ms C reiterated her concerns about the verbal threats that Mr D continued to make against her and her ability to manage.
41. In November 2019 Ms C could no longer cope. She contacted the Council which advised her that Mr D should present himself as homeless. In early December, the Council arranged a meeting to process a homelessness application. The Council provided Mr D with hostel accommodation which had support should Mr D need help. There was however no care plan or detail about what Mr D needed or what support the worker could offer.
42. The Council says this was a planned intervention as once in hostel accommodation the Council could fast track Mr D's application for suitable accommodation.
43. Mr D moved from the hostel into his own flat at the end of January 2020. There were no complaints from Ms C at the time, and the Council records her saying Mr D's interim stay in the hostel had gone well.
44. On the day of Mr D's move into his new flat he met with Ms C, the social worker, and the support workers. At this point the support had not started as Mr D still had worries about the support workers and would not fully engage. He did however agree to go to the cinema with the support workers the following week.

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45. The support workers visited a further three times. On 2 April, the social worker contacted Ms C for an update on Mr D. She did not contact Mr D directly because of his anxiety around using phones. Ms C said Mr D was fine, he was visiting home at least once a week to see his dog. At this point COVID-19 restrictions were in force. The social worker reassured Ms C she could contact her.
 46. Later, the same day, Ms C emailed the social worker raising concerns about the support agency. She said the service was not motivational or doing activities Mr D wanted. The social worker responded suggesting a meeting when the Government lifted COVID-19 restrictions.
 47. A few days later the support stopped because of COVID-19. The social worker contacted Ms C to check she and Mr D had enough provision. Ms C again expressed her dissatisfaction over the support service. Ms C reiterated her concerns twice in May. She stated Mr D did not want the support service to resume. Ms C also explained Mr D was having difficulties in his new flat. This included anti-social behaviour from his neighbours, difficulty with his post and access to his GP.
 48. The social worker arranged for the same support workers to visit Mr D for a “check call”. Following the visit Ms C contacted the social worker saying that Mr D had threatened to hurt her if the support workers visited the property again.
 49. The social worker contacted the support workers asking them to re-engage with Mr D. Mr D refused. On 5 June Ms C made a complaint to the Council. Her complaint included concerns about the social worker.
 50. In early July, the social worker contacted Ms C to explain that she had cancelled the support worker service and had made a referral to another organisation which provides outreach support to people living independently. Ms C refused to engage with the social worker stating that she had written a letter of complaint. Later in July the social worker tried to contact Ms C again by phone but there was no response.
 51. The Council responded to Ms C’s complaint on 21 July 2020 and following comments from Ms C sent further letters in August and September. The social worker’s team manager wrote the complaint responses. The Council agreed to assign a new social worker to support Mr D. It recognised that Ms C no longer wanted to be a carer and explained that because of this it would need to contact Mr D to assess his needs. It asked Ms C for advice on how best to engage with Mr D without increasing the risk to her.
 52. The Council set out the next steps which included arranging a meeting with the new social worker and progressing a referral for Mental Health Services. The letter also recognised Ms C’s needs and suggested a meeting.
 53. The Council assigned Mr D a new social worker in September. The Community Learning Disability Team became involved and made a referral to the Mental Health Team. It also developed a health action plan. Mr D did not meet the criteria for mental health services and the Mental Health Team rejected the referral.
 54. The social worker and her manager made an unannounced visit to Mr D. There was no answer, so they left a letter saying they would call back a few days later.
 55. Over the next few months the Council tried to engage with Ms C and Mr D and arrange a meeting which would meet both Ms C’s needs and those of Mr D.

Additional comments from Ms C

56. In Ms C's complaint to us she says she has a medical condition which can affect her speech. Ms C says the Council has ignored her condition and has failed to make reasonable adjustments to meet her needs.
57. Ms C says the Council failed to provide enough support to Mr D. It did not put in measures to prevent a family breakdown or consider how the failure to support Mr D affected her. Ms C says comments made by workers have been inappropriate, this includes:
- support workers who joked that Mr D would now be able to cook them a meal. Ms C says if the officers involved had read Mr D's notes and had training in autism they would realise that this joke, which Mr D took literally, was inappropriate. Ms C says the joke caused Mr D anxiety and he was very upset; and
 - the social worker commenting that she did not know what to do when Ms C was in crisis.
58. Ms C says the lack of support from the Council has affected her both physically and mentally. At times Mr D was calling Ms C over 80 times in a day. Ms C says the Council told Mr D where she worked which put her at risk from unwanted visits/telephone calls at her work-place. Ms C says the Council failed to protect her as a carer and a person with needs. In response to a draft of this report Ms C says the Council's actions have also affected her wider family including her older son who has had to provide her with support.
59. Ms C says when she complained to the Council it failed to investigate her complaint impartially. This is because a team manager who had advised the assigned social worker, and had involvement in Mr D's support investigated the complaint.

Conclusions

Failure to assess properly

60. The Council failed to follow Care and Support Statutory Guidance in the assessment process. It failed to carry out a fresh assessment, or properly amend a pre-existing one. The Council also failed to produce a personal budget in line with Mr D's needs. The Council argues that due to Mr D's difficulties a new assessment would have caused him distress. We understand going through a long formal document would be difficult. However there is no evidence the Council looked at other ways to assess Mr D considering his autism and mental health problems. This is fault.
61. At first the Council contacted the psychologist that was working with Mr D to get information about how best to communicate with Mr D in meetings. This was good practice. However, this did not extend to what adjustments workers needed to make so they could effectively communicate with Mr D on an ongoing basis.
62. The lack of reasonable adjustments is not in line with the Equality Act 2010, nor is it in the spirit of the Autism Act 2009. This says staff should be trained so they have sufficient skills to support people with autism and stresses the need for properly completed assessments.
63. The Council failed to consider Mr D's short-term needs and longer-term needs. Mr D needed support to obtain skills for independent living. The Council did not consider or review these needs when Mr D entered independent living. This

meant that when Mr D went into his own flat he had no independent support for accessing medication, his GP, or understanding bills. This caused him anxiety and shifted the burden of support onto Ms C.

64. The Council failed to record preventive measures or a contingency plan of what would happen if Ms C could not cope and the situation in the home became untenable. This resulted in Ms C and Mr D reaching a crisis point with no alternative options readily available. The lack of a contingency plan was not in line with the Guidance.
65. The Council's fault caused Mr D and Ms C anxiety and anger. Mr D's only outlet was his mother and so she bore the brunt of the impact of the Council's omissions.

Failure to provide appropriate services

66. As detailed above the Guidance says councils should provide those with eligible needs a personal budget. This should be sufficient to obtain services to meet those needs. The Council did not provide Mr D with a personal budget. This is fault.
67. The Guidance says people should have a choice in how to meet their needs. The Council never provided Mr D with any options. It only offered one service provider. The Council did not provide Mr D with a support plan, nor was he involved in planning for his care. This is fault and not in line with the inclusive and collaborative nature of the Autism Act 2009 or the Care Act 2014.
68. Mr D and Ms C did not have an opportunity to consider alternative forms of support and Council officers failed to listen and address their concerns. We do not know now whether Mr D would have accepted services in a different form. However, both Mr D and Ms C have uncertainty about whether the Council could have provided more suitable support options, and the frustration caused by being denied choices and not having their views listened to.
69. The Council was also at fault for failing to offer Mr D an advocate as required under the Care Act 2014. It was clear Mr D had difficulties engaging and that Ms C was finding it difficult to both manage and advocate for Mr D.
70. Ms C says there was delay in housing provision for Mr D. The case records show the Council advised Mr D and Ms C about the lack of housing to meet their preferences. It is unclear whether the Council would have offered Mr D housing earlier if he had not been restrictive in the accommodation he wanted at the time.
71. Under the Housing Act 1996 the Council has an obligation to consider housing someone when they are threatened with homelessness. The situation between Ms C and Mr D was deteriorating but it is difficult to say at what point Mr D was "threatened" with homelessness.
72. Ms C did not complain to the Council about the delay in housing at the time, neither did she amend Mr D's requirements for housing until they reached crisis point. For these reasons we cannot say the Council was at fault for failing to allocate housing earlier.

Failure to carry out a carer's assessment and make reasonable adjustments to acknowledge Ms C's physical health problems

73. Ms C was Mr D's main carer and under the Care Act 2014 was entitled to a carer's assessment. The Council failed to update Ms C's carer's assessment. This is fault. As a result it failed to properly consider the impact her caring role was having on her mental health and general wellbeing.

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74. There is no evidence the Council had knowledge of Ms C's physical health problems until her complaint. Had the Council completed a carer's assessment it is more likely than not that it would have identified her health problems and the impact it has on her caring role. A carer's assessment would have highlighted Ms C's communication needs arising from her physical health problems and identified how Mr D's behaviour impacted on her health and wellbeing. It would have also provided an opportunity to consider the reasonable adjustments that Ms C needed.
75. The Council's failure to consider Ms C as a carer had a profound effect. Ms C was left to cope in an environment where she was verbally abused for a prolonged period. This was initially in her home, and continued after Mr D moved into his own accommodation with limited support. Ms C says officers did not listen to either her or Mr D when they expressed concerns about the support agency and went against their wishes without any real cause or reason.
76. Since Ms C's complaint the Council has been pro-active in trying to engage with Ms C and offer reasonable adjustments to meet her needs. These steps are welcome, however due to historical events we appreciate that it is difficult for Ms C to trust the Council.

Respect for family and private life

77. We understand the social worker involved wanted to ensure Mr D was safe during the COVID-19 lock down period. But it is unclear why she did not obtain information from Ms C about Mr D's wellbeing, and why she repeatedly engaged support workers to initiate contact when she knew this was causing anxiety. As a result of this both Ms C and Mr D lost confidence in the services the Council provided, and disengaged.
78. In complex situations such as these the family relationship of parent and child can often be overtaken by that of carer and cared for. While there is no easy way to manage these situations the Human Rights Act 1998 referred to above says that councils should have regard to family and private life.
79. While Mr D was living with Ms C the Council failed to properly assess Mr D's needs and in doing so failed to have regard for his Article 8 rights. In particular how his behaviour was affecting his relationship with Ms C and it potentially being a contributory factor in him leaving home as he did. These rights would also have been identified had the Council completed a carer's assessment and support plan. Had the Council completed these actions it may well have provided services which would have prevented Mr D reaching crisis point and leaving home.
80. Ms C says the Council breached confidentiality in telling Mr D where she worked. There is no record of this. Without further information we are unable to make a balance of probability finding about whether the Council was at fault. We understand however that any breach would have upset Ms C and potentially put her in a difficult situation.

Complaint handling

81. The Council's first response to Ms C was timely. The 2009 regulations referred to above, are silent on whether investigating officers from the Council should have no knowledge of the complaint. Indeed in some circumstances someone who knows about the case can have a broader understanding of what has happened. For fairness it is also usual to obtain the view and perspective of the person who is complained about. We therefore find no fault in this aspect of the complaint.

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82. It did however take Ms C two further letters for the Council to suggest a way forward and carry out changes. We consider the Council had the information initially to make these recommendations but did not do so. We consider this is fault.
83. As a result Ms C had the time, trouble and frustration of the Council failing to listen to her which echoed her complaint.

Recommendations

84. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*).
85. We have found fault in the actions of the Council which have caused injustice. In addition to the requirements above the Council has agreed to take the following action to remedy the complaint and improve services for the future:
- apologise to Mr D and Ms C for the failures we have identified in this report;
 - pay Mr D £1,000 for the anxiety and frustration the Council's actions have caused him;
 - pay Ms C £1,000 for the stress, anxiety and break down in family life that the Council's actions caused her;
 - arrange a re-assessment of Mr D by someone who is trained and experienced in assessing and supporting people with autism and mental health problems;
 - review how services are provided to people with autism. In particular:
 - that staff have adequate training in autism so that they have the appropriate skills and knowledge to support people with autism;
 - agree a process of liaison with specialist community teams and mental health services, or specialist autism professionals, when and if necessary;
 - review the overall Council strategy to providing services to people with autism. In particular, whether there is due regard for services such as care and housing available to those who have needs related to autism;
 - remind staff about:
 - the importance of person-centered practice and keeping people using services central to the process;
 - assessing to prevent a potential deterioration in needs especially in situations such as these where it is known there is going to be a substantial change in a person's circumstances;
 - the duty to complete carers' assessments;
 - the Equality Act 2010 and the duty to make reasonable adjustments where applicable.

Decision

86. We have completed our investigation into this complaint. There was fault by the Council which caused injustice to Ms C and Mr D. The Council should take the action identified in paragraph 85 to remedy the injustice.

Agenda Item 10

REPORT TO:	General Purposes and Audit Committee 25 January 2022
SUBJECT:	Council Meeting Dates 2022/23
LEAD OFFICER:	John Jones Monitoring Officer
WARDS:	All
COUNCIL PRIORITIES The dates for full Council are proposed to facilitate early production of the Council diary and to enable future planning of Council business for the 2022/23 Municipal Year.	
FINANCIAL IMPACT: Financial implications arising from the implementation of these recommendations are outlined in 3.15 of this report.	
1. RECOMMENDATIONS The Committee is asked to: 1.1 Approve, on behalf of the Council, the schedule of Full Council meeting dates for 2022/2023 as outlined in either: <ul style="list-style-type: none">• Option A: Appendix 1, the Full Council meeting dates as detailed in paragraph 3.5 of the report, which schedule the meetings on Mondays; OR <ul style="list-style-type: none">• Option B: Appendix 2, the Full Council meeting dates as detailed in paragraph 3.11 of the report, which schedule the meetings on Wednesdays; 1.2 Note the schedule of Cabinet meeting dates for 2023/23 as detailed in paragraphs 3.6 and 3.12 of the report; and 1.3 Note the proposed schedule of remaining meeting dates for 2022/23 as detailed in both appendices.	

2. EXECUTIVE SUMMARY

- 2.1 Members are asked to consider for approval and noting respectively the proposed schedule of dates for Council and Cabinet Meetings for the Council year 2022/23. The early approval of these dates will facilitate the publication of the Council Diary.

3. DETAIL

- 3.1 The Council's Constitution stipulates at paragraph three of Part 4A that seven meetings of the Full Council including Annual and Council Tax meetings shall be held in each year.

3.2 Paragraph 3.1 of the Council Procedure Rules, Part 4A of the Council's Constitution, states that responsibility to determine the dates of the Full Council meetings rests with the General Purposes and Audit Committee.

3.3 Two appendices have been attached to the report for the Committee's consideration.

Appendix 1

3.4 Appendix 1 schedules Full Council meetings to be held on a Monday, similarly to previous years. This outlines the Cabinet meetings being held on a Monday also.

3.5 The proposed dates for consideration for the Council year 2022/23 are listed below:

- Monday 23 May 2022 (Annual Council)
- Monday 11 July 2022
- Monday 17 October 2022
- Monday 12 December 2022
- Monday 30 January 2023
- Monday 27 February 2023 (Council Tax meeting)
- Monday 27 March 2023
- Monday 15 May 2023 (indicative date for Annual Council 2023)

3.6 In accordance with paragraph 1.5(a) of Part 4D of the Constitution, Cabinet meeting dates are set by the Leader of the Council. The Committee is asked to note the following Cabinet meeting dates that have been provisionally agreed by the Leader:

- Monday 6 June 2022
- Monday 4 July 2022
- Monday 12 September 2022
- Monday 10 October 2022
- Monday 14 November 2022
- Monday 5 December 2022
- Monday 23 January 2023
- Monday 20 February 2023
- Monday 20 March 2023

3.7 The dates proposed above for Cabinet meetings are provisional, and will be updated following the election for the directly elected Mayor on 5 May 2022.

Appendix 2

3.8 Appendix 2 schedules Full Council meetings to be held on a Wednesday. This is being proposed to the General Purposes and Audit Committee for consideration.

3.9 The proposed dates for consideration for the Council year 2022/23 are listed below:

- Wednesday 25 May 2022 (Annual Council)
- Wednesday 13 July 2022
- Wednesday 19 October 2022
- Wednesday 14 December 2022
- Wednesday 1 February 2023
- Wednesday 1 March 2023 (Council Tax meeting)
- Wednesday 29 March 2023
- Wednesday 17 May 2023 (indicative date for Annual Council 2023)

3.10 In accordance with paragraph 1.5(a) of Part 4D of the Constitution, Cabinet meeting dates are set by the Leader of the Council. The Committee is asked to note the following Cabinet meeting dates that have been provisionally agreed by the Leader:

- Wednesday 8 June 2022
- Wednesday 6 July 2022
- Wednesday 14 September 2022
- Wednesday 12 October 2022
- Wednesday 16 November 2022
- Wednesday 7 December 2022
- Wednesday 25 January 2023
- Wednesday 22 February 2023
- Wednesday 22 March 2023

3.11 The dates proposed above for Cabinet meetings are provisional, and will be updated following the election for the directly elected Mayor on 5 May 2022.

3.12 Both Appendix 1 and Appendix 2 to the report details all the proposed meeting dates for 2022/23, including Committees, Sub-Committees and panels. While the Committee is not required to formally approve these dates, they are being circulated early for Members' convenience.

Resourcing the 2022/23 council diary

3.13 Members will be aware that, following a continuing increase in demand for decision making meetings and the resources to support them, there has been an ongoing capacity gap in Democratic Services since March 2020.

3.14 The proposed council diary includes 133 scheduled meetings and anticipates a further 35 demand led meetings, such as Planning or Licensing Sub-Committees. This is greater than the over 155 meetings per annum that the Council currently has resourced to support.

3.15 In order to correctly right size Democratic Services and Scrutiny to meet the needs of the organisation in the light of both its improvement journey and the change of governance model from May 2022, the Local Government Association is currently undertaking a peer review of democratic services.

3.16 It is anticipated that any changes that are needed to be made as a result of options or recommendations from the peer review will be included in the 2022/23 budget. In the event that any such changes are not budgeted for, a revised Council diary will be presented to the General Purposes & Audit Committee to reduce the number of scheduled meetings to the level of resource the Council has available to deliver them.

4. CONSULTATION

- 4.1 The dates proposed in this report are based on a number of considerations. These include showing consideration to statutory requirements such as the setting of the Council Tax and the annual statement of accounts and the need to avoid school holiday dates. The dates are otherwise set by reference to the Municipal year which runs from May to May and the financial year which runs from 1 April to 31 March.
- 4.2 There has been consultation with Members from both Groups on the dates proposed in this report.

5. LEGAL CONSIDERATIONS

- 5.1 Schedule 12 of the Local Government Act 1972 requires the Council to hold an annual meeting and such other meetings as it may determine.

6. EQUALITIES IMPACT

- 6.1 Consideration to the timing of school holiday dates has been made when setting the proposed dates. This is to take into consideration that the caring responsibilities of Members and staff impact on their ability to attend meetings during school holidays.

CONTACT OFFICER:	Stephen Rowan, Head of Democratic Services stephen.rowan@croydon.gov.uk
BACKGROUND DOCUMENTS:	None
APPENDICES:	Appendix 1 – Council Diary 2022/23 (<i>Option A, as outlined in the recommendations</i>) Appendix 2 – Council Diary 2022/23 (<i>Option B, as outlined in the recommendations</i>)

Date	Meeting	Notes
Monday 25 April 2022		
Tuesday 26 April 2022	PENSION COMMITTEE	
	TENANTS & LEASEHOLDER PANEL	
Wednesday 27 April 2022	CORPORATE PARENTING PANEL	
	TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Thursday 28 April 2022	PLANNING COMMITTEE	
Friday 29 April 2022		
Monday 02 May 2022		Bank Holiday
Tuesday 03 May 2022	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday 04 May 2022		
Thursday 05 May 2022		LOCAL ELECTIONS
Friday 06 May 2022		
Monday 09 May 2022		
Tuesday 10 May 2022		
Wednesday 11 May 2022		
Thursday 12 May 2022		
Friday 13 May 2022		
Monday 16 May 2022		
Tuesday 17 May 2022		
Wednesday 18 May 2022		
Thursday 19 May 2022		
Friday 20 May 2022		
Monday 23 May 2022	COUNCIL	Annual Council
Tuesday 24 May 2022		
Wednesday 25 May 2022		
Thursday 26 May 2022	PLANNING COMMITTEE	
Friday 27 May 2022		
Monday 30 May 2022		Bank Holiday
Tuesday 31 May 2022		School Holiday
Wednesday 01 June 2022		School Holiday
Thursday 02 June 2022		School Holiday
Friday 03 June 2022		School Holiday
Monday 06 June 2022	CABINET	
Tuesday 07 June 2022		
Wednesday 08 June 2022	SAFER NEIGHBOURHOOD BOARD	
Thursday 09 June 2022	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday 10 June 2022		
Monday 13 June 2022		
Tuesday 14 June 2022	PENSION COMMITTEE	10am
	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday 15 June 2022	HEALTH & WELLBEING BOARD	2pm
Thursday 16 June 2022	PLANNING COMMITTEE	
Friday 17 June 2022		
Monday 20 June 2022		
Tuesday 21 June 2022	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
Wednesday 22 June 2022	LICENSING COMMITTEE	
Thursday 23 June 2022	MEMBER LEARNING & DEVELOPMENT PANEL	
	CORPORATE PARENTING PANEL	
Friday 24 June 2022		
Monday 27 June 2022		
Tuesday 28 June 2022	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
	TENANTS & LEASEHOLDER PANEL	
Wednesday 29 June 2022		
Thursday 30 June 2022	PLANNING COMMITTEE	
Friday 01 July 2022		
Monday 04 July 2022	CABINET	
Tuesday 05 July 2022	STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	
Wednesday 06 July 2022	TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Thursday 07 July 2022	PENSION BOARD	2pm
	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday 08 July 2022		
Monday 11 July 2022	COUNCIL	
Tuesday 12 July 2022	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday 13 July 2022		
Thursday 14 July 2022	PLANNING COMMITTEE	
Friday 15 July 2022		
Monday 18 July 2022		
Tuesday 19 July 2022		
Wednesday 20 July 2022		
Thursday 21 July 2022		
Friday 22 July 2022		
Monday 25 July 2022		School Holiday
Tuesday 26 July 2022		School Holiday
Wednesday 27 July 2022		School Holiday
Thursday 28 July 2022	PLANNING COMMITTEE	School Holiday
Friday 29 July 2022		School Holiday
Monday 01 August 2022		School Holiday
Tuesday 02 August 2022		School Holiday

Wednesday	03 August 2022		School Holiday
Thursday	04 August 2022		School Holiday
Friday	05 August 2022		School Holiday
Monday	08 August 2022		School Holiday
Tuesday	09 August 2022		School Holiday
Wednesday	10 August 2022		School Holiday
Thursday	11 August 2022	PLANNING COMMITTEE	School Holiday
Friday	12 August 2022		School Holiday
Monday	15 August 2022		School Holiday
Tuesday	16 August 2022		School Holiday
Wednesday	17 August 2022		School Holiday
Thursday	18 August 2022		School Holiday
Friday	19 August 2022		School Holiday
Monday	22 August 2022		School Holiday
Tuesday	23 August 2022		School Holiday
Wednesday	24 August 2022		School Holiday
Thursday	25 August 2022	PLANNING COMMITTEE	School Holiday
Friday	26 August 2022		School Holiday
Monday	29 August 2022		Bank Holiday
Tuesday	30 August 2022		School Holiday
Wednesday	31 August 2022	SAFER NEIGHBOURHOOD BOARD	
Thursday	01 September 2022		
Friday	02 September 2022		
Monday	05 September 2022		
Tuesday	06 September 2022	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday	07 September 2022	CORPORATE PARENTING PANEL	
Thursday	08 September 2022	PLANNING COMMITTEE	
Friday	09 September 2022		
Monday	12 September 2022	CABINET	
Tuesday	13 September 2022	PENSION COMMITTEE CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	10am
Wednesday	14 September 2022	LICENSING COMMITTEE	
Thursday	15 September 2022	SOUTH LONDON WASTE PARTNERSHIP JOINT COMMITTEE (TBC) GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	16 September 2022		
Monday	19 September 2022		
Tuesday	20 September 2022	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday	21 September 2022	ETHICS COMMITTEE	
Thursday	22 September 2022	PLANNING COMMITTEE	
Friday	23 September 2022		
Monday	26 September 2022		Labour Party Conference (TBC)
Tuesday	27 September 2022	STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	Labour Party Conference (TBC)
Wednesday	28 September 2022		Labour Party Conference (TBC)
Thursday	29 September 2022	MEMBER LEARNING & DEVELOPMENT PANEL	
Friday	30 September 2022		
Monday	03 October 2022		Conservative Party Conference
Tuesday	04 October 2022		Conservative Party Conference
Wednesday	05 October 2022		Conservative Party Conference
Thursday	06 October 2022	PLANNING COMMITTEE	
Friday	07 October 2022		
Monday	10 October 2022	CABINET	
Tuesday	11 October 2022	TENANTS & LEASEHOLDER PANEL	
Wednesday	12 October 2022		
Thursday	13 October 2022	PENSION BOARD GENERAL PURPOSES & AUDIT COMMITTEE CROYDON & LEWISHAM STREET LIGHTING JOINT COMMITTEE	2pm
Friday	14 October 2022		
Monday	17 October 2022	COUNCIL	
Tuesday	18 October 2022	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday	19 October 2022	HEALTH & WELLBEING BOARD	2pm
Thursday	20 October 2022	PLANNING COMMITTEE	
Friday	21 October 2022		
Monday	24 October 2022		School Holiday
Tuesday	25 October 2022		School Holiday
Wednesday	26 October 2022		School Holiday
Thursday	27 October 2022		School Holiday
Friday	28 October 2022		School Holiday
Monday	31 October 2022		
Tuesday	01 November 2022	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
Wednesday	02 November 2022		
Thursday	03 November 2022	PLANNING COMMITTEE	
Friday	04 November 2022		
Monday	07 November 2022		
Tuesday	08 November 2022	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday	09 November 2022	CORPORATE PARENTING PANEL	
Thursday	10 November 2022		
Friday	11 November 2022		
Monday	14 November 2022	CABINET	

Tuesday	15 November 2022	STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	
Wednesday	16 November 2022	ETHICS COMMITTEE	
Thursday	17 November 2022	PLANNING COMMITTEE	
Friday	18 November 2022		
Monday	21 November 2022		
Tuesday	22 November 2022		
Wednesday	23 November 2022	SAFER NEIGHBOURHOOD BOARD	
Thursday	24 November 2022	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	25 November 2022		
Monday	28 November 2022		
Tuesday	29 November 2022		
Wednesday	30 November 2022		
Thursday	01 December 2022	PLANNING COMMITTEE	
Friday	02 December 2022		
Monday	05 December 2022	CABINET	
Tuesday	06 December 2022	PENSION COMMITTEE SCRUTINY & OVERVIEW COMMITTEE	10am
Wednesday	07 December 2022	LICENSING COMMITTEE	
Thursday	08 December 2022		
Friday	09 December 2022		
Monday	12 December 2022	COUNCIL	
Tuesday	13 December 2022	SOUTH LONDON WASTE PARTNERSHIP JOINT COMMITTEE (TBC)	
Wednesday	14 December 2022	TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Thursday	15 December 2022	PLANNING COMMITTEE	
Friday	16 December 2022		
Monday	19 December 2022		School Holiday
Tuesday	20 December 2022		School Holiday
Wednesday	21 December 2022		School Holiday
Thursday	22 December 2022		School Holiday
Friday	23 December 2022		School Holiday
Monday	26 December 2022		Bank Holiday
Tuesday	27 December 2022		Bank Holiday
Wednesday	28 December 2022		School Holiday
Thursday	29 December 2022		School Holiday
Friday	30 December 2022		School Holiday
Monday	02 January 2023		Bank Holiday
Tuesday	03 January 2023		
Wednesday	04 January 2023		
Thursday	05 January 2023		
Friday	06 January 2023		
Monday	09 January 2023		
Tuesday	10 January 2023	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday	11 January 2023	CORPORATE PARENTING PANEL	
Thursday	12 January 2023	PENSION BOARD PLANNING COMMITTEE	2pm
Friday	13 January 2023		
Monday	16 January 2023		
Tuesday	17 January 2023	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
Wednesday	18 January 2023	HEALTH & WELLBEING BOARD	2pm
Thursday	19 January 2023	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	20 January 2023		
Monday	23 January 2023	CABINET	
Tuesday	24 January 2023	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday	25 January 2023		
Thursday	26 January 2023	MEMBER LEARNING & DEVELOPMENT PANEL PLANNING COMMITTEE	
Friday	27 January 2023		
Monday	30 January 2023	MAYORALTY & HONORARY FREEDOM SELECTION SUB-COMMITTEE COUNCIL	6pm
Tuesday	31 January 2023	STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	
Wednesday	01 February 2023	TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Thursday	02 February 2023	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	03 February 2023		
Monday	06 February 2023		
Tuesday	07 February 2023	TENANTS & LEASEHOLDER PANEL	
Wednesday	08 February 2023	ETHICS COMMITTEE	
Thursday	09 February 2023	PLANNING COMMITTEE	
Friday	10 February 2023		
Monday	13 February 2023		School Holiday
Tuesday	14 February 2023	SCRUTINY & OVERVIEW COMMITTEE	School Holiday
Wednesday	15 February 2023		School Holiday
Thursday	16 February 2023		School Holiday
Friday	17 February 2023		School Holiday
Monday	20 February 2023	CABINET	
Tuesday	21 February 2023		
Wednesday	22 February 2023		
Thursday	23 February 2023	PLANNING COMMITTEE	
Friday	24 February 2023		

Monday	27 February 2023	COUNCIL	Budget Council
Tuesday	28 February 2023	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
Wednesday	01 March 2023	CORPORATE PARENTING PANEL	
Thursday	02 March 2023	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	03 March 2023		
Monday	06 March 2023		
Tuesday	07 March 2023	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday	08 March 2023	SAFER NEIGHBOURHOOD BOARD	
Thursday	09 March 2023	PLANNING COMMITTEE	
Friday	10 March 2023		
Monday	13 March 2023		
Tuesday	14 March 2023	PENSION COMMITTEE	10am
		STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	
Wednesday	15 March 2023	LICENSING COMMITTEE	
Thursday	16 March 2023	MEMBER LEARNING & DEVELOPMENT PANEL	
Friday	17 March 2023		
Monday	20 March 2023	CABINET	
Tuesday	21 March 2023		
Wednesday	22 March 2023		
Thursday	23 March 2023	PENSION BOARD	2pm
		PLANNING COMMITTEE	
Friday	24 March 2023		
Monday	27 March 2023	COUNCIL	
Tuesday	28 March 2023	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday	29 March 2023	HEALTH & WELLBEING BOARD	2pm
Thursday	30 March 2023		
Friday	31 March 2023		
Monday	03 April 2023		School Holiday
Tuesday	04 April 2023		School Holiday
Wednesday	05 April 2023		School Holiday
Thursday	06 April 2023	PLANNING COMMITTEE	School Holiday
Friday	07 April 2023		Bank Holiday
Monday	10 April 2023		Bank Holiday
Tuesday	11 April 2023		School Holiday
Wednesday	12 April 2023		School Holiday
Thursday	13 April 2023		School Holiday
Friday	14 April 2023		School Holiday
Monday	17 April 2023		
Tuesday	18 April 2023	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
		SOUTH LONDON WASTE PARTNERSHIP JOINT COMMITTEE (TBC)	
Wednesday	19 April 2023	ETHICS COMMITTEE	
Thursday	20 April 2023	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	21 April 2023		
Monday	24 April 2023		
Tuesday	25 April 2023	PENSION COMMITTEE	10am
		TENANTS & LEASEHOLDER PANEL	
Wednesday	26 April 2023	CORPORATE PARENTING PANEL	
		TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Thursday	27 April 2023	PLANNING COMMITTEE	
Friday	28 April 2023		
Monday	01 May 2023		Bank Holiday
Tuesday	02 May 2023		
Wednesday	03 May 2023		
Thursday	04 May 2023		
Friday	05 May 2023		
Monday	08 May 2023		
Tuesday	09 May 2023		
Wednesday	10 May 2023		
Thursday	11 May 2023		
Friday	12 May 2023		
Monday	15 May 2023	COUNCIL	Annual Council
Tuesday	16 May 2023		
Wednesday	17 May 2023		
Thursday	18 May 2023	PLANNING COMMITTEE	
Friday	19 May 2023		
Monday	22 May 2023		
Tuesday	23 May 2023	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday	24 May 2023		
Thursday	25 May 2023		
Friday	26 May 2023		

Date	Meeting	Notes
Monday 25 April 2022		
Tuesday 26 April 2022	PENSION COMMITTEE	
	TENANTS & LEASEHOLDER PANEL	
Wednesday 27 April 2022	CORPORATE PARENTING PANEL	
	TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Thursday 28 April 2022	PLANNING COMMITTEE	
Friday 29 April 2022		
Monday 02 May 2022		Bank Holiday
Tuesday 03 May 2022	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday 04 May 2022		
Thursday 05 May 2022		LOCAL ELECTIONS
Friday 06 May 2022		
Monday 09 May 2022		
Tuesday 10 May 2022		
Wednesday 11 May 2022		
Thursday 12 May 2022		
Friday 13 May 2022		
Monday 16 May 2022		
Tuesday 17 May 2022		
Wednesday 18 May 2022		
Thursday 19 May 2022		
Friday 20 May 2022		
Monday 23 May 2022		
Tuesday 24 May 2022		
Wednesday 25 May 2022	COUNCIL	Annual Council
Thursday 26 May 2022	PLANNING COMMITTEE	
Friday 27 May 2022		
Monday 30 May 2022		Bank Holiday
Tuesday 31 May 2022		School Holiday
Wednesday 01 June 2022		School Holiday
Thursday 02 June 2022		School Holiday
Friday 03 June 2022		School Holiday
Monday 06 June 2022		
Tuesday 07 June 2022	SAFER NEIGHBOURHOOD BOARD	
Wednesday 08 June 2022	CABINET	
Thursday 09 June 2022	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday 10 June 2022		
Monday 13 June 2022		
Tuesday 14 June 2022	PENSION COMMITTEE	10am
	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday 15 June 2022	HEALTH & WELLBEING BOARD	2pm
Thursday 16 June 2022	PLANNING COMMITTEE	
Friday 17 June 2022		
Monday 20 June 2022		
Tuesday 21 June 2022	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
Wednesday 22 June 2022	LICENSING COMMITTEE	
Thursday 23 June 2022	MEMBER LEARNING & DEVELOPMENT PANEL	
	CORPORATE PARENTING PANEL	
Friday 24 June 2022		
Monday 27 June 2022		
Tuesday 28 June 2022	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
	TENANTS & LEASEHOLDER PANEL	
Wednesday 29 June 2022	TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Thursday 30 June 2022	PLANNING COMMITTEE	
Friday 01 July 2022		
Monday 04 July 2022		
Tuesday 05 July 2022	STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	
Wednesday 06 July 2022	CABINET	
Thursday 07 July 2022	PENSION BOARD	2pm
	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday 08 July 2022		
Monday 11 July 2022		
Tuesday 12 July 2022	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday 13 July 2022	COUNCIL	
Thursday 14 July 2022	PLANNING COMMITTEE	
Friday 15 July 2022		
Monday 18 July 2022		
Tuesday 19 July 2022		
Wednesday 20 July 2022		
Thursday 21 July 2022		
Friday 22 July 2022		
Monday 25 July 2022		School Holiday
Tuesday 26 July 2022		School Holiday
Wednesday 27 July 2022		School Holiday
Thursday 28 July 2022	PLANNING COMMITTEE	School Holiday
Friday 29 July 2022		School Holiday
Monday 01 August 2022		School Holiday
Tuesday 02 August 2022		School Holiday

Wednesday	03 August 2022		School Holiday
Thursday	04 August 2022		School Holiday
Friday	05 August 2022		School Holiday
Monday	08 August 2022		School Holiday
Tuesday	09 August 2022		School Holiday
Wednesday	10 August 2022		School Holiday
Thursday	11 August 2022	PLANNING COMMITTEE	School Holiday
Friday	12 August 2022		School Holiday
Monday	15 August 2022		School Holiday
Tuesday	16 August 2022		School Holiday
Wednesday	17 August 2022		School Holiday
Thursday	18 August 2022		School Holiday
Friday	19 August 2022		School Holiday
Monday	22 August 2022		School Holiday
Tuesday	23 August 2022		School Holiday
Wednesday	24 August 2022		School Holiday
Thursday	25 August 2022	PLANNING COMMITTEE	School Holiday
Friday	26 August 2022		School Holiday
Monday	29 August 2022		Bank Holiday
Tuesday	30 August 2022		School Holiday
Wednesday	31 August 2022	SAFER NEIGHBOURHOOD BOARD	
Thursday	01 September 2022		
Friday	02 September 2022		
Monday	05 September 2022		
Tuesday	06 September 2022	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday	07 September 2022	CORPORATE PARENTING PANEL	
Thursday	08 September 2022	PLANNING COMMITTEE	
Friday	09 September 2022		
Monday	12 September 2022	LICENSING COMMITTEE	
Tuesday	13 September 2022	PENSION COMMITTEE	10am
		CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
Wednesday	14 September 2022	CABINET	
Thursday	15 September 2022	SOUTH LONDON WASTE PARTNERSHIP JOINT COMMITTEE (TBC)	
		GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	16 September 2022		
Monday	19 September 2022		
Tuesday	20 September 2022	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday	21 September 2022	ETHICS COMMITTEE	
Thursday	22 September 2022	PLANNING COMMITTEE	
Friday	23 September 2022		
Monday	26 September 2022		Labour Party Conference (TBC)
Tuesday	27 September 2022	STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	Labour Party Conference (TBC)
Wednesday	28 September 2022		Labour Party Conference (TBC)
Thursday	29 September 2022	MEMBER LEARNING & DEVELOPMENT PANEL	
Friday	30 September 2022		
Monday	03 October 2022		Conservative Party Conference
Tuesday	04 October 2022		Conservative Party Conference
Wednesday	05 October 2022		Conservative Party Conference
Thursday	06 October 2022	PLANNING COMMITTEE	
Friday	07 October 2022		
Monday	10 October 2022		
Tuesday	11 October 2022	TENANTS & LEASEHOLDER PANEL	
Wednesday	12 October 2022	CABINET	
Thursday	13 October 2022	PENSION BOARD	2pm
		GENERAL PURPOSES & AUDIT COMMITTEE	
		CROYDON & LEWISHAM STREET LIGHTING JOINT COMMITTEE	
Friday	14 October 2022		
Monday	17 October 2022	HEALTH & WELLBEING BOARD	2pm
Tuesday	18 October 2022	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday	19 October 2022	COUNCIL	
Thursday	20 October 2022	PLANNING COMMITTEE	
Friday	21 October 2022		
Monday	24 October 2022		School Holiday
Tuesday	25 October 2022		School Holiday
Wednesday	26 October 2022		School Holiday
Thursday	27 October 2022		School Holiday
Friday	28 October 2022		School Holiday
Monday	31 October 2022		
Tuesday	01 November 2022	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
Wednesday	02 November 2022		
Thursday	03 November 2022	PLANNING COMMITTEE	
Friday	04 November 2022		
Monday	07 November 2022		
Tuesday	08 November 2022	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	

Wednesday	09 November 2022		
Thursday	10 November 2022	CORPORATE PARENTING PANEL	
Friday	11 November 2022		
Monday	14 November 2022		
Tuesday	15 November 2022	STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	
Wednesday	16 November 2022	CABINET	
Thursday	17 November 2022	PLANNING COMMITTEE	
Friday	18 November 2022		
Monday	21 November 2022		
Tuesday	22 November 2022	SAFER NEIGHBOURHOOD BOARD	
Wednesday	23 November 2022	ETHICS COMMITTEE	
Thursday	24 November 2022	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	25 November 2022		
Monday	28 November 2022		
Tuesday	29 November 2022		
Wednesday	30 November 2022		
Thursday	01 December 2022	PLANNING COMMITTEE	
Friday	02 December 2022		
Monday	05 December 2022	LICENSING COMMITTEE	
Tuesday	06 December 2022	PENSION COMMITTEE	10am
		SCRUTINY & OVERVIEW COMMITTEE	
Wednesday	07 December 2022	CABINET	
Thursday	08 December 2022	TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Friday	09 December 2022		
Monday	12 December 2022		
Tuesday	13 December 2022	SOUTH LONDON WASTE PARTNERSHIP JOINT COMMITTEE (TBC)	
Wednesday	14 December 2022	COUNCIL	
Thursday	15 December 2022	PLANNING COMMITTEE	
Friday	16 December 2022		
Monday	19 December 2022		School Holiday
Tuesday	20 December 2022		School Holiday
Wednesday	21 December 2022		School Holiday
Thursday	22 December 2022		School Holiday
Friday	23 December 2022		School Holiday
Monday	26 December 2022		Bank Holiday
Tuesday	27 December 2022		Bank Holiday
Wednesday	28 December 2022		School Holiday
Thursday	29 December 2022		School Holiday
Friday	30 December 2022		School Holiday
Monday	02 January 2023		Bank Holiday
Tuesday	03 January 2023		
Wednesday	04 January 2023		
Thursday	05 January 2023		
Friday	06 January 2023		
Monday	09 January 2023		
Tuesday	10 January 2023	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday	11 January 2023	CORPORATE PARENTING PANEL	
Thursday	12 January 2023	PENSION BOARD	2pm
		PLANNING COMMITTEE	
Friday	13 January 2023		
Monday	16 January 2023		
Tuesday	17 January 2023	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
Wednesday	18 January 2023	HEALTH & WELLBEING BOARD	2pm
Thursday	19 January 2023	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	20 January 2023		
Monday	23 January 2023		
Tuesday	24 January 2023	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday	25 January 2023	CABINET	
Thursday	26 January 2023	MEMBER LEARNING & DEVELOPMENT PANEL	
		PLANNING COMMITTEE	
Friday	27 January 2023		
Monday	30 January 2023	TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Tuesday	31 January 2023	STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	
Wednesday	01 February 2023	MAYORALTY & HONORARY FREEDOM SELECTION SUB-COMMITTEE	6pm
		COUNCIL	
Thursday	02 February 2023	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	03 February 2023		
Monday	06 February 2023		
Tuesday	07 February 2023	TENANTS & LEASEHOLDER PANEL	
Wednesday	08 February 2023	ETHICS COMMITTEE	
Thursday	09 February 2023	PLANNING COMMITTEE	
Friday	10 February 2023		
Monday	13 February 2023		School Holiday
Tuesday	14 February 2023	SCRUTINY & OVERVIEW COMMITTEE	School Holiday
Wednesday	15 February 2023		School Holiday

Thursday	16 February 2023		School Holiday
Friday	17 February 2023		School Holiday
Monday	20 February 2023		
Tuesday	21 February 2023	CORPORATE PARENTING PANEL	
Wednesday	22 February 2023	CABINET	
Thursday	23 February 2023	PLANNING COMMITTEE	
Friday	24 February 2023		
Monday	27 February 2023		
Tuesday	28 February 2023	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE	
Wednesday	01 March 2023	COUNCIL	Budget Council
Thursday	02 March 2023	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	03 March 2023		
Monday	06 March 2023		
Tuesday	07 March 2023	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday	08 March 2023	SAFER NEIGHBOURHOOD BOARD	
Thursday	09 March 2023	PLANNING COMMITTEE	
Friday	10 March 2023		
Monday	13 March 2023		
Tuesday	14 March 2023	PENSION COMMITTEE STREETS, ENVIRONMENT & HOMES SCRUTINY SUB-COMMITTEE	10am
Wednesday	15 March 2023	LICENSING COMMITTEE	
Thursday	16 March 2023	MEMBER LEARNING & DEVELOPMENT PANEL	
Friday	17 March 2023		
Monday	20 March 2023		
Tuesday	21 March 2023	HEALTH & WELLBEING BOARD	2pm
Wednesday	22 March 2023	CABINET	
Thursday	23 March 2023	PENSION BOARD PLANNING COMMITTEE	2pm
Friday	24 March 2023		
Monday	27 March 2023		
Tuesday	28 March 2023	SCRUTINY & OVERVIEW COMMITTEE	
Wednesday	29 March 2023	COUNCIL	
Thursday	30 March 2023		
Friday	31 March 2023		
Monday	03 April 2023		School Holiday
Tuesday	04 April 2023		School Holiday
Wednesday	05 April 2023		School Holiday
Thursday	06 April 2023	PLANNING COMMITTEE	School Holiday
Friday	07 April 2023		Bank Holiday
Monday	10 April 2023		Bank Holiday
Tuesday	11 April 2023		School Holiday
Wednesday	12 April 2023		School Holiday
Thursday	13 April 2023		School Holiday
Friday	14 April 2023		School Holiday
Monday	17 April 2023		
Tuesday	18 April 2023	CHILDREN & YOUNG PEOPLE SCRUTINY SUB-COMMITTEE SOUTH LONDON WASTE PARTNERSHIP JOINT COMMITTEE (TBC)	
Wednesday	19 April 2023	ETHICS COMMITTEE	
Thursday	20 April 2023	GENERAL PURPOSES & AUDIT COMMITTEE	
Friday	21 April 2023		
Monday	24 April 2023		
Tuesday	25 April 2023	PENSION COMMITTEE TENANTS & LEASEHOLDER PANEL	10am
Wednesday	26 April 2023	CORPORATE PARENTING PANEL TRAFFIC MANAGEMENT ADVISORY COMMITTEE	
Thursday	27 April 2023	PLANNING COMMITTEE	
Friday	28 April 2023		
Monday	01 May 2023		Bank Holiday
Tuesday	02 May 2023		
Wednesday	03 May 2023		
Thursday	04 May 2023		
Friday	05 May 2023		
Monday	08 May 2023		
Tuesday	09 May 2023		
Wednesday	10 May 2023		
Thursday	11 May 2023		
Friday	12 May 2023		
Monday	15 May 2023		
Tuesday	16 May 2023		
Wednesday	17 May 2023	COUNCIL	Annual Council
Thursday	18 May 2023	PLANNING COMMITTEE	
Friday	19 May 2023		
Monday	22 May 2023		
Tuesday	23 May 2023	HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE	
Wednesday	24 May 2023		

Thursday	25 May 2023		
Friday	26 May 2023		

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REPORT TO:	GENERAL PURPOSES AND AUDIT COMMITTEE 25 January 2022
SUBJECT:	WORK PROGRAMME 2021-22
LEAD OFFICER:	Stephen Rowan, Head of Democratic Services and Scrutiny
ORIGIN OF ITEM:	The Work Programme is scheduled for consideration at every ordinary meeting of the General Purpose and Audit Committee.
BRIEF FOR THE COMMITTEE:	To consider any additions, amendments or changes to the agreed work programme for the Committee in 2021/22.

1. EXECUTIVE SUMMARY

- 1.1 This agenda item details the Committee's proposed work programme for the 2021/22 municipal year.
- 1.2 The Committee has the opportunity to discuss any amendments or additions that it wishes to make to the work programme.

2. WORK PROGRAMME

2.1 The work programme

The proposed work programme is attached at **Appendix 1**.

Members are asked to consider the work programme in the context of the Committee's terms of reference and whether the proposed items will support the Committee in meeting its delegated responsibilities.

2.2 Additional Items

Members of the Committee are invited to suggest any other items that they consider appropriate for the Work Programme. However, due to the limited time available at Committee meetings, Members are strongly encouraged to not propose meeting agendas that contain more than three hours of substantive business in order to allow full consideration of the items on any given agenda.

The Committee should also be mindful that the Council is operating under both very restricted resources and, while no longer formally subject to section 114 spending restrictions, the Council has resolved to continue to operate in accordance with such restrictions. To that end, Members should be mindful

that requests for additional reports will need to be considered in the wider context of demand for Council resources and the requirement for the Council to only incur expenditure on statutory functions.

2.3 **Participation in General Purpose and Audit Committee**

Members of the Committee are also requested to give consideration to any persons that it wishes to attend future meetings to assist in the consideration of specific agenda items. This may include Cabinet Members, Council or other officers or representatives of partner organisations where the Committee feels that attendance would support their ability to fully consider specific items of business.

3 **RECOMMENDATIONS**

- 3.1 The Committee is recommended to agree the Work Programme 2021/22 with any agreed amendments.

CONTACT OFFICER: Cliona May
Senior Democratic Services and Governance
Officer - Council and Regulatory

BACKGROUND DOCUMENTS: None

APPENDIX 1: Work Programme 2021/22 for the
General Purpose and Audit Committee.

General Purposes and Audit Committee

Chair: Dr Olu Olasoda

Committee Members: Karen Jewitt (Vice-Chair), Stephen Mann, Nina Degrads, Paul Scott, Chris Clark, Joy Prince, Stuart Milson, Tim Pollard, Jan Buttinger and Steve Hollands.

2021-2022 Municipal Year

Meeting Date	Agenda Items	Report Lead
30 June 2021	<ul style="list-style-type: none"> - Report in the Public Interest Action Plan – Progress Update - Corporate Risk Register - Grant Thornton Oracle Audit - Anti-Fraud Update Report - Update on Council Whistleblowing - Update on Independent person for GPAC Chair (to note) - Terms of Reference 	<ul style="list-style-type: none"> - Elaine Jackson - Malcolm Davies - Victoria Richardson - David Hogan - Asmat Hussain - Asmat Hussain - Democratic Services
8 July 2021	<ul style="list-style-type: none"> - Head of Internal Audit Report - Redmond Review into Local Audit Report - Brick by Brick Audit Report - Audit Findings Report 	<ul style="list-style-type: none"> - Simon Maddocks - Simon Maddocks - -
16 September 2021	<ul style="list-style-type: none"> - Croydon Finance Review – Phase 1, 2 and 3 Reports – Update on Implementation 	<ul style="list-style-type: none"> - Ian O’Donnell - Elaine Jackson

	<ul style="list-style-type: none"> - Report in the Public Interest Action Plan – Progress Update - Internal Audit Update Report - Anti-Fraud Update Report - Annual Governance Statement 19/20 	<ul style="list-style-type: none"> - Dave Phillips - David Hogan - Matthew Davis
14 October 2021	<ul style="list-style-type: none"> - Financial Performance Report - Treasury Annual Review - Presentation on an area of Risk - Presentation on Budget Risk - Audit Progress Report 	<ul style="list-style-type: none"> - Nigel Cook - Malcolm Davies - Matthew Davis - Sarah Ironmonger
25 November 2021	<ul style="list-style-type: none"> - Treasury Mid-Year Review - Corporate Risk Register - Internal Audit update Report - Anti-Fraud Corruption Strategy - Annual Governance Statement 20/21 - Regulation Investigatory Powers Act - Dedicated School Grant Management Plan - Governance Referendum Outcome: Update - Progress of Development - Tracking Actions from the Committee – to see it being followed through 	<ul style="list-style-type: none"> - Nigel Cook - Malcolm Davies - Dave Phillips - Malcolm Davies - Heather Wills - Howard Passman - Shelley Davies - Heather Wills - Heather Wills
January 2022	<ul style="list-style-type: none"> - Audit Progress Report - Workshop 	<ul style="list-style-type: none"> - Sarah Ironmonger
25 January 2022	<ul style="list-style-type: none"> - Council Meeting Dates - Presentation on an area of Risk - Review of the MTFs January Cabinet Report - Constitutional changes - Revisions to Annual Governance Statement - Local Government & Social Care Ombudsman Report 	<ul style="list-style-type: none"> - Democratic Services - Malcolm Davies - Richard Ennis/Matt Davis - Heather Wills - Heather Wills - Simon Robson

3 February 2022	<ul style="list-style-type: none"> - February MTFs Cabinet Report – HRA - Reserve Strategy - Transformation Funding - Corporate Risk Register - Internal Audit Update Report - Anti-Fraud Update Report - Recovery Progress Report - Cultural Change 	<ul style="list-style-type: none"> - Matthew Davis - Matthew Davis - Malcolm Davies - Malcolm Davies - Dave Phillips - Malcolm Davies - Elaine Jackson & Heather Wills
3 March 2022	<ul style="list-style-type: none"> - Grant Thornton Reports – Audit Findings - Mazars: Certification Report; External Audit Report - Internal Audit, Charter, Strategy and Plan - General Purposes and Audit Committee Draft Annual Report - Croydon Finance Review – Phase 1, 2 and 3 Reports – Update on Implementation - Presentation on an area of risk - Report in the Public Interest Action Plan – Progress Update 	<ul style="list-style-type: none"> - Sarah Ironmonger - Dave Phillips - Dave Phillips - Dave Phillips - Ian O’Donnell - Malcolm Davies - Elaine Jackson
21 April 2022	<ul style="list-style-type: none"> - Assurance Map - Recovery and Improvement – Progress Report - Internal Audit Report - Anti-Fraud Update Report - Corporate Complaints - Draft work plan 	<ul style="list-style-type: none"> - Elaine Jackson - Elaine Jackson - Dave Phillips - Malcolm Davies - Elaine Jackson - Richard Ennis

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