

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

## **Part 4.D - Executive Procedure Rules**

### **1 THE EXECUTIVE**

#### **1.1 Who may make Executive Decisions**

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

The Leader – who may delegate to:

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

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

#### **1.2 Sub-delegation of Executive Functions**

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

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

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

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

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

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

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

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

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

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

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

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

## 1.6 **Quorum**

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

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

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

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

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

## 1.8 Recommendation to Council

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

## 2 THE CONDUCT OF EXECUTIVE MEETINGS

### Appointment of Chair

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

### Business

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

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

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

### **3 COMMITTEES OF THE CABINET**

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

#### **General Purposes Committee**

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

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

### **4. 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 Executive Director for Place, in respect of highways and traffic management.
- (d) Commenting on any proposal to make a Gating Order under section 129A of the Highways Act 1980 which has been referred to the Cabinet Member for determination by the Executive Director for Place.

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

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

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

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

#### **Instruments of Government**

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

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

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

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

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

CROYDON COUNCIL

RECORD OF EXECUTIVE DECISION

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

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

Signature:

Title:

Date: