

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## Part 4.D - Executive Procedure Rules

### 1 THE EXECUTIVE

#### 1.1 Who may make Executive Decisions

The Mayor and Cabinet together comprise the Executive. Decisions will be taken wherever possible following open discussion and trying to achieve consensus. These arrangements are therefore built around allowing the opportunity for debate whilst maintaining the clarity of strong personal leadership and personal responsibility for decisions.

The Mayor will determine a scheme of delegations (set out in Part 3 of this constitution) which may provide for Executive decisions to be made by:

- i. The Mayor, personally;
- ii. the Executive as a whole;
- iii. a Committee of the Executive;
- iv. an individual member of the Cabinet personally;
- v. the Chief Executive;
- vi. a Corporate Director;
- vii. joint arrangements;
- viii. another local authority.

Key Decisions (as defined in Part 4B – Access to Information Procedure Rules in this Constitution) may only be taken by the Mayor, the Executive, an Executive Committee, the Chief Executive in case of urgency, or by a Cabinet Member or officer using powers as specifically delegated by the Mayor.

#### 1.2 Delegation by the Mayor

- (a) At the annual meeting of the Full Council, the Mayor will provide to the Full Council details of a written scheme of delegations which they have made for inclusion in Part 3 of this Constitution. The scheme of delegations will include the following information about Executive functions in relation to the coming year:

- (i) the names and wards of the Members appointed to the Cabinet by the Mayor;
- (ii) the name of the Deputy Mayor, the extent of any delegations to them and the circumstances in which the Deputy may act in the place of the Mayor;
- (iii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (iv) the Terms of Reference and Constitution of such Executive Committees as the Mayor appoints and the names of Executive Members appointed to them;
- (v) the nature and extent of any delegation of Executive functions to any other authority or any Joint Arrangements and the names of those Executive Members appointed to any Joint Committee for the coming year; and
- (vi) the nature and extent of any delegation to Officers with details on the limitation on that delegation and the title of the Officer to whom the delegation is made.

### 1.3 Sub-delegation of Executive Functions

- (a) Where the Mayor, Executive, Cabinet, an Executive Committee or an individual Cabinet Member is responsible for an executive function, they may delegate further to a joint Committee or an Officer.
- (b) If the Mayor delegates functions to the Executive or Cabinet, then the Executive or Cabinet may delegate further to a Committee of the Executive or to an Officer.
- (c) Unless the Mayor directs otherwise, a Committee of the Executive to whom functions have been delegated by the Mayor may delegate further to an Officer.
- (d) 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.
- (e) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the function.

### 1.4 Amendment of delegations by the Mayor

- (a) The Mayor may amend the scheme of delegation at any time during the year. To do so, the Mayor must give written notice to the Monitoring

Officer and to the person, body or Committee concerned. The notice must set out the amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person, body or Committee or the Executive as a whole.

- (b) The Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor as soon as practicable.
- (c) Subject to the provisions for the removal of Cabinet Members from office, as set out in Part 1 of this Constitution, the change in delegation will take effect when the Monitoring Officer is notified.
- (d) The Monitoring Officer will report the change to the next available meeting of the Full Council and amend Part 3 of the Constitution accordingly.

### **1.5 The Council's Scheme of Delegation**

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.

Portfolio descriptions of Cabinet Members are set out within the Scheme of Delegation at Part 6C of this Constitution and on the Council's website ([www.croydon.gov.uk](http://www.croydon.gov.uk)).

Executive decisions will be made in accordance with the Protocol for Decision-Making at Part 5B of this Constitution.

Appendix 1 sets out the protocol to be followed by the appropriate decision maker in regard to approval of contractual and property transaction matters.

### **1.6 Disclosable Pecuniary Interests, Other Registrable Interests and Non Registrable Interests and Conflicts of Interest**

Executive 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.

Where the exercise of an Executive function has been delegated to a Committee of the Executive, an individual Member or an Officer; should a conflict of interest arise, the function will be exercised by the person or body by whom the delegation was made.

### **1.7 Meetings of the Executive**

- (a) The Executive shall meet on the dates as determined annually by the Mayor. As Chair of the Executive, the Mayor may convene such

additional meetings of the Executive as are necessary to enable the efficient conduct of business, and may cancel or re-schedule meetings as necessary.

- (b) Meetings of the Executive 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) It is a matter for the Mayor how Executive meetings are run. However, the Mayor shall generally adopt the principles applicable to all meetings to ensure sufficient debate and input to each item before a decision is taken.
- (d) In the event that the meeting has lasted for three hours and business remains outstanding, the Chair shall interrupt the meeting and call for a vote of Members present on whether the meeting shall continue for a further 30 minutes. If Members decide that the meeting shall not continue, or if there is remaining business after the additional period of 30 minutes, the Chair will decide if any of the remaining business is of sufficient importance to warrant an adjournment of the meeting and, if so, will declare the meeting adjourned to such date and time (prior to the next ordinary meeting of the Executive) as they may direct at the time or afterwards. With the exception of business so specified the Chair shall put to the vote without further debate all outstanding business on the agenda. The Chair shall then close the meeting.
- (e) Meetings of the Executive 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.
- (f) 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.

## 1.8 Quorum

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

## 1.9 Decisions taken by the Mayor and Cabinet

- (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) Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to the Executive as a whole.
- (c) All decisions taken individually by the Mayor alone or by individual members of the Executive, must be based on written reports. Those reports must contain all service, corporate, legal and financial implications. Individual decisions may only be made by the Mayor or individual members of the Executive in the presence of the Chief Executive, Chief Finance Officer or Monitoring Officer or their nominee (unless they waive that requirement) and the proper officer whose responsibility it is to record the decision.
- (d) Executive decisions taken by individuals will be recorded on a form for that purpose.
- (e) As soon as practical in each municipal year the Executive will seek to establish a programme of business for the remainder of the year to the extent that it is possible to do so and will publish all planned executive decisions on the corporate forward plan. Items for consideration by the Executive may be rescheduled as necessary during the course of the year.

#### **1.10 Recommendation to Council**

Any recommendation of the Mayor, Executive, Cabinet and Executive Committee referred to the Full Council for approval may be made within the Business Report of the Mayor 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 Executive 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 Mayor. If the Mayor is absent then the Statutory Deputy Mayor 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 Executive the following business shall be conducted although the Leader shall have the power to determine the content and order of business:

- i) consideration of the minutes or decision record forms of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the Executive (whether by an Overview and Scrutiny Committee or by the Full Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny and Overview Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) consideration of reports from Overview and Scrutiny (Sub) Committees; and
- v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

### **Placing items on the Executive agenda**

- 2.6 The Mayor may put on the agenda of any Executive meeting any matter which they wish, whether or not authority has been delegated to the Executive, a Committee of it or any Member or Officer in respect of that matter.

- (a) The following may require the Monitoring Officer to include items on the agenda for Executive meetings:
  - (i) The Mayor;
  - (ii) Any Member of the Executive;
  - (iii) The Full Council;
  - (iv) Scrutiny and Overview Committee;
  - (v) The Chief Executive, the Monitoring Officer and/or the Chief Finance Officer.

- (b) The Monitoring Officer will consult with the Mayor to ensure that the agenda is manageable in length. Only exceptionally shall more than two items from the Full Council or Scrutiny and Overview Committee be placed on the same agenda.

### **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 Executive or Executive 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 Mayor or Chair of a Executive 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 an Executive 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 Mayor and their delegations as approved by the Mayor are set out in Section 3 of these Rules.

## **3 COMMITTEES OF THE EXECUTIVE**

- 3.1 The Mayor may establish one or more Executive Committees to exercise specified delegated executive functions.. In addition the Mayor may from time to time establish ad hoc committees on a time-limited basis.

## PROTOCOLS OF THE 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 Mayor 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: