

LONDON BOROUGH OF CROYDON

REPORT:	GENERAL PURPOSES COMMITTEE	
DATE OF DECISION	5 November 2024	
REPORT TITLE:	MISCELLANEOUS CHANGES TO THE CONSTITUTION	
CORPORATE DIRECTOR / DIRECTOR:	CORPORATE DIRECTOR OF RESOURCES DIRECTOR OF LEGAL SERVICES	
LEAD OFFICER:	LOOQMAN DESAI DEPUTY MONITORING OFFICER	
LEAD MEMBER:	CLLR SEAN FITZSIMONS	
AUTHORITY TO TAKE DECISION:	The terms of reference of the General Purposes Committee (see Part 3 of the Constitution, Responsibility for Functions) allow it to conduct periodic reviews of the Constitution and consider changes to the Constitution recommended by the Constitution Working Group and to refer any proposals to Full Council for approval.	
KEY DECISION?	No	REASON: N/A
CONTAINS EXEMPT INFORMATION?	No	Public
WARDS AFFECTED:	All	

1 SUMMARY OF REPORT

- 1.1 This report contains proposed changes to the Constitution of the London Borough of Croydon relating to the Scheme of Co-option and the appointment of Chairs and Vice-Chairs of committees. The changes are recommended by the Constitution Working Group (CWG) following their consideration and deliberations on 12 September 2024.
- 1.2 This report recommends changes to Part 4E (Scrutiny and Overview Procedure Rules); Part 4F (Non-Executive Committee Procedure Rules) and Part 6D (Scheme of Co-option).

- 1.3 The purpose of this report is for the General Purposes Committee to consider the proposals and make recommendations to Full Council for final approval.

2 RECOMMENDATIONS

- 2.1 For the reasons set out in the report, the General Purposes Committee is recommended to:
 - 2.1.1 review and comment on the proposed changes to the Constitution contained in section 4 of this report and **Appendices 1 and 2**; and
 - 2.1.2 recommend to Full Council the approval of the proposed changes.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To update the Constitution to reflect established practice, make technical corrections and generally improve governance and decision-making processes.

4 BACKGROUND AND DETAILS

Appointment of Committee Chairs and Vice-Chairs

- 4.1 In recent years, Committee Chairs and Vice/Deputy-Chairs have been appointed at the Annual Council Meeting instead of being appointed at a subsequent first meeting of each committee. The proposed changes to the Constitution set out in **Appendix 1** reflect such practice. In addition, related issues have been addressed.

Part 6D – Scheme of Co-option

- 4.2 It is proposed that certain technical and minor changes be made to the Scheme of Co-option as marked up and set out in **Appendix 2**. Principally, removing references to 'Independent Persons' who by definition are not and cannot be co-opted members.
- 4.3 A co-opted member means a person who is not a councillor or the Executive Mayor but who is a member of a committee or sub-committee.
- 4.4 The need for an 'Independent Person' was introduced by the Localism Act 2011 (the Act) on 1 July 2012 as part of the current standards regime. Under the Act, the Council has a duty to promote and maintain high standards of conduct by members and co-opted members and, among other things, must appoint an Independent Person whose views are sought and taken into account by the Council before it makes its decision on an allegation that it has decided to investigate.

- 4.5 The views of the Independent Person may also be sought by the Council at other stages of the complaints process and may also be sought by the member/co-opted member the subject of the complaint.
- 4.6 As from 11 May 2015, which is when the relevant amendments to the Local Authorities (Standing Orders) (England) Regulations 2001 came into force, dismissal decisions (other than for reasons of redundancy and ill-health) relating to the Head of Paid Service, s151 Officer and Monitoring Officer have to be taken by Council who must consider, amongst other things, any advice, views or recommendations from a panel of at least two Independent Persons.
- 4.7 According to s28(8) of the Act, a person is not independent if, among other things, the person is a co-opted member of the Council.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The proposed changes are intended to update the Constitution, make technical corrections and generally improve decision-making arrangements. Members can, however, opt to retain the status quo or recommend to Full Council the approval of alternative arrangements.

6 CONSULTATION

- 6.1 The draft changes have been considered and approved by CWG.

7. IMPLICATIONS

7.1 FINANCIAL IMPLICATIONS

- 7.1.1 There are no financial implications arising from this report.

7.2 LEGAL IMPLICATIONS

- 7.2.1 Adopting changes to the Council's Constitution is a non-executive function reserved to Full Council after the General Purposes Committee has considered the proposed changes and made a recommendation.
- 7.2.2 According to s9P of the Local Government Act 2000 the Council must keep its Constitution up to date.

7.3 EQUALITIES IMPLICATIONS

7.3.1 Under section 149 of the Equality Act 2010, the Council has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3.2 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for the Council. As long as the Council is properly aware of the effects and has taken them into account, the duty is discharged.

7.3.3 There are no equalities impacts directly arising from the proposed changes.

7.4 HUMAN RESOURCES IMPLICATIONS

7.4.1 There are no human resources impacts directly arising from the proposed changes.

8 APPENDICES

8.1 **Appendix 1: Proposed changes to Part 4E (Scrutiny and Overview Procedure Rules) and Part 4F (Non-Executive Committee Procedure Rules)**

8.2 **Appendix 2: Proposed changes to Part 6D – Scheme of Co-option**

9 BACKGROUND DOCUMENTS

9.1 None.