

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

## **PART 1**

### **SUMMARY AND EXPLANATION**

#### **1 INTRODUCTION**

- 1.1 Croydon Council (the London Borough of Croydon) has established decision-making arrangements that comply with the requirements of the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011. They are known as the Executive Leader and Cabinet model.
- 1.2 This Constitution provides for all the Council's responsibilities and functions to be separated between Executive Leader and Council responsibilities and functions. The Articles (Part 2) of the Constitution set out the rules and framework which govern the operation of the Authority, and Parts 3 to 6 of the Constitution provide further details of the allocation of responsibility for functions; procedure rules, codes and protocols for specific parts of the decision-making structure. The main elements of the Council's Constitution are summarised below.

#### **2 THE COUNCIL**

- 2.1 All 70 Members (also referred to as Councillors) are entitled to attend and take part in meetings of the Full Council. The Council Year begins in May each year with an Annual Meeting that appoints a new Mayor, and Deputy Mayor. It also appoints the Leader (for a period of four years) and makes appointments to Committees, Sub-Committees, Working Parties and Outside Bodies for that Municipal Year.
- 2.2 Ordinary Full Council meetings are held on six other occasions during the Council Year. One of the Ordinary Meetings is to set the Council Tax. Extraordinary and Special Meetings of the Full Council may also be convened.
- 2.3 Only the Full Council meeting may set the Budget for the Authority or approve the policies, plans and strategies that are specified in the Council's "Policy Framework", as defined in Article 4.02 of this Constitution.
- 2.4 Certain decision taking functions may be retained by the Full Council or delegated to a non-executive Committee or to Executive Directors. Other decision taking functions must be discharged by the Leader or by the Chief Executive. Part 3 of the Constitution sets out how the responsibility for functions is allocated to the Leader and Committees.

- 2.5 At Ordinary Meetings of the Full Council, the Leader and Cabinet:
- Reply to questions from the public (except at the meeting of the Council at which the Council sets the rate of Council Tax);
  - Present a Report including any recommendations for decision and replies to Members' questions on the Report; and
  - Reply to questions asked by Members.
- 2.6 Ordinary Full Council Meetings also deal with:
- The formal presentation to the Council of petitions by Members;
  - Petitions from Members of the Public for Debate in accordance with the Part 4A , 3.12 of this Constitution; and
  - Motions for Debate.
- 2.7 All meetings of the Council are open to the public and press, unless they are exempted.

### **3 THE LEADER AND CABINET**

- 3.1 The Cabinet comprises up to 10 Members including the Leader and Deputy Leader(s). Details of the responsibilities and functions allocated by the Leader to the Cabinet as a whole or to individual Cabinet Members are set out fully in part 6C of the Constitution.
- 3.2 The Leader is responsible, in consultation with others, for shaping the plans and strategies which form the Council's Policy Framework and recommending them to the Council; and for taking decisions on executive matters within that framework. The Leader gives political direction to the Chief Executive and Executive Directors in relation to the way in which services are managed within the budgets allocated to them. The Leader may establish one or more Cabinet Committees to exercise specified executive functions.
- 3.3 All meetings of the Cabinet are open to all Members, the public and press to attend. In the event of there being confidential or exempt business to discuss in accordance with the Council's Access to Information Procedure Rules, that part of the meeting is held in private. Notice of meetings and availability of papers prior to a meeting shall also comply with the Council's Access to Information Procedure Rules set out at Part 4 of the Constitution.
- 3.4 "Key Decisions", shall be published in accordance with the Council's Access to Information Procedure Rules set out fully in Part 4B of the Constitution.
- 3.5 Informal meetings of the Leader and Cabinet Members occur from time to time. No executive decision can be taken at an informal meeting of Cabinet Members. These meetings are not subject to the Access to Information Procedure Rules.

- 3.6 Cabinet Members may publish Bulletins at regular intervals as an added means of informing non-executive Members, the public and press of matters of significance but not requiring Cabinet consideration. Bulletins issued are included in the Leader and Cabinet Questions agenda item at Ordinary Council and are therefore open to questions.

### **Chief Executive**

- 3.7 Certain matters not reserved to the Council, Leader, Cabinet or a Cabinet Committee are decided by the Chief Executive acting under delegated powers.

### **The Scrutiny and Overview Committee**

- 3.8 The Scrutiny and Overview function is part of the Council's executive arrangements as required by the law. The Council has one overarching Scrutiny and Overview Committee encompassing all scrutiny functions required by Statute. Seats are allocated according to the rules of proportionality, which provide for the allocation of seats on committees so that they continue to reflect the overall political composition of the Council.
- 3.9 The Scrutiny and Overview Committee ensures the efficient and effective conduct of its responsibilities through the work of a number of Sub-Committees, and "task and finish" groups.
- 3.10 The Scrutiny and Overview Committee and its Sub-Committees hold the executive to account, monitor the performance of Council services and investigate matters affecting the wellbeing of Croydon. In addition the Scrutiny and Overview function has a statutory duty to scrutinise Health Services, Community Safety issues and education matters. They carry out these roles in a number of ways including:
- Reviews of services which often cut across organisational boundaries and roles.
  - The scrutiny of Action Plans and Implementation.
  - In certain circumstances and in accordance with the Scrutiny and Overview Procedure Rules at Part 4 of the Constitution, Members may request the review of an executive key decision taken by the Cabinet or a Cabinet Member but not yet implemented.
- 3.11 Any Councillor except a Cabinet Member is eligible to be appointed to the Scrutiny and Overview Committee or any of its Sub-Committees.
- 3.12 The Scrutiny and Overview Committee reports annually to the Council. During the year the Committee and its Sub-Committees may make recommendations to the Leader and Cabinet and exceptionally direct to the Council.

- 3.13 Members, the Chief Executive and Executive Directors or other senior staff are under a duty to attend the Scrutiny and Overview Committee or Sub-Committee to answer questions. There is a power to co-opt non-Council members onto the Committee or any Sub-Committee. There is a statutory requirement to co-opt church and parent-governor representatives when matters related to the duties of the Council relating to education functions **are** considered.
- 3.14 All meetings of the Scrutiny and Overview Committee and its Sub-Committees are open to the public and press, except where confidential or exempt information is considered. Confidential or exempt business is discussed in private in accordance with the Council's Access to Information Procedure Rules.

#### **4 NON-EXECUTIVE COMMITTEES**

- 4.1 The Full Council has made arrangements to delegate various powers and duties that are not executive functions to a number of Committees, Sub-Committees and the Chief Executive for the efficient conduct of business. These Delegations are set out in 'Responsibility for Functions' contained in Part 3 of the Constitution and the Non-Executive Committee Procedure Rules at Part 4. As with the Scrutiny and Overview Committee, seats on the non-executive committees are allocated between the party groups in proportion to their respective numbers of Members.

#### **5 SHADOW CABINET**

- 5.1 The Shadow Cabinet comprises the Leader of the Opposition and up to nine other Members nominated by the largest political Group represented on the Council having no executive members. Shadow Cabinet members hold policy portfolios that broadly mirror the portfolios held by members of the Cabinet. The Shadow Cabinet has no power to discharge any function of the Authority.

#### **6 PARTNERSHIPS**

- 6.1 The Council continues to develop a wide range of partnerships and other consultative bodies. These bodies are not part of the Council's formal decision making structure but are an important part of informing the policy process and of collaborative working.

#### **7. SCHEME OF MEMBERS' ALLOWANCES**

- 7.1 The Council has adopted a Scheme of Members' Allowances in accordance with the relevant Regulations. This Scheme is set out at Part 6A of the Constitution.

- 7.2 Members also known as “Councillors” are not employees of the Council. They have a role description but do not have fixed “hours of work”. They carry out their duties at all and sundry times.
- 7.3 Some Members are in paid employment elsewhere. Although they are entitled to reasonable time off without pay for public duties some employers are very uncooperative and do not willingly allow the amount of time off required. However, Members have to balance the need to take time off for Council work and the impression given to their employer by the amount of time to take off work in order to perform their public duties.